

OFFICIAL



Investigatory Powers
Commissioner's Office

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21 January 2021

Dear Ms. Broom,

Inspection of Maidstone Borough Council

Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Your Council was recently the subject of a video and desktop-based inspection by one of my Inspectors, Mr. Graham McCrory MBE. This has been facilitated through yourself as Senior Responsible Officer (SRO), and your Senior Lawyer for Corporate Governance and RIPA Coordinating Officer – Mr. Gary Rowland. My Inspector is most grateful to Mr Rowland for providing the supporting information required, as well as his professional approach to the inspection.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection.

The last inspection was undertaken by IPCO Inspector, Mrs Grainne Athorn in June 2018. On this occasion three recommendations were necessary.

I am pleased to note that the recommendations made, to deliver appropriate training for authorising officers (AOs), update your Central Record, and refresh and add to your RIPA policy document, have been complied with and I therefore discharge these recommendations.

Your authority has continued to develop good compliance regimes under your leadership and with the significant efforts of Mr. Rowland.

Mandatory refresher training has been undertaken, with a private company delivering sessions in 2019 and with future training in the 'pipeline' and to be completed when a change in the environment in which we currently find ourselves, allows. My Inspector was pleased to note that when training was delivered, those who could not attend, for whatever reason, were not forgotten about and Mr. Rowland, who has responsibilities for several local authorities, ensured that those staff were included in refresher training undertaken by the other authorities. It is refreshing to note the eagerness of your RIPA Coordinating Officer, who acts on your behalf.

Whilst no RIPA authorisations have been granted by your staff for a considerable period and in excess of six years, nevertheless it is important that new investigation techniques available, which may require the consideration of an authorisation, are identified to your staff. Your RIPA policy has been updated and bolstered to include guidance on the use of social media by your staff. It was also mentioned to my Inspector that training undertaken, and planned, has and will concentrate on this evolving and important area. The use of the internet to conduct investigations is a useful and often necessary tool. Whilst care should be taken in its use, with the appropriate training, guidance and audit procedures in place, it is a tactic that need not be shied away from.

Your oversight takes the form of regular interaction with your AOs and Mr. Rowland, especially prior to and during training sessions. Whilst I am content that you are alive to issues affecting RIPA, it would be of significant benefit to have in place regular, minuted, meetings with Mr. Rowland in his capacity as RIPA Coordinating Officer. Through this approach, a record can be created of matters discussed concerning RIPA compliance and on which you can then rely, if required, and which can be produced in future IPCO inspections.

A specific focus for the inspection was the retention and destruction of data gathered when utilising the covert powers available. Whilst no RIPA activity has been undertaken, you have been proactive in the review of processes and procedures in this regard. Your Information Manager has been engaged with by Mr. Rowland, with the retention policy updated and the destruction of relevant, historic, material carried out. I commend you for the proactive approach taken to this important and necessary area of compliance. The continued application of this process, if RIPA powers are utilised, should allow your staff to comply with the safeguards as documented within the codes of practice for surveillance and CHIS. I trust you found the details within my previous letter sent to you, of benefit. Ultimately, it will be for you as SRO to ensure the requirements continue to be addressed.

There is no doubt that your authority is in a better place, since the last inspection in 2018, to maintain compliant regimes. I thank you, as SRO, and Mr Rowland as RIPA Coordinator, for your efforts to develop a strong ethos of compliance within your Council.

My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner