

# IPCO

Authorisation & Oversight

PO Box 29105, London  
SW1V 1ZU

Epsom and Ewell Borough Council,  
The Parade,  
Epsom,  
Surrey,  
KT18 5BY

10<sup>th</sup> June 2024

Dear Chief Executive,

Thank you for providing IPCO with your response to the matters identified at points 1 to 10 of my Inspector's letter dated 13<sup>th</sup> February 2024. I am also grateful for the subsequent engagement with my Inspector as they followed up on the information you had provided.

I am satisfied that your reply provides your assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year.

There are a few recommendations as follows:

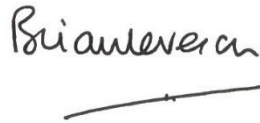
1. You may wish to review paragraph 46 of your Ripa Policy in relation to social media investigations, and in particular the phrase – "[Where privacy settings are available but have not been used, authorisation is not usually required to access and use that data in an investigation.](#)" Paragraph 3.13 and 3.14 of the CHIS Code of Practice 2018 has some guidance, "in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings". Your Ripa policy does continue to provide some good explanation at Annex 3.
2. The Ripa policy has a few references to the OSC (Office of Surveillance Commissioners) which is now defunct and replaced by IPCO
3. The addition of a section in your Ripa policy about Records and Product Management, with regard to any material generated from an authorisation, and a review of any previously generated material if applicable.

I would ask that you ensure that the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product

obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

Your Council will be due its next inspection in 2027, but please do not hesitate to contact my Office if IPCO can be of assistance in the intervening period.

Yours sincerely,

A handwritten signature in black ink that reads "Brian Leveson". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator between the signature and the printed name below.

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