

Dear

I am writing to you in reply to your Freedom of Information Act (FOIA) request to Nottinghamshire County Council. I have the following information.

1. In 2016 the Rt Hon Lord Judge, then Chief Surveillance Commissioner, wrote to all Local Authorities regarding use of social media in investigations. Please confirm whether you are aware you received this letter and:

(a) Provide a copy of your response; (please confirm if you did not respond)
NCC received this communication but did not respond.

This was reported in the annual RIPA report to the Governance and Ethics Committee on 8th November 2017:

<https://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=xfr3jz5po2CLGY5927sdI6qvXcTTk0wDQKKO1x39CyT3kiE4tPg7TQ%3d%3d&rUzwRPF%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCTPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAjvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

(b) Provide a copy of any internal audit relating to social media use arising out of Rt Hon Lord Judge's recommendations; (please confirm if you did not conduct an internal audit and state whether any internal audit of social media use has taken place since 2016).

An internal audit was not conducted. Awareness and training on the law and NCC's corporate policy and procedure on RIPA including the use of social media where RIPA does and does not apply was conducted.

(c) Provide a copy of your corporate policy on the use of social media in investigations. (please confirm if you do not have one)

Please see attached NCC corporate policy on RIPA.

Please see attached corporate guidance and procedure where RIPA does and does not apply including the use of social media.

(d) Please confirm whether a follow up audit was conducted by the Surveillance Commissioner's Office which was exclusively or partially related to social media use in investigations by your Local Authority.

NCC has had two inspections conducted by Surveillance Commissioner's Office in 2016 and its successor body, The Investigatory Powers Commissioner's Office, in 2019.

2. Does your Local Authority conduct overt and/or covert social media intelligence in some or all of its work?

The local authority conducts social media intelligence in some of its work in accordance with NCC corporate policy - please see 1(c) above.

(a) If yes, please specify whether this includes profiling individuals, conducting investigations, monitoring individuals, monitoring groups, monitoring locations, gathering intelligence, for recruitment purposes.

NCC uses social media intelligence in accordance with NCC corporate policy - please see the response to 1(c) above.

(b) If your Local Authority does conduct social media intelligence/monitoring, please specify whether this includes both or either overt or covert monitoring of social media.

NCC conducts overt and covert social media intelligence in accordance with NCC corporate policy - please see the response to 1(c) above.

(c) If the Local Authority has conducted covert social media monitoring, please confirm the number of RIPA warrants obtained in the last two years for this purpose.

In the past two years NCC has not conducted social media monitoring where RIPA applies. NCC has conducted open source social media monitoring for purposes where RIPA does not apply. There have been 5 internal authorisations to conduct social media monitoring in the past two years for this purpose.

3. If the Local Authority conducts social media intelligence, please provide a copy of any current guidance/policies/internal guidance/code of practice or any other such written material used by/available to the local authority or those working on behalf of the local authority to conduct SOCMINT, the monitoring or accessing of information published on social media that is either publicly available or requires additional access e.g. to be friends with an individual, to have password and login details.

Please see 1(c) above.

4. If you conduct overt or covert social media intelligence relating to social media platforms, please provide a copy of:

(a) Relevant [sections of the] privacy policy;

All personal data collected by NCC by whatever means are subject to NCC privacy policy - <https://www.nottinghamshire.gov.uk/global-content/privacy>

(b) the data protection impact assessment;

(c) privacy impact assessment;

(d) equality and human rights impact assessment

These factors are considerations in the process for authorisation for social media monitoring – please see the response to 1(c) above.

(e) training materials for those conducting social media intelligence.

Please see training materials attached.

5. Please provide a copy of any other template/form/document currently used (or to be used with the next three months) by the local authority or fraud investigator (or team) in the conduct of social media monitoring

Please see the response to 1(c) above.

6. Please confirm whether or not your local authority has purchased or uses software and/or hardware to conduct social network / social media monitoring and/or in relation to sentiment analysis.

We use ORLO to manage all aspects of our social media but this is not specifically for or currently utilised for monitoring.

7. Please confirm, if not stated in the guidance (question 3), the policy on deletion of data obtained from social networking sites.

Data is retained and deleted in accordance with NCC's Records Retention Schedule - <https://www.nottinghamshire.gov.uk/policy-library/49209/recrds-retention>

8. If no documents (question 3) exist, or if the following is not covered in the documents which do exist, please explain:

a. In what areas of the local authority's work is social media monitoring used

b. What criteria must be satisfied in order for social media monitoring to be carried out

c. Who must authorise the request to conduct social media monitoring

d. What is the process for conducting social media monitoring

e. How long is data collected and retained?

f. Is there any process for requesting deletion?

N/A

9. Are you able to state how regularly social media monitoring is used? If so, please provide the figures.

Please see the response to 2(c) above

If you have any queries or concerns then please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Team Manager, Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail foi@nottscc.gov.uk.

Yours sincerely

John Allison
Information Officer
Chief Executive's Department
Nottinghamshire County Council
County Hall, West Bridgford, Nottingham NG2 7QP
Telephone: 0115 977 2788