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Camilla Graham Wood

By Email: [request-609638-d8984d2b@whatdotheyknow.com](mailto:request-609638-d8984d2b@whatdotheyknow.com)

4 November 2019

Ref: 14256696

Dear Camilla Graham Wood

### **Freedom of Information Act 2000**

I can confirm that the information requested is held by Brent Council. I have detailed below the information that is being released to you.

#### **You requested the following information**

For definition of social media intelligence please see background explanation below. We further note the comments of the Office of Surveillance Commissioners Annual Report 2016 cited below.

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)

**Response: Following the Council's inspection on 8 November 2016, the Chief Surveillance Commissioner wrote to the Council's Chief Executive in December 2016 acknowledging that the inspector considered the Council's policy and procedure document to be "excellent". Describing the Council's standards as "impressive" and noting that "the attitude of the Council to the need for training and awareness is sensible and far sighted". No formal recommendations were made but "some suggestions were offered for 'fine tuning'", one of which related to the use of social media.**

**The Council was advised to raise Council-wide awareness about the use of social media and the internet to obtain information about others and the likely privacy and RIPA implications. This was implemented and is kept under review.**

(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).

**Response: An Internal Audit was undertaken in July 2018 and a Follow-Up in August 2018. The outcomes are reported to the Council's Audit and Standards Advisory Committee and are published at the following links:**

**<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=717&MId=4731&Ver=4> and**

**<http://democracy.brent.gov.uk/mgChooseDocPack.aspx?ID=5468> (for the follow-up outcome.)**

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

**Response: This is Attached**

(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.

**Response: There has been no follow up audit by the Surveillance Commissioner, although the need for attention to be paid to the use of social media was highlighted in the OSC's last inspection report in November 2016. As can be seen from above the Council has conducted its own audit.**

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

**Response: Yes**

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

**Response: None of this activity is undertaken for recruitment purposes.**

(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.

**Response: Our Internal Audit review found that: The Council has an overarching policy for RIPA which clearly defines the protocol officers must follow when carrying out surveillance through use of social media. The policy states that any officer wishing to pursue such activity must seek internal authorisation and judicial approval. Furthermore, the Council published a RIPA Yammer article (dated June 2017) which was distributed to all teams, specifically highlighting the requirements before using social media to obtain information on individuals. Through discussion with a sample of Heads of Service, no such cases of surveillance or breaches have been recorded for the year 2017/18.**

(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.

**Response: NIL**

1. 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.

**Response: RIPA policy attached**

1. 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;
- (b) the data protection impact assessment;
- (c) privacy impact assessment;
- (d) equality and human rights impact assessment
- (e) training materials for those conducting social media intelligence.

Please state if you do not have any of the above.

**Response: Enquiries are conducted in accordance with the Council's RIPA policy.**

1. 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

**Templates are appended to RIPA policy.**

1. 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.

**Response: No**

(a) If yes, please state the name of the company / provider.

**Response: N/A**

(b) If no, please state whether the local authority has developed internal methods to conduct social media / social network monitoring.

**Response: N/A**

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

**Response: Each department has its own data retention policy. The duration of retention will depend on the relevance of the information, the department involved and for what the information is used.**

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

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

**Response: Evidence from the internal audit carried out suggests that some officers use social media for one-off basic information and not “monitoring “or “surveillance” per se.**

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

**Response: See attached notes / guidance for social media covert surveillance.**

- Who must authorise the request to conduct social media monitoring

**Response: See attached notes / guidance for social media covert surveillance.**

- What is the process for conducting social media monitoring

**Response: There is no evidence that this is happening, but information and training have been given.**

How long is data collected and retained?

**Response: This would be determined by each department’s retention policy/procedure.**

- Is there any process for requesting deletion?

**Response: The Data Protection team has published a leaflet which informs the public that they have a right to request data held on them to be disclosed and /or erased.**

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

**Response: There is no evidence that there is any social media monitoring taking place within the context of RIPA.**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Brent Civic Centre  
Engineers Way  
Wembley HA9 0FJ  
xxx@xxxxxx.xxx.xx

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.  
Phone: 0303 123 1113  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

I will now close your request as of this date.

Yours faithfully

Michael Bradley

Head of Audit and Investigations

Brent Council