

# Bhatt Murphy Solicitors

Our ref: MPS/FBT/002295-5-0/3285

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Ms Emma Hines  
Government Legal Department

**DX 123242 KINGSWAY 6**

**Also by email**

10 November 2015

Dear Madam

## **Privacy International – bulk personal data**

We refer to a Guardian article *"Only tiny handful" of Ministers knew of mass surveillance, Clegg reveals* which was published on 5 November 2015 which raises matters pertinent to this claim. In light of this we would be grateful if you could respond to the following requests for information:

1. The date on which the bulk collection of communication data under Section 94 was first authorised and commenced.
2. The date on which the ISC was informed.
3. The date on which the Commissioners were informed.

We would be grateful if you would respond to these requests within the next 14 days.

We look forward to hearing from you.

Yours faithfully



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# Only 'tiny handful' of ministers knew of mass surveillance, Clegg reveals

Former deputy PM says he was astonished to learn how few cabinet members were aware of scale of UK spies' reach into lives of British citizens

**Patrick Wintour** Political editor

Thursday 5 November 2015 18.45 GMT

The majority of the UK cabinet were never told the security services had been secretly harvesting data from the phone calls, texts and emails of a huge number of British citizens since 2005, Nick Clegg has disclosed.

Clegg says he was informed of the practice by a senior Whitehall official soon after becoming David Cameron's deputy in 2010, but that "only a tiny handful" of cabinet ministers were also told - likely to include the home secretary, the foreign secretary and chancellor. He said he was astonished to learn of the capability and asked for its necessity to be reviewed.

The former deputy prime minister's revelation in the Guardian again raises concerns about the extent to which the security services felt they were entitled to use broadly drawn legislative powers to carry out intrusive surveillance and keep this information from democratically elected politicians.

The government finally admitted on Wednesday that the mass surveillance of British citizens began in 2001 after 9/11 and was stepped up in 2005, using powers under national security directions largely hidden in the 1984 Telecommunications Act.

It is not known if government law officers sanctioned the use of the act in this way, but it appears the intelligence and security committee responsible for parliamentary oversight was not informed, adding to the impression of a so-called deep state operating outside the scrutiny of parliament.

Clegg writes: "When I became deputy prime minister in 2010, I was the leader of a party that had been out of government for 65 years. There were a lot of things that we had to re-learn, and a lot that was surprising and new.

"When a senior official took me aside and told me that the previous government had granted MI5 direct access to records of millions of phone calls made in the UK - a capability that only a tiny handful of senior cabinet ministers knew about - I was astonished that such a powerful capability had not been avowed to the public or to parliament and insisted that its necessity should be reviewed.

“That the existence of this previously top secret database was finally revealed in parliament by the home secretary on Wednesday, as part of a comprehensive new investigatory powers bill covering many other previously secret intelligence capabilities, speaks volumes about how far we’ve come in a few short years.”

He also contends that when the revelations of Edward Snowden hit, “the knee-jerk response within government was to play the man and ignore the ball”.

He writes: “Ministers simply didn’t understand - whatever concerns they may have had about Snowden’s own behaviour - the significance of the fact that the world now knew the government’s most closely guarded secrets. They refused to acknowledge that the democratisation of the security state had become inevitable.”

Clegg claims the draft investigatory powers bill, published on Wednesday, has put the country within touching distance of a comprehensive set of laws covering every surveillance capability of the government. The draft bill, he argues, has been the result of the internal pressure applied by Liberal Democrat ministers inside the coalition government and the external debate generated by the Snowden revelations.

Giving his most detailed assessment of the specifics of the draft bill, he adopts a more sceptical attitude than the initial Labour frontbench reaction on Wednesday, saying many of the proposals are controversial and excessive.

He says the ability of GCHQ “to hack anything from handsets to whole networks is highly intrusive and needs to be much better understood before we can place it within appropriate constraints.

“The new, revised proposals on the storage of web browsing data remain problematic as the bill appears to call for the storage of vast quantities of data that go far beyond the operational requirements set out by the home secretary in the Commons.”

In common with some Tory MPs, he suggests: “The so called ‘double lock’ of judicial oversight appears to be nothing of the sort, as judges will have very little discretion when making decisions about individual warrants. And many will wish to question the access that the intelligence agencies have to our phone records.”

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