

Susan Cobb
Tribunal Secretary
Investigatory Powers Tribunal

Thursday, 27 April 2017

Dear Sue,

BULK COMMUNICATIONS DATA (BCD) AND BULK PERSONAL DATA (BPD)

Thank you for your letter dated 13 April 2017, asking for the Interception of Communications and Intelligence Services Commissioners' assistance in relation to Privacy International v SSFCA and 4 others. I have set out answers below. Due to the short-frame of our reply we have limited our response to short factual replies, in so far as we have been able, to the Tribunal's questions.

You asked 'In open the Tribunal invites the Commissioners to respond based on assumed facts whether, if a transfer of BCD and/or BPD to another agency or organisation, including a foreign agency, had taken place, they have regarded it as within their remit, and confirm that, in that event, they would have provided active oversight.'

For BCD IOCCO has had oversight of s.94 directions since January 2015 (see para 2.1 of our review of s.94 directions published July 2016). The disclosures of bulk communications data (BCD) is within IOCCO's oversight and remit as set out in para 4.6.4 of the published handling arrangements for BCD (4.11.2015).

For BPD, section 10.2 of 'Arrangements under second 2(2)(a) of the Security Service Act 1989 and Sections 2(2)(a) and 4(2)(a) of the Intelligence Services Act 1994 for obtaining and disclosing of bulk personal datasets, makes it clear that the use and disclosure of BPDs is overseen by the Intelligence Services Commissioner.

In both cases, use and disclosure is taken to include sharing with other agencies or organisations, including foreign agencies.

I hope this reply has been useful. Please do let me know if you have any further questions.

Yours sincerely,

Graham Webber
Head of the Offices of the Interceptions of Communications and Intelligence Services
Commissioners



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