

[REDACTION]

NOTE: REDACTIONS ARE INDICATED [REDACTION] AND GISTS ARE IN BOLD, DOUBLE-UNDERLINED AND ITALICS

LOOSE MINUTE

To: MI5 officials

From: MI5 official

Ext. No: [REDACTION]

Date: 31 March 2006

File Ref.:

Copied To: MI5 officials and legal adviser

SUBJECT: The database - Necessity and Proportionality

1. This is initial guidance intended to enable users to make best use of their logons from the outset. This guidance will undoubtedly change as we gain experience in using the system. Any proposals for changes should be sent to MI5 official who will consult as necessary.
2. Access to the database data may constitute an interference with individuals' right to privacy. To ensure that any such interference is lawful, all such access must be authorised under Part I Chapter 11 of RIPA". [REDACTION] Accordingly, analysts using the database will be required to seek RIPA authorisations to authorise their access to the database data. [REDACTION] They will also need to include a persuasive description of the National Security context for each query. Your aim should be to provide the Designated Person (DP) with sufficient information to enable them to make an informed decision when they authorise (or not) the request. In particular, you must demonstrate that the information you seek (your "end state") is necessary in the interests of national security i.e. that it is valuable intelligence really needed to progress an investigation). You must also demonstrate that what you will need to do to reach that end state, in terms of the amount of other data you need to access and analyse (and any interference with privacy that entails) is proportionate to the value of the intelligence you seek.
3. In composing RIPA requests for the database data a number of features should be borne in mind by the analyst and the DP.

Anonymity- All data will remain anonymous until we choose to match the data to other material that will identify the telephone users or use RIPA to request subscriber information. The criteria for when we choose to do this will be an important feature of our necessity and proportionality argumentation.

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4. *Guidance is given in relation to the sorts of requests which may be made, together with worked examples.*

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