

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

[REDACTION]

NOTE FOR FILE

[REDACTION]

Copied To: *Deputy Director General, legal adviser, senior officials, lawyer*

[REDACTION]

Date: 15 November 2007

SUBJECT: Visit of the IPT to Thames House – 28 September 2007

Summary

- IPT visit Security Service on 28 September 2007 for general briefing;
- First visit since 2002;
- Specific presentations on data-handling techniques and impact on Service response to IPT complaints;
- **IPT members do not question our assertion that research of 'reference data' in response to a complaint was neither necessary nor proportionate;**
- **A statement/summary of intended future practice is attached at Annex C.**

[REDACTION]

Detail

1. After months of struggling to get as many members of the IPT as possible available on the same day, the following attended a briefing at Thames House hosted by *Deputy Director General*:

Lord Justice Sir John Mummery (President of the Tribunal)

Sheriff Principal John McInnes QC

Peter Scott QC

Sir Richard Gaskill

Robert Seabrook QC

Veronica Selio OBE (Tribunal Registrar)

Sue Cavanagh (Secretary to the Tribunal and Commissioners)

Mr Justice Burton (Vice-President) and Mr William Carmichael (IPT member who is shortly to retire) were unable to attend.

2. The programme for the visit is attached (Annex B). The main objective was to educate the tribunal members in our data-handling techniques including our gathering and storage of bulk data and to seek to obtain their agreement that the searching of this 'reference data' was not necessary or proportionate when responding to an IPT complaint. A description of this discussion [REDACTION] is attached at Annex A. In short, although the IPT seemed to accept our arguments on this issue, we did not push to obtain their explicit agreement to continue to restrict our search for a complainant's details to the data sets that the Service has created.

3. The secondary objective [REDACTION] was to brief them on the growth in and changes to the Service and, in particular, on the scale of the threat that the Service was facing. [REDACTION]

[REDACTION]

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

[REDACTION]

ANNEX A

Account of the Data Handling Presentation to the IPT and the following discussion on Conduct and Service response to IPT complaints

1. **Senior official** (assisted by [REDACTION]) explained the nature and extent of the Service's data holdings, including the distinction between:

(a) **Service data generated on individuals in the course of Service investigations** – i.e. this includes people in respect of whom we have generated data whether or not they themselves are targets; and

(b) **reference data** – which consist of large datasets (i.e. our bulk data-sets) about the general population, and which help us to (i) identify targets from fragments of intelligence, and (ii) track their activities. **The relevant teams** used three practical examples (including an introduction to the **analytical systems**) to demonstrate the benefit to national security provided by reference data and the steps we take to satisfy the tests of **necessity** and **proportionality**.

2. In discussion following these presentations and over lunch, we (**Deputy Director General, legal adviser, senior officials, lawyer**) told the IPT that the breadth and nature of the reference data we hold is such that [REDACTION] the issue for us was what threshold it was sensible for us to adopt in practice for providing a positive response to a query from the IPT. We suggested that our approach should be as set out in paragraph 3 below.

3. In the event of a complaint:

(a) The Service will search the databases and other records that it has created to record details of investigative targets **and others**.

(b) If the search produces a "hit", we will confirm to the IPT that we hold a record on the complainant and provide it with an account of why, and of the investigation or other action we have undertaken in relation to the complaint, including any relevant authorisations. [REDACTION] Nor will we check our reference data generally for any mentions of the complainant's name, unless such data was relevant to and/or actively relied on in the course of the investigation.

(c) If the complaint does NOT produce a "hit", we will inform the IPT that we do not hold a record on the complainant, though they may well appear in one of our reference datasets. In such cases, we will not check our reference data generally for any mention of the complainant's name. [REDACTION]

4. We made the point that taking action to check our reference data generally would involve creating an intrusion/interference with privacy which would not otherwise have occurred, and that this did not seem to the Service either sensible or necessary for the purposes of section 65 of RIPA.

5. In the course of the subsequent discussion, we suggested that the approach suggested under paragraph 3(a) and (b) above would adequately meet the IPT's need to be able to judge whether the Service had engaged in any

[REDACTION]

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

[REDACTION]

unauthorised conduct in relation to the complainant or otherwise acted improperly towards him, and took account of our need to have a workable system.

[REDACTION]

[REDACTION]

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

[REDACTION]

ANNEX B

Visit of the Investigatory Powers Tribunal Friday 28 September 2007

Lord Justice Sir John Mummery (President of the Tribunal)
Sheriff Principal John McInnes QC
Peter Scott QC
Sir Richard Gaskill
Robert Seabrook QC
Veronica Selio OBE (Tribunal Registra)
Sue Cavanagh (Secretary to the Tribunal and Commissioners)

DG's Conference Room

10:00	Arrival at Thames House	<u>senior official</u> to meet
10:05	Welcome and introduction	<u>Deputy Director General</u>
10:15	[REDACTION]	
10:45	[REDACTION]	
11:30	Data handling in National Security work.	<u>senior officials</u>
12:30	Lunch (<u>Deputy Director General, legal adviser, senior officials, lawyer</u>)	
13:45	[REDACTION]	
14:30	[REDACTION]	
15:15	Wash-up	<u>Deputy Director General, legal adviser</u>
15:30	End	

[REDACTION]

[REDACTION]

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

[REDACTION]

ANNEX C

statement/summary of intended future practice

[REDACTION] we should make it clear that our usual practice is not generally also to check those records held by the Service which purely consist of reference data-bases, containing information about the population generally (e.g. the Voters' Roll), for any mention of the complainant's name. We would only do this if the data in those records was relevant to or had been relied on in the course of an investigation. If, on the other hand, we were to carry out such a check on the complainant's details, this would involve creating an unnecessary intrusion or interference with privacy which would not otherwise have occurred, and for which there could be no national security justification. We do not believe that it is necessary to do this in order for the Tribunal to be able to satisfy itself that the Service has not engaged in any unauthorised conduct in relation to the complainant or otherwise acted improperly.
[REDACTION]

[REDACTION]