



BULK DATA RETENTION AND DELETION POLICY

Policy Lead: *A member of the data governance team*
Business Sponsor: *A senior MI5 official*
Policy Issue Date: October 2012
Review Date: October 2013

POLICY AIM

To define the review processes and criteria for the retention and deletion of bulk datasets held by the Security Service

SUMMARY

The Service holds a number of bulk datasets that have been obtained through individual business cases setting out the necessity and proportionality of acquiring them. It is essential that they are reviewed regularly and deleted when they are no longer required. This will ensure that the bulk datasets are only retained as long as they remain necessary for operational purposes, that the Service complies with all legal, necessity and proportionality requirements, and that the assurances the Service gives government ministers regarding data retention are satisfied.

The review process is described in this policy document, and combines the existing retention review process with a new deletion review process. It states that the retention case for every bulk dataset is reviewed every six months within *the data governance team* and every two years by the Bulk Data Review Panel, and that *the data governance team* assesses every bulk dataset for deletion every [REDACTION] years, presenting their recommendation to the Bulk Data Review Panel.

This policy is for review in October 2013, but may be amended earlier to take into account any new legislation or oversight mechanisms affecting our work with bulk data.

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Document date: 15 October 2012

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How does the Service handle bulk data?

1. The Security Service currently holds a number of bulk datasets, and this number is likely to continue to grow. These datasets range from travel data (e.g. [REDACTION] and population data (e.g. passport records) to [REDACTION]. Each dataset is only acquired following the submission of a business case by a senior MI5 official within the relevant team to the Senior Information Risk Owner (SIRO), who assesses the datasets against criteria of necessity and proportionality.
2. Once the data has been acquired, it is ingested into the Service's corporate systems. [REDACTION]
3. The bulk data is reviewed regularly by the data governance team and the Bulk Data Review Panel (BDR Panel), and the decision is made to either retain or delete the data.
4. This policy describes the review process in more detail.

For more general information on bulk data, see the [Bulk Data Lifecycle Policy](#) [REDACTION].

What are the external factors governing the review of bulk data?

5. At present there is no specific law requiring the Service to review its use of bulk data. However, the Service has been reviewing bulk datasets every six months, and following the Hannigan Review in 2009 (an independent review into data handling procedures within government), the Service adapted this review system to its current form, and asked the Intelligence Services Commissioner to be involved in oversight of the process. This brings the oversight of bulk data into line with data collected under RIPA, and aims to anticipate any changes in legislation in the near future.
6. The legal Acts that the BDR Panel should consider when reviewing a bulk dataset for retention or deletion are:
 - Section 2(2)(a) of the Security Service Act

'that there are arrangements for securing that no information is obtained by the Service except so far as necessary for the proper discharge of its functions or disclosed by it except so far as necessary for that purpose or for the purpose of preventing or detecting serious crime'
 - Article 8 of the European Convention on Human Rights

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'Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

- Fifth Data Protection Principle of the Data Protection Act

'personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes'

What is the Service's bulk data review process?

Data governance team Rolling Review

7. Within the data governance team, every bulk dataset is reviewed every six months. The data sponsor completes the relevant form. This form provides examples of how the dataset has been used by the Service in the past six months, an assessment of intrusion, and a classification of corporate risk. Intrusion refers to the interference with the privacy of the individuals whose data is held in the dataset, and corporate risk is the potential that each dataset has to cause political embarrassment or reputational damage to the Service and its partners if it were to become publicly known that the Service held the data in bulk. The form is authorised by a senior MI5 official within the relevant team, and is endorsed by a senior MI5 official on behalf of the Service's (Deputy) SIRO.

BDR Panel Six-monthly Review

8. The BDR Panel meets every six months. At this meeting the BDR Panel will discuss:
- i. Any datasets newly acquired since the previous meeting
 - ii. Any datasets with issues
 - iii. Any datasets that have not been discussed in the last two years

The relevant form for every dataset is provided to all attendees of the BDR Panel prior to each meeting, and then finally approved by the Chair of the BDR Panel following the meeting. The Chair can comment on the relevant form at the point of approving if they wish.

9. When making the decision to either retain or delete a bulk dataset, the BDR Panel must consider:

- The Service's use of the dataset in the previous six months
- Necessity and proportionality of retaining the dataset
- Potential risks in retaining the dataset (corporate, legal, reputational and political)

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- Frequency of acquisition and updates
- Whether the data could be obtained by another means e.g. targeted acquisition

10. If the BDR Panel cannot agree on the decision, the dataset is referred upwards to a senior MI5 official, DDG and ultimately DG.

11. Following the BDR Panel, the Intelligence Services Commissioner reviews all the bulk datasets to complete the oversight process.

Data governance team Deletion Review

12. If a dataset is no longer required, then the data sponsor can request its total deletion at any point. The relevant team will undertake the work and report it to the following BDR Panel.

13. [REDACTION] years from the date that a bulk dataset is acquired the data governance team, in association with the data sponsor, will conduct a detailed review to ascertain whether all the data within the dataset needs to be retained. At this point, the analysts and investigators will be asked to make a decision on setting up a rolling deletion process in order to delete data within that dataset that is no longer required. The relevant team will report the findings of this review at the next BDR Panel meeting and the Panel will approve the partial deletion if appropriate. From thereon, a rolling deletion will be set up according to the rules agreed. If the decision is made to retain the entire dataset, the dataset re-enters the review process cycle. If the decision is made to delete part of the dataset, the relevant team will oversee the work and report it to the following BDR Panel. Every six months, the relevant team will assess this process by carrying out a reconciliation exercise.

14. Following the [REDACTION] year deletion review, the deletion rules for that dataset are detailed on the relevant form. In subsequent six-monthly rolling reviews, the data sponsor must confirm whether those deletion requirements are still appropriate. If not, the data sponsor must justify why the deletion requirements should be reviewed and modified prior to the next [REDACTION] year deletion review.

Diagram 1 The Bulk Dataset Review Process

[REDACTION]

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Special cases

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15. [REDACTION] An example of this type of dataset is [REDACTION] UK population data *from a government department which* provides details of ages and addresses. *Each update deletes data that is no longer applicable and adds new applicable data.*

Subject of interest specific datasets

16. These are bulk datasets which are linked to a *subject of interest.* [REDACTION]

Datasets with different deletion review periods

17. These are datasets for which the [REDACTION] year review period is not appropriate. [REDACTION]

Event-related datasets

18. Although an investigator should keep a record of event-related data [REDACTION], it may be advantageous to also keep this data in a structured form in order to allow us to search it. [REDACTION]

Shared datasets

19. We obtain some of our bulk datasets through Other Governmental Departments (OGDs) and the other intelligence agencies (SIS and GCHQ). Each OGD has their own obligation to protect data that is provided to them, and the Service should consider this when reviewing shared datasets.

20. We may wish to retain the shared dataset longer than the OGD recommends. If the original data provider is aware that we hold their data, we may approach them directly to explain why we need to keep the data for longer. [REDACTION]

ANNEX

Please see attached spreadsheet with a summary of the Service's current bulk datasets and their review dates.

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