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[REDACTED]
Director for Legal Affairs

[REDACTED]
[REDACTED]

Sir Adrian Fulford
Investigatory Powers Commissioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 November 2017

Dear Sir Adrian,

I wanted to send you a short note in order to share two thoughts that have arisen against the background of the Privacy International v SSFCA case.

My first thought is to suggest that it might be useful to consider having some sort of appropriate process or protocol by which we, and perhaps the other agencies or wider government, might better liaise with IPCO to manage any circumstances where a piece of litigation, whether in the IPT or elsewhere, could raise issues in relation to oversight activity. I am acutely conscious of your independence and the need to avoid any sense of potential prejudice to the proper conduct of proceedings, so the aim might to explore whether it was possible to establish a transparent process with the idea of making our submission of evidence and presentation of facts or issues before the IPT or other courts more efficient by reducing the risk of unnecessary misunderstandings and reducing the list of issues before the IPT. Again, I emphasise that we would want to suggest nothing that had, or could be seen to have, any impact on the independence of your office or on the proper conduct of proceedings.

Secondly, although in the same vein, I would also be keen to explore whether in the current cases there may be any appropriate options for resolving any factual issues which may exist in relation to evidence currently before the IPT – again, only to the extent this may be appropriate having regard to the independence of your office and the ongoing litigation.

I am available at your convenience should you agree that further discussion of these issues would be helpful. I would be happy to make a copy of this letter available to the Claimants if that was thought to be appropriate.

PP [REDACTED]
[REDACTED]



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