

NOTE

1. It has been agreed between the Respondents and Counsel to the Tribunal that the following further passages should be added to the OPEN Note of the January hearing.
2. Page references are to the current OPEN Note of the hearing at TAB 40 of the Cross-Examination Bundle.
3. At the top of page 2, add:

“The Tribunal heard evidence in relation to the issue of potential sharing with local authorities that had been raised by the Claimant.”

4. At the third entry on page 4, delete ‘[REDACTION]’ and replace with *“See also the Closed Annex. Paragraph 1 gives sensitive information about this. No BPD and one instance of possible BCD in closed annex.”*
5. Page 7 – delete the third entry ‘[REDACTION]’ and replace with:

“Jonathan Glasson QC (CTT): Tab 26 IPCO audit 15/09 draft report first stage of audit . Para 31 at the end. IPCO identified a concern but not yet [...] paragraphs 29 and 33.

President: “I don’t know if it refers to an event of concern or that as a matter of concern there are non UKIC staff there.

JG: All we know is it is there. The second stage audit report is likely to be produced in the next few months.

President: Nothing drawn to your attention [GCHQ witness]?

GCHQ Witness: nothing further.

President: And you are in continued contact?

[REDACTION]

JG: Sir Mark Waller’s response is at Tab 26, page 3 under the heading “Industry partners”, they checked with Sir Mark. 20/09/17.

GCHQ Witness: It was not our intention to suggest that the discussion amounted to discussion of transfer.

Charles Flint QC: What did you discuss with him?

[REDACTION]

Susan O'Brien QC: There is a misunderstanding here. The witness statement suggests he did know."

6. Page 8. After first entry (MI5 Witness) add:

"President: It's a decision point at each stage?"

7. Half way down page 9, before AOC entry *"No technical assistance..."*, insert the following gist:

"There was questioning in relation to, amongst other matters, the points raised by the Claimant in its skeleton arguments for the October and December 2017 hearing, points raised by the Claimant during the October and December 2017 hearing, the witness statement of Dr Hosein and points raised in correspondence with IPCO."

8. Page 12. Amend the gist at the fourth entry so that it reads:

"There was a then discussion about the detail of the CLOSED schedule and the adequacy of paperwork relating to the s.94 regime."

9. Page 12. Amend the penultimate GCHQ Witness entry so that it reads:

"Yes, but not the 2001 submission – that did not specify the type of data as we didn't know what we would need [REDACTION] and we were acting quickly. The direction was broad like the submission, the request was less."

26 February 2018