

Complaint to the Investigatory Powers Tribunal

IPT Reference: IPT-15-110-CH

Complainant: Privacy International

Respondent: GCHQ

Search Period: ALL USUAL GCHQ SYSTEMS were searched 01 March 2013 (being 2 years prior to avowal of BPD holdings in March 2015) to 12th December 2016.
BULK PERSONAL DATASETS (BPD) were searched in their entirety and without date restriction.
BULK COMMUNICATIONS DATA (BCD) were searched in their entirety up to December 12th 2016.
Searches were completed by 27th January 2017.

1. As requested by the Tribunal, GCHQ has conducted searches for evidence of the conduct alleged to have been carried out using the following search criteria:

Domains

[REDACTED]

Address, Staff, emails

[REDACTED]

[REDACTED]

[REDACTED]

PI Details

[REDACTED]

Related Staff Info

[REDACTED]

PI Travel identifiers

[REDACTED]

PI financial info

[REDACTED]

[REDACTED]

IP ADDRESSES

[REDACTED]

MAC ADDRESSES

[REDACTED]

Other unique identifiers

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]
Generic Search
[REDACTED]

2. It should be noted that, as per GCHQ's Policy on IPT Complaints, and as agreed with the Tribunal, where a search period longer than two years is agreed with the Tribunal GCHQ's searches will be conducted on a best endeavours basis having regard to the fact that material older than two years may have been destroyed in order to enable GCHQ to meet certain statutory requirements, such as those found in section 15 of RIPA.

USUAL GCHQ SYSTEMS

3. GCHQ searched all its usual systems for IPT complaints, against the search terms, for any conduct during the period from 1 March 2013 to 12th December 2016. The searches in relation to conduct by GCHQ, relating to Privacy International, were accordingly carried out in relation to the period from 2 years and 3 months prior to the commencement of these proceedings (being 2 years prior to avowal of BPD in March 2015) up until 12th December 2016. Searches in relation to conduct prior to March 2013 would have been, GCHQ considers, neither necessary to the issues in the proceedings (taking account of section 67(5) RIPA 2000) or proportionate. Searches were completed by 27th January 2017. Any results are detailed below.
4. [REDACTED]

BULK PERSONAL DATASETS

5. GCHQ's main BPD repositories are database name and database name. [REDACTED]. Searches were run in January 2017 and completed by 27th January 2017.
6. Database name contains mostly open source or commercially sourced Reference data. [REDACTED].
7. The retention periods vary for each dataset within database name but all the datasets applicable to the Privacy International search [REDACTED] were updated within the last year [REDACTED]. We cannot categorically say whether or not we would have had the same or similar results for searches conducted against pre-avowal material had it still been available. The search results did not show that GCHQ held data relating to the Claimant in its BPDs before avowal on 12 March 2015.

[REDACTED]

[REDACTED]

8. Database name contains GCHQ's travel-related BPD. [REDACTED]. The search results did not show that GCHQ held data relating to the Claimant in its BPDs before avowal on 12 March 2015.

BULK COMMUNICATIONS DATA

9. Database name is the main system within GCHQ for the storage and retrieval of bulk telephony and bulk internet data. It holds data obtained under s.94 directions and data obtained as a result of interception under RIPA s.8(4).
10. The methodology for searching database name was slightly different to the other systems. It was decided, as far as was technically possible, to restrict the searches to s.94 data as s.8(4) data falls out of scope of this IPT complaint. Restricting searches in this way also had the benefit of minimising the amount of collateral intrusion into the privacy of parties other than the complainants.
11. Searches were restricted to the relevant search terms provided by Privacy International and also to the specific GCHQ collection sources covered by s.94 directions i.e. we searched for some of the selectors across some of the collection sources in database name. Results for other selectors or from other sources could not have been relevant to this IPT request as they do not involve BCD. Indeed, it is important to note that in terms of final output the results would have been the same if we had searched for all of the selectors and then asked the system to discard any results that came from non-relevant collection sources.
12. To further minimise collateral intrusion, in addition to restricting the searches to s.94 data, the results view displayed only the number of records for each search term from each collection source and the first seen/last seen dates for each search term from each collection source. Using knowledge of each collection source we were able to determine what type of event the results pertained to without looking at the underlying data.
13. Database name has a retention period of [REDACTED] so searches were run across the entire data set up to December 12th 2016. Searches were run in January 2017 and completed by 27th January 2017. [REDACTED]. The search results showed that GCHQ held data relating to the Claimant in its BCDs prior to 14 October 2016.

[REDACTED]

RESOURCE IMPLICATIONS OF THE SEARCHES

14. The task of conducting the SIA searches of BPD/BCD and analysing the results took teams of officers across the three Agencies a total in excess of 30 working days to complete.

15. The searches we conducted were thorough, reasonable and proportionate. There is no further GCHQ material to disclose.

GCHQ Legal Proceedings & Inquiries Team

February 2017

Amended August 2018

[REDACTED]

