

[REDACTED]

[MI5 Letterhead]

Sir Adrian Fulford
Investigatory Powers Commissioner

Cc [REDACTED], Amanda Jeffery, [REDACTED]

15 May 2019

Dear Sir Adrian,

We write in response to your request in your letter to DG of 8 May 2019 for a detailed update regarding potential errors in [Area 1] and [Area 2] within the [Second technology Environment (TE2)], and our historic understanding of these areas. This follows on from our initial briefings to your inspectors and our notification of our ongoing investigation on 3 May.

[Area 1]

2. [Area 1] is [a TE2]-hosted file structure [REDACTED]. [TE2 is a technology environment used by MI5]. [Area 1] is a distinct file structure within the [TE2] platform; the challenges we face in our ability to fully demonstrate our compliance in the handling of warranted data within [Area 1] do not affect the wider [TE2] platform. [Area 1] represents [a percentage] of the totality of data in [TE2] [REDACTED].

3. [Area 1] is available to users who have a [specific role] as part of their work in MI5. To access the [suite of tools], users must complete role specific training and sign [Operating Procedures (OPs)]. It is therefore predominantly used by MI5 analysts and investigators. It is primarily used for the storage of working-level documents and files, including some warranted data. These documents and files form part of our analysis of data prior to reporting our assessments to the [record]. We use it in a similar way to a single top level fileshare within the [TE], meaning a discrete area where we store and analyse data.

4. Our use of [Area 1], and the flexibility it affords us, remains central to certain key MI5 functions. Access to [Area 1] is limited to those who have held [specific] roles [REDACTED]. There are also folders with effective retention, review and destruction (RRD) processes. [REDACTED]. There therefore remains a risk that we may have handled some warranted material in a manner which constitutes a reportable error. We are seeking to establish if this is the case and to identify any required mitigations. This discovery work remains challenging, both due to the complexity of the task, and against the backdrop of ongoing [TE] remediation requirements. We are nonetheless making good progress and continue to prioritise steps that will allow us to better demonstrate our ongoing compliance in the handling of warranted data, alongside examining legacy data holdings.

5. We completed an initial scan of approximately [REDACTED]% of [Area 1] in April 2019. We are about to commence further scanning of [Area 1] to ensure we have a full understanding of the data. The full scan has been challenging to action [REDACTED]. We have also been seeking to understand working practices within [Area 1] so that we can take comprehensive action to improve assurance of our compliance with relevant safeguards. This will include issuing new guidance to users [REDACTED].

6. [REDACTED]

[REDACTED]

7. There are some automated RRD processes within [Area 1]; these are typically limited to specific folders [REDACTED]. Otherwise, users are responsible for the review and deletion of their data. We are therefore aware that some data may have been stored beyond its agreed retention period. We will have a better understanding of this as our discovery work progresses. We will investigate and report specific instances of non-compliance should they be identified.

[Area 2]

8. [Area 2] is [a TE2] hosted file structure [REDACTED]. We have identified two cuts from [warranted data] held for training purposes but so far, no other warranted data within [Area 2]. We assess there is a low risk of further warranted data being identified.

9. [Area 2] provides temporary storage for files imported or exported from other locations [REDACTED] and is the repository available to users for the storage of file types which were not traditionally supported in other [systems]. [REDACTED]. The availability of [Area 2] and some of the applications which are hosted there are [important] to the ongoing support of MI5's functions.

10. We have completed a discovery analysis of [Area 2] and assess there is a low risk that [Area 2] has been used as a [REDACTED] location for the handling of warranted data.

Historic Understanding

11. The documents we have reviewed from 2016, which were produced at a working level, indicate an awareness of compliance risks in these areas in addition to recommendations to address these. Some follow up action was taken as a result of these reviews; we are reviewing further documents to establish the scope of this action and whether anything was identified that could or should have been considered as a possible reportable error. At the same time we have noted some conclusions made at the time which appear inaccurate, further complicating the picture. We are compiling a more detailed picture of historical investigation of [Area 1] ahead of our proposed briefing to you on [TE] timelines.

Mitigation

12. [REDACTED] Once our analysis of [Area 1] is complete, [we will prioritise its improvement, whilst ensuring business reliant on Areas 1 and 2 continues]. We will then work to deliver a new file structure, along with the implementation of new RRD processes, [REDACTED] and guidance for users. We believe the process will significantly increase our ability to demonstrate our compliance in the handling of warranted data.

13. [REDACTED] we are committed to increasing assurance around users' ongoing use of the [Area 1]. This will include new guidance for existing users and the introduction of new procedures governing analysts handling of warranted data in [Area 1]. These pieces of work will have begun [in] 2019.

14. We will be happy to provide a briefing on the [Area 1]. This could be in the short term, but would necessarily lack much more detail than that outlined above. We anticipate being in a position to provide much more detail over coming weeks, and certainly to provide a comprehensive summary by the time of the 3 June inspection.

[REDACTED]

Yours Sincerely,

[Oversight and Errors team]. [M15]

[REDACTED]