



Investigatory Powers Tribunal
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Secret Intelligence Service

Our ref: IPT/17/86&87/CH

Date: 7 March 2019

Dear [REDACTED]

Privacy International, Reprieve, Committee on the Administration of Justice and the Pat Finucane Centre – v – Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for the Home Department, GCHQ, The Security Service and The Secret Intelligence Service ("the Third Direction")

I am writing to you further to telephone conversations I had with two of your staff, [REDACTED] and [REDACTED] on Tuesday 5 March 2019 in which it was asserted that various inspection reports that had been provided to the Tribunal by the Investigatory Powers Commissioner's Office ("IPCO") should not be provided to the President and the Tribunal Members considering the complaint above. It is also asserted that the material should not be provided to Counsel to the Tribunal.

During the telephone conversations, I explained that the material in question had been provided to the Tribunal by IPCO pursuant to a statutory request for assistance that the Tribunal made pursuant to section 232 of the Investigatory Powers Act 2016. That request was made in the course of the Tribunal's consideration of the complaint made by Privacy International and others in relation to the "Third Direction" in which the Secret Intelligence Service is a named respondent. The request had been made for disclosure only to the Tribunal and its Counsel. Although I noted your agency's concerns in relation to the material, I emphasised that any concerns that you may have should be directed through your lawyers, the Government Legal Department, who can raise them with the Tribunal if appropriate.

It was inappropriate for your staff to seek to intervene in ongoing legal proceedings in the way that they sought to do. The Tribunal is an independent judicial body and it is of the utmost importance that the exercise of its statutory functions, in this instance a request for assistance from IPCO, is not the subject of inappropriate interference by any public authority.

I have discussed the issues raised with the President of the Tribunal, Lord Justice Singh, and he has approved this letter. At his request, I am sending a copy of this letter to the Investigatory Powers Commissioner for information.

Yours sincerely

Susan Cobb
Tribunal Secretary