



# Government Legal Department

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by email only

Your ref:  
Our ref: Z1718275/EAO/N1

22 February 2019

Dear Sirs,

## Privacy International & Reprieve v SSFCA and others

We write regarding your letter of 19 February 2019.

It was not possible for the Respondents' representatives and CTT to meet this week until the afternoon of yesterday. Whilst discussions are ongoing, it seems unlikely that further disclosure will be agreed before the hearing. However, there are certain key requests which CTT has asked the Respondents to consider and we are taking instructions on those issues. We are, as ever, conscious of the need to provide any amended documents to you as soon as possible.

We cannot confirm the timescale for this due to the nature of the ongoing discussions, but will make best endeavours to provide anything else that is agreed on by the end of Monday 25 February.

As regards your numbered, specific requests, our response is as follows (mirroring your numbering):

- 1) We have not yet been able to confirm final instructions on this request, but anticipate being able to do so on Monday morning.
- 2) The MOU referred to has been provided to the Tribunal and CTT. CTT made no request for this to be disclosed into open on the grounds that it was not relevant to the issues in this case.
- 3) CTT's opening up requests have been agreed to the extent that the Respondents believe they can be without harming national security. There is no outstanding request by CTT to open up the section you refer to. Nevertheless, we have considered your request and we do not consider that it is possible to gist or provide detail of the redacted text without damaging national security. As is the



usual practice, we will explain why revelation of the redacted text would damage national security in CLOSED to the Tribunal, if they so require.

4) The 1969 Circular has been provided to the Tribunal and CTT in CLOSED. CTT has made no request for it to be disclosed into open on the grounds that it was not relevant to the issues in this case. The 1969 Circular was replaced by a 1986 Circular; that document is also of no relevance to the case as it is not within the class of documents the Respondents have been ordered to disclose. Nevertheless, both circulars are in the public domain and we therefore enclose them.

5) The Respondents' position is that this cannot be disclosed into open without damaging national security. The reasons for this position will be provided to the Tribunal in CLOSED. However, we are continuing to consider whether it is possible to provide any high level gist following your request.

Yours faithfully,

