

B E T W E E N

(1) LIBERTY  
(2) PRIVACY INTERNATIONAL

Claimants

- and -

(1) SECURITY SERVICE  
(2) SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondents

### CHRONOLOGY AGREED BY THE PARTIES

Defined terms used in this chronology have the same meaning as in the Claimants' Skeleton Argument for the Substantive Hearing dated 4 July 2022.

Key dates in the Existing BPD/BCD Claim are in **blue text**.

Key dates in Liberty's IPA Claim are in **purple text**.

Notifications of errors by MI5 to IPCO and related follow-up reports are in **red text**.

|     | Date              | Key event  | Bundle ref           |
|-----|-------------------|--|----------------------|
|     | <b>2010</b>       |  |                      |
| 1.  | 16 April 2010     | MI5 Management Board Paper prepared for discussion, identifying Information Assurance risks.   | C1/6/2               |
| 2.  | 13 September 2010 | The paper, 'Recent Compliance Failures in [a department]' was issued, flagging data handling risks and setting out recent compliance failures which had been reported to the IOCC and the ISC. | C1/11                |
| 3.  | 25 October 2010   | A working-level paper, 'The scope of [a team] compliance' was produced, identifying various compliance topics.   | C1/13                |
| 4.  | 4 November 2010   | "[a department's] Compliance Group" had its first meeting and briefed the IOCC in December 2010 on some of the compliance challenges and the proposed compliance error mitigations underway.   | C1/14<br>C1/17/§1.1  |
| 5.  | Late 2010         | The TE was granted interim accreditation.  | C4/185/6             |
|     | <b>2011</b>       |  |                      |
| 6.  | 7 March 2011      | "[a department]'s [compliance group]" issued the paper, '[a team] RIPA Compliance Update', noting that since the previous month there had been "two more errors and three near-misses".        | C1/16                |
| 7.  | May 2011          | "[a department]'s Compliance Group" issued a report, 'Audits and Investigations into [a team] compliance incidents of summer 2010 and emerging conclusions and recommendations'.               | C1/17                |
| 8.  | June 2011         | IOCC Annual Report issued, noting that MI5 "emerged fairly well from the Inspection" and that it was "committed to achieving the best possible level of compliance".                           |                      |
| 9.  | July 2011         | The Manual of Recording Policy was replaced by the Manual of Information and Records Management  | B/2/9 /<br>Core/9/9W |
|     | <b>2012</b>       |  |                      |
| 10. | 2012              | The TE was re-accredited as a "[restricted] system".   | C4/185/7             |

|     | <b>Date</b>          | <b>Key event</b>  | <b>Bundle ref</b>                    |
|-----|----------------------|---|--------------------------------------|
| 11. | February 2012        | "[a team] Data Retention Policy" was issued which identified legal obligations in respect of the retention and deletion of data   | <b>A1/10/17 / Core/6/17</b>          |
| 12. | September 2012       | The 'general [team] Data Retention Policy' was superseded by a system-specific data retention policy, which identified the "[risk]" arising from "[a type of data] stored in [areas]" and recommended processes to mitigate those risks.  | <b>A1/10/18 / Core/6/18 C4/185/8</b> |
| 13. | 2012                 | A 'Minute' prepared by "[a department]" recorded compliance risks in "[TE2 Area 2]" and suggested that a policy be written to address the issues.   | <b>C1/23</b>                         |
| 14. | 12 October 2012      | The TE Security Review, a security audit of the TE to determine what it was being used for, the data held within it and the practices followed by users, was published. The Review contained "ten findings in total that are risk-related" and included "proposed mitigations". The Respondents' claim that the focus of the review was on ensuring the security of the TE from external attack.  | <b>C1/21</b>                         |
|     | <b>2013</b>          |   |                                      |
| 15. | 1 May 2013           | MI5 published a specific RRD policy for all staff.  | <b>B/2/9 / Core/9/9</b>              |
| 16. | June 2013            | A Management Board Paper provided an update from the 'Information Management Transformation Programme' on "information risks".  | <b>C1/24/2</b>                       |
| 17. | 14 August 2013       | Letter from Sir Anthony May (the then IOCC), requesting information about the retention, storage and deletion of the product of interception.   | <b>C1/26/1</b>                       |
| 18. | 24 October 2013      | The MI5 Deputy Director General wrote a letter responding to Sir Anthony May's request, providing information about the retention, storage and deletion of intercepted material in MI5. MI5 did not inform Sir Anthony May about the RRD issues with either File Shares, Data Stores, or Areas 1 and 2 of TE2. MI5's position is that they did not inform Sir Anthony May of those issues because they did not have sufficient awareness or understanding of those issues at that time. | <b>C1/27 D2/130/284 / Core/21/1</b>  |
| 19. | 16 December 2013     | The Head of the Home Office National Security Unit ("NSU") prepared a note for the Home Secretary ahead of a meeting between Sir Anthony May, the Home Secretary, and himself on 18 December 2013. The note recorded Sir Anthony May's key findings, which included that MI5 have "[compliance problems]", which MI5's "major IT reform programme ... is seeking to rectify".   | <b>C1/28A/2-3</b>                    |
| 20. | 19 December 2013     | Sir Anthony May wrote to Andrew Parker (MI5 Director General), noting findings from his review of RRD of intercept material, noting concerns about RRD compliance, and recording that "A long term programme has already started to look at this".  | <b>C1/29/8, 13</b>                   |
|     | <b>2014</b>          |   |                                      |
| 21. | 2014                 | A quarterly performance report was prepared for the MI5 Management Board, including a "Risk Register".  | <b>C1/32/10</b>                      |
| 22. | January 2014         | MI5 issued an Information Management Policy (revised version published October 2014). The matters covered included RRD policies.  | <b>A1/10/9 / Core/6/9</b>            |
| 23. | Around 24 March 2014 | The TE was re-accredited as a "[restricted] system".  | <b>C4/185/9 C1/31/2</b>              |
| 24. | 18 November 2014     | A 'Minute' was prepared, identifying a risk of incorrect or partial disclosure in legal proceedings, and proposing that MI5 explores agreeing a process whereby retained data is held in one place with an agreed format.   | <b>C1/38/1</b>                       |
| 25. | 26 November 2014     | IOCCO undertook an inspection of MI5. In its Inspection Report, the IOCCO noted that it had been provided with a briefing on RRD arrangements and MI5's priorities in that regard. The conclusions noted that the "work that MI5 continues to undertake in relation to the retention, storage and destruction of intercepted material is significant."  | <b>C1/39</b>                         |

|     | Date             | Key event   | Bundle ref                         |
|-----|------------------|---|------------------------------------|
| 26. | 23 December 2014 | In a letter, the MI5 Deputy Director General provided the IOCCO with further information about RRD, including a spreadsheet “ <i>detailing the systems on which intercept material is stored</i> ”.   | C1/40                              |
|     | <b>2015</b>      |   |                                    |
| 27. | 5 February 2015  | The MI5 Management Board Performance Report Q3 2014/15 was published, noting that a RRD policy had been reviewed.   | A1/10/18 /<br>Core/6/18<br>C2/41/4 |
| 28. | 2015             | A further report produced in 2015 was discussed by the MI5 Management Board, which proposed a “ <i>Compliance Risk</i> ” that “ <i>as a result of its systems, working practices or individual errors, MI5 is held to be failing to comply with its statutory obligations ... leading to substantial legal and/or reputational damage</i> ”.  | C2/43/4                            |
| 29. | March 2015       | Sir Anthony May’s ‘Report of the Interception of Communications Commissioner’ was published, noting that the IOCCO’s 2013 investigation had “ <i>demonstrated that indiscriminate retention for long periods of unselected intercepted material (content) does not occur ... [but] related communications data are in some instances retained for a variety of longer periods and that [the IOCCO] had yet to satisfy [himself] fully that some of the retention periods were justified</i> ”. This led the IOCCO to make 22 recommendations in 2013 and 11 recommendations in 2014 regarding RRD by interception agencies. | C2/44/16                           |
| 30. | 8 June 2015      | <a href="#">Privacy International brought the Existing BPD/BCD Claim.</a>   |                                    |
| 31. | 7 July 2015      | The MI5 Executive Board met and agreed that “ <i>statutory compliance was the priority together with [RRD]</i> ”. The Director General for Strategy was requested to report back in the Autumn with a plan on compliance.   | C2/46/3                            |
| 32. | 27 July 2015     | The MI5 Management Board endorsed the recommendation to add a compliance risk to the Corporate Risk Register.   | C2/47/1                            |
| 33. | 2015             | The MI5 Management Board Performance Report 2015-2016 referred to priority work involving “ <i>scoping the scale of the RRD challenge (with an RRD action plan agreed...)</i> ”.  | C2/48/6                            |
| 34. | 13 October 2015  | A minute on “ <i>Update on [TE] Information Risk Reduction Activity</i> ” updated on work being undertaken on a new information asset register which would record the RRD policies in place, and how deletion was enacted.  | C2/49                              |
| 35. | 26 November 2015 | The Executive Board met and received an informal briefing on compliance in relation to RRD.   | C2/50/1                            |
| 36. | November 2015    | Chair of the Bulk Data Review Panel commissioned a review of TE2 Area 1 (only).   | C2/53/1                            |
|     | <b>2016</b>      |   |                                    |
| 37. | 27 January 2016  | The review of TE2 Area 1 (only) reported on its progress to date, findings and initial recommendations in a written minute.   | C2/53/1                            |
| 38. | January 2016     | The Legal Paper on Compliance Risk was prepared, identifying risks in relation to the TE. The paper described MI5’s data holdings on the TE as “ <i>ungoverned spaces</i> ”.  | C2/54/2, 11                        |
| 39. | 2016             | The Management Board Performance Report 2015/2016 was published. It recorded that areas including TE file shares, TE2 Area 1 and TE2 Area 2 “ <i>undoubtedly contain material we should have removed from the estate</i> ”.   | B/3/17 /<br>Core/10/17<br>C2/51/3  |
| 40. | February 2016    | <a href="#">The Respondents filed their Amended OPEN Response in the Existing BPD/BCD Claim.</a>  | C1/50/1                            |
| 41. | 2016             | The Management Board Performance Report 2015/2016 was published, assessing compliance risks and noting that Risk 3 was scored as “ <i>RED</i> ”.  | C2/52/9                            |
| 42. | 8 August 2016    | At the Management Board meeting, the Board reviewed Risk 3 and noted that a new department would be managing the implementation of the IP Bill requirements and a new MI5 compliance function.  | C2/57/3                            |
| 43. | 14 October 2016  | Review minute on the TE which summarised the scale and proximity of risks in the TE and which reviewed mitigation plans. The  | C2/58/2                            |

|     | Date              | Key event   | Bundle ref          |
|-----|-------------------|---|---------------------|
|     |                   | Respondents state that the minute was produced for the MI5 director responsible for information management and others in the TE steering group.   |                     |
| 44. | November 2016     | The Investigatory Powers Bill received Royal Assent.  |                     |
| 45. | November 2016     | Home Office briefing note prepared for Graeme Biggar, Director of National Security for the Home Office, noting that Risk 3 related to a lack of legal compliance in information management and that this was a matter that could be explored with a MI5 Director   | B/6/6 / Core/16/6   |
| 46. | 15 December 2016  | The 'MI5 Quarterly Performance Report: Q2' was prepared for the Home Secretary, discussing MI5's corporate risk register which included a "red risk" of non-compliance in relation to information handling.   | C2/62/2             |
|     | <b>2017</b>       |   |                     |
| 47. | 2017              | A 'TE Risk Acceptance Statement' was published.   | C2/67/2             |
| 48. | 2017              | The TE was re-accredited as a "[restricted] system" on an interim basis for 12 months and on the condition that "a programme of [improvements] be put in place".  | C4/185/18           |
| 49. | 2017              | A 'Committee Paper' was prepared to update the "[security and information committee]" on the work of the TE programme, noting that "significant information and legal compliance risks concerning [TE] have been identified".   | C2/84/              |
| 50. | 2017              | Liberty brought a claim for judicial review concerning the compatibility of the IPA with both EU and ECHR law (the IPA Claim).  |                     |
| 51. | 25 January 2017   | In an email, the Private Secretary to the Home Secretary recorded that the "Home Secretary noted her concern about two [REDACTED] errors that had been identified in the MI5's management [of a capability]". These errors are explained further in CLOSED.   | C2/63/1             |
| 52. | 6 February 2017   | The 'TE Issues Minute' was published, discussing RRD compliance risk in the TE.   | C2/65A              |
| 53. | February 2017     | Home Office (Director of National Security and Deputy Head of the National Security Unit) attended MI5 to receive a specific briefing on the general compliance risk (Risk 3).  | B/6/9 / Core/16/9   |
| 54. | 21 March 2017     | The 'Note: [TE] Risks' was shared with the MI5 Director General Strategy, setting out compliance / legal risks.   | C2/68/2-3           |
| 55. | 24 March 2017     | The 'MI5 Quarterly Performance Report: Q3' was prepared for the Home Secretary, noting "red" risks in MI5's corporate risk register relating to non-compliance, "particularly relating to information handling", which was "relatively long standing". It was noted that NSU had met with MI5 specifically to discuss this compliance, and that it was "clear that MI5 takes this risk seriously and is seeking to address it comprehensively". | C2/69/2             |
| 56. | 27 September 2017 | The Home Office minutes of the Quarterly Performance Report meeting noted that the Management Board "had also flagged the compliance risk as a continued concern and would discuss this in more detail again in future".  | C2/81/2             |
| 57. | October 2017      | MI5 amended its position in the Existing BPD/BCD Claim to confirm that it unlawfully held data relating to Privacy International in its BCD prior to avowal.  | A1/5/32 / Core/4/32 |
| 58. | 18 October 2017   | A Home Office document recorded that MI5's corporate risk register contained "two red (very high) risks", the first relating to "compliance with statutory obligations" which was "a longstanding risk that MI5 is placing significant effort into managing. Nonetheless the timeframe by which MI5 believes it will be able to reduce the risk from red to orange (high) has slipped from [towards the end of 2017] to [mid 2018]".            | C2/82/3             |
| 59. | 27 October 2017   | A 'Minute' was prepared with the subject 'Compliance in the [TE]', including RRD and "Access Control" amongst the "most important issues".  | C2/83/1             |

|     | Date             | Key event  | Bundle ref |
|-----|------------------|--|------------|
| 60. | 20 November 2017 | The Home Office MI5 Quarterly Review (Q2 2017/18) discussed the compliance risk, which was <i>“still high because the process has yet to be finalised”</i> .   | C2/87/4    |
| 61. | November 2017    | A committee paper to update MI5’s Security and Information Committee on the work of the TE programme set out that the <i>“lack of understanding about the material held on [TE], ...impacts on our ability to retrieve and disclose material when needed and prevents us from implementing an appropriate deletion policy”</i> .   | C2/84/3    |
| 62. | 20 December 2017 | The ‘Note to the Home Secretary on MI5 Quarterly Review of Performance: Q2 of 2017/18’ was prepared following a meeting between senior MI5 officials and the Director General of the OSCT, noting <i>“one red ... risk in MI5’s Q2 report, which concerns compliance with statutory obligations”</i> and stating that <i>“As you know, this was also red in Q1 and is a longstanding risk that MI5 is placing significant effort into managing.”</i> . | C2/88/4    |
|     | <b>2018</b>      |  |            |
| 63. | 11 January 2018  | The ‘MI5 Management Board Paper’ was prepared, updating the Management Board on Risk 3 and discussing <i>“new areas of risk”</i> .   | C2/90/2    |
| 64. | 5 March 2018     | Email from MI5 to the Home Office responding to a query on the red corporate risk on compliance, which stated that <i>“a significant amount of progress has been made since”</i> February 2016, although <i>“[t]here is of course much more to do”</i> .   | C2/93/3    |
| 65. | 23 March 2018    | The ‘[TE]: Security Accreditation Update’ recommended that the interim accreditation of the TE should be extended for a further 12 months, and noted <i>“significant risk”</i> of non-compliance.  | C2/94/3    |
| 66. | April 2018       | The interim accreditation of the TE was extended for a further 12 months.  | C2/95/3    |
| 67. | 27 April 2018    | The ‘[TE] Improvement Programme: Programme Mandate’ was published, noting concerns about risks relating to TE.   | C2/96/1    |
| 68. | 17 May 2018      | In a letter, the MI5 Director for Information, Policy, Security and Compliance told Graeme Biggar, Director of National Security in the Home Office, that MI5 would be ready on 31 May 2018 to commence the IPA provisions concerning interception and equipment interference and targeted examination of bulk data and the use of Judicial Commissioners in the associated warranting powers.   | C2/98      |
| 69. | 7 June 2018      | The Minutes of the MI5 Quarterly Review noted as part of the <i>“Summary of Actions”</i> : <i>“MI5 to brief the Investigatory Powers Commissioner about progress against the red risk on its [risk register]”</i> .  | C2/102/1   |
| 70. | 9 July 2018      | In a letter, the MI5 Director for Information, Policy, Security and Compliance told Graeme Biggar that MI5 would be ready on 25 July 2018 to commence the IPA provisions relating to (amongst others) BPD/BCD.   | C2/105/1   |
| 71. | 13 July 2018     | Graeme Biggar wrote to the Security Minister and Home Secretary to seek agreement to commence the BPD/BCD provisions of the IPA on 25 July 2018, noting that <i>“[a]ll are in agreement that there are no major outstanding risks and those risks that remain are at an acceptable level...”</i> .   | C2/106/2   |
| 72. | 13 August 2018   | The ‘MI5 Quarterly Performance Report: Q4 of 2017/18’ noted that MI5 had <i>“one red (very high) corporate risk”</i> .   | C3/111/4   |
| 73. | October 2018     | The ‘[Security and information committee] Update on [TE] Remediation Activities’ noted that <i>“[Particular areas in TE represent] unquantified risk”</i> .  | C3/114/5   |
| 74. | October 2018     | The MI5 Executive Board had a <i>“teach-in”</i> on the TE and TE2.   | C3/116     |
| 75. | 18 October 2018  | The ‘Minutes’ of the MI5 Quarterly Review: Q1 2018/2019 set out the position on briefing IPCO and the Home Secretary.  | C3/117/1   |
| 76. | 30 October 2018  | An MI5 Executive Board Paper set out the <i>“key legal, compliance risks [REDACTED] of the TE”</i> , including risks relating to warrants.   | C3/118/2   |

|     | Date             | Key event   | Bundle ref             |
|-----|------------------|---|------------------------|
| 77. | 15 November 2018 | The Management Board minutes recognised that remediation work on the TE was in progress to reduce the compliance risks, which had “[RED] status”.   | C3/121/2               |
| 78. | 28 November 2018 | The ‘Minutes’ for the MI5 Quarterly Review Meeting recorded that MI5 was still discussing whether or not to brief IPCO and that “ <i>the Management Board conversation at Q2 centred around whether there may be options for accepting more risk in this area</i> ”.  | C3/123/2-5             |
| 79. | 10 December 2018 | The “[ <i>information policy deputy director</i> ]” prepared a note, ‘Legal Issues and IPCO Engagement’, for the “[ <i>director of the information, security, compliance and strategic policy department, and the technology and innovation department</i> ]”, assessing compliance risks and recommending that MI5 brief the Home Office and the IPCr on TE-related issues as soon as possible. It was noted that it “ <i>is likely to take many months to understand and then mitigate the most pressing legal risks.</i> ” | C3/126/1, 4            |
|     | <b>2019</b>      |   |                        |
| 80. | 2019             | IPCO’s ‘Annual Report: Confidential Annex 2019’ provided further examples of issues associated with the TE.   | C4/215/3               |
| 81. | January 2019     | The MI5 Director General authorised briefing the IPCr on issues relating to the TE.   | C4/185/32              |
| 82. | 2019             | The Deputy Director then covering the NSU was then given an “ <i>oral outline brief of the issues MI5 faced in relation to the [TE]</i> ”. The Chief Executive of IPCO was given a “ <i>fuller oral briefing of the compliance and other issues MI5 faced with the [TE]</i> ”.  | C4/185/33              |
| 83. | 18 January 2019  | A note on the TE observed that “ <i>our knowledge of what data is held [sic] in [areas] is currently limited (but improving)</i> ”, and stated “ <i>we intend to brief the IPC on this as soon as possible as we are likely to be criticised for delay informing him</i> ”.   | C3/131/1               |
| 84. | 31 January 2019  | “[ <i>the deputy director general</i> ]” wrote to the IPCr and the Director General OSCT summarising a recent MI5 review of the impact of MI5’s work of the transition of warrantry arrangements to the IPA.  | C3/133<br>C4/185/32-33 |
| 85. | 21 February 2019 | In a letter, the MI5 Director of Information, Security, Compliance and Strategic Policy informed Graeme Biggar that MI5 intended to brief the IPCr on challenges in maintaining assurance in terms of legal compliance with regard to the TE.<br>A letter was also sent on the same day to the IPCr about the proposed briefing on the TE.  | C3/135/1<br>C3/136     |
| 86. | 26 February 2019 | The Head of Oversight of NSU informed the Home Secretary and Security Minister of MI5’s intention to brief the IPCr on issues related to the TE on 27 February 2019.  | C3/137/1               |
| 87. | 27 February 2019 | MI5 briefed the IPCr on compliance and other challenges relating to the TE.   | C3/142/1               |
| 88. | 11 March 2019    | A letter from the MI5 Director of Policy, Compliance, Security and Information to the IPCr set out the content of the briefing of 27 February 2019.   | C3/142/1               |
| 89. | 11 March 2019    | An internal IPCO document, ‘The [TE]: adequacy of IPA Safeguards (as of 11 March 2019)’, was published, assessing whether the TE complied with various IPA safeguards.  | C3/141A                |
| 90. | 18-22 March 2019 | IPCO conducted an inspection of the TE.   | C4/185/34              |
| 91. | 26 March 2019    | In a letter, Tom Hurd, Director General OSCT, informed the Home Secretary, ahead of a meeting with the MI5 Director General, of recent discussions with MI5 about compliance issues relating to the TE.   | C3/147/2               |
| 92. | 27 March 2019    | Jonathan Emmett, then covering the role of the Home Office’s Deputy Director for National Security, provided the Home Secretary and Security Minister with an update on the TE, enclosing IPCO’s First Inspection Report. This recommended that the Home Secretary should continue to consider MI5 warrant applications.  | C3/150/1               |

|      | Date             | Key event  | Bundle ref           |
|------|------------------|--|----------------------|
| 93.  | 29 March 2019    | IPCO issued its First Inspection Report (v.2), reporting six key findings relating to the TE and IPA compliance and assigning red/amber/green ratings to different data types.   | C3/151               |
| 94.  | 1 April 2019     | MI5 issued Annex H (an attachment to the Handbook for Judicial Commissioners; also referred to by the Home Office as the “ <i>defence document</i> ”), which set out the “ <i>mitigations</i> ” MI5 had implemented and explained on what basis MI5 considered that warrants could lawfully be issued to it.<br>This was sent to the IPCr on 3 April 2019.   | C3/154<br><br>C3/162 |
| 95.  | 3 April 2019     | Submission to the Home Secretary of the Home Office’s intention to share Annex H / the defence document with the IPCr and Judicial Commissioners to “ <i>give visibility of our rationale for continuing to advise [the Home Secretary] to consider and, as appropriate, approve MI5 warrant applications</i> ”.   | C3/157/1             |
| 96.  | 4 April 2019     | The MI5 Director General wrote to the Home Secretary to provide an update on the compliance challenges relating to the TE.   | C3/164/1             |
| 97.  | 5 April 2019     | Fulford LJ (the then IPCr) issued the ‘Generic Warrants Decision’, identifying various errors and referring to “ <i>the undoubted unlawful manner in which data has been held and handled</i> ”. Fulford LJ also considered that “ <i>MI5’s use of warranted data in [TE] is currently, in effect, in ‘special measures’</i> ”. He concluded that “ <i>On the basis of the mitigations set out in Section II, combined with the answers to the questions I have received, subject to certain critical caveats, I am satisfied that MI5 have the capability henceforth to handle warranted data in a way which is compliant with the IPA.</i> ” | C3/165/3, 8, 9       |
| 98.  | 9 April 2019     | The ‘Note to SSHD and Security Minister TE: Investigatory Powers Compliance-handling update’ asked that the Home Secretary note the IPCr’s strong concerns but also that he was satisfied that for now sufficient safeguards are in place to enable the IPCr to sign warrants, and among other further matters set out a number of options which could be progressed if MI5 safeguards were found to be inadequate.  | C3/167/5-6           |
| 99.  | 15-16 April 2019 | IPCO conducted a second inspection of MI5.   | C3/171               |
| 100. | 24 April 2019    | In a letter to the Home Secretary, Andrew Parker stated that MI5 “ <i>had not fully appreciated the significance of the issues in the [TE]</i> ”. The work that had been undertaken historically in respect of compliance issues was summarised, and a commitment was made to take all necessary steps to ensure MI5 can address legal compliance risk in the future.  | C3/169/1             |
| 101. | 26 April 2019    | IPCO’s Second Inspection Report was published, providing two “ <i>RED</i> ” recommendations and a further three “ <i>AMBER</i> ” recommendations.  | C3/171/3             |
| 102. | 3 May 2019       | In a letter to IPCO, the Oversight and Errors Team of MI5 set out the preliminary error reports by MI5 and the proposed approach for reporting errors within the TE, and provided confirmation that MI5 was investigating potential issues relating to two areas of TE2.   | C3/173               |
| 103. | 8 May 2019       | In a letter, the IPCr confirmed he was content with the proposed approach to report errors, and raised concerns about two further potential errors which had arisen.   | C3/174/1             |
| 104. | 9 May 2019       | In a letter, Andrew Parker responded to Fulford LJ, stating that the investigations of TE2 Areas 1 and 2 should not be taken to “ <i>suggest any wider concerns in connection with [TE2] as a whole</i> ”.   | C3/174A/1            |
| 105. | 9 May 2019       | Letter from the Home Secretary to the Prime Minister updating on the “ <i>compliance issue relating to certain MI5 technology environments</i> ” and confirming that Sir Martin Donnelly had been asked to “ <i>lead a review looking at when and how this issue arose ... and what lessons can be learned for the future.</i> ”<br>A written ministerial statement on this matter was issued on the same day.   | C3/176<br><br>C3/177 |

|      | Date                     | Key event   | Bundle ref             |
|------|--------------------------|---|------------------------|
| 106. | 10 May 2019              | MI5 error report to IPCO, reporting “Retention of data without a valid business justification” from 1 April 2014 to 25 February 2019 (“[Error Reference A]”).   | C3/177A/1              |
| 107. | 14 May 2019              | In a letter to IPCO, MI5 reported a “breach of handling arrangements” and stated that MI5 “do not consider this to constitute a relevant error” (“[Error Reference DD]”).   | C3/177BA/1             |
| 108. | 15 May 2019              | In a letter to IPCO, MI5 provided an update on an error originally reported on 4 March, relating to material being retained “beyond the period set out in the relevant retention policy” (“[Error Reference B]”).   | C3/177C/1              |
| 109. | 15 May 2019              | In a letter, MI5 responded to Fulford LJ’s letter of 8 May 2019, stating that it was in the process of scanning and understanding the working practices in TE2 Area 1.  | C3/178/1               |
| 110. | 17 May 2019              | MI5 reported an error to IPCO, stating that “some data was retained for longer than necessary” (“[Error Reference C]”).   | C3/178D/1              |
| 111. | 20 May 2019              | Sir Martin Donnelly (the reviewer in the Compliance Improvement Review) interviewed Peter Fish (GLD Deputy General), during which Peter Fish “shared his personal view that he felt that there was a cultural issue in MI5”, which related <i>inter alia</i> to a lack of movement amongst MI5 lawyers and an internalisation of legal issues,  | C3/178F/1              |
| 112. | 21 May 2019              | Meeting between MI5’s “[Information, Security, Compliance and Strategic Policy Director]” and Sir Martin Donnelly, discussing compliance and Home Office oversight of MI5.  | C3/178G/1              |
| 113. | 24 May 2019              | In a letter to IPCO, MI5 provided a further update on an error originally reported on 4 March, relating to material being retained “beyond the period set out in the relevant retention policy” (“[Error Reference B]”).  | C3/178L/1              |
| 114. | 3-5 June 2019            | IPCO conducted its third inspection of the TE.  | C4/190/1               |
| 115. | 4 June 2019              | MI5 error report to IPCO, reporting that it had “identified [data that had been retained when] no longer necessary and proportionate” from 2012 to 2014 (“[Error Reference D]”).  | C4/180A/1              |
| 116. | 7 June 2019              | The Respondents wrote to the Tribunal, stating that the issues with the TE were not considered to be “relevant to any issue which remains for consideration by the Tribunal” in the Existing BPD/BCD Claim.   | A1/5/37 /<br>Core/4/37 |
| 117. | 17 June 2019             | MI5 error report to IPCO, reporting that “data has been retained for longer than was necessary for the authorised purposes” (“[Error Reference E]”).  | C4/183H/1              |
| 118. | Undated (late June 2019) | The Compliance Improvement Review was published.  | C4/185<br>C4/184       |
| 119. | July 2019                | MI5 established the Compliance Improvement Programme to seek to deliver the recommendations set out in the Compliance Improvement Review.   | C4/219/4               |
| 120. | 15 July 2019             | The Defendants in the IPA Claim disclosed and published online the CIR Summary, setting out when compliance risks were identified and MI5’s approach to compliance.   | C4/184                 |
| 121. | 22 July 2019             | MI5 error report to IPCO, reporting an ongoing error relating to “the retention of authorised data beyond the point at which it was necessary and proportionate to do so” from May 2013 (“[Error Reference G]”).  | C4/189A/1              |
| 122. | 22 July 2019             | IPCO published its Third Inspection Report, recommending improvements. No red recommendations remained. The report recorded the “considerable progress” had been made in respect of one of the recommendations (“[Data Storage]”) (§5.1.2), but stated that “MI5 must urgently complete work to understand the extent to which warranted data is held in [areas] and initiate a process to delete any non-compliant legacy data...” (§5.7). | C4/190/1, 3,<br>9      |
| 123. | 9 August 2019            | MI5 reported to IPCO that its “scanning and analysis ... across [an area] on the [TE] is now [a high %] complete]” and that “further analysis is not practical to complete” (“[Error Reference A]” / “[Error Reference C]”).  | C4/192A/1              |

|      | Date                 | Key event  | Bundle ref    |
|------|----------------------|--|---------------|
| 124. | 18 September 2019    | In a letter to IPCO, MI5 provided an update on its current error investigations, and noted “ <i>a number of recent [TE] potential errors</i> ” which were “ <i>not confirmed as an error unless indicated otherwise</i> ”.   | C4/195/1      |
| 125. | 19 September 2019    | MI5 error report to IPCO, reporting that data had been retained “ <i>in an area of the TE where it was no longer necessary or proportionate to do so</i> ” from 17 January 2019 to 21 May 2019 (“ <i>[Error Reference H]</i> ”).   | C4/195A/1     |
| 126. | 23-24 September 2019 | IPCO conducted its fourth inspection of the TE.  | C4/199/1      |
| 127. | 24 September 2019    | MI5 error report to IPCO, referring to “ <i>LPP and BPD potentially residing in the TE2 Area 1</i> ”.  | C4/196/1      |
| 128. | 22 October 2019      | IPCO published its Fourth Inspection Report, which concluded that “ <i>MI5’s remediation work in [TE] has secured compliance with the required standards</i> ”. The report stated that “ <i>It is inevitable that a large number of relevant errors would emerge from MI5’s detailed investigation into the state of the TE. Several of the errors summarised above are very significant in scale...</i> ” and that “ <i>MI5’s candid and open approach throughout all four inspections give us a good degree of confidence in the conclusions presented in this report.</i> ” | C4/199/10, 11 |
| 129. | 23 December 2019     | In a letter to IPCO, MI5 provided an update on the “ <i>risk that LPP and/or BPD may have been stored in the [TE2 Area 1]</i> ” (“ <i>[Error Reference J]</i> ”).  | C4/204A/1     |
|      | <b>2020</b>          |  |               |
| 130. | 9 January 2020       | MI5 error report to IPCO, reporting an ongoing error whereby data had been retained “ <i>beyond the point at which [it] was necessary or proportionate</i> ” (“ <i>[Error Reference BB]</i> ”).  | C4/204B/1     |
| 131. | 29 January 2020      | MI5 error report to IPCO, reporting that data “ <i>was found to be in breach of their retention periods</i> ” from 29 September 2017 to 14 January 2020 (“ <i>[Error Reference T &amp; Error Reference U]</i> ”).  | C4/205A/1     |
| 132. | 31 January 2020      | Privacy International applied to amend and re-open the Existing BPD/BCD Claim.   | A2/31/1       |
| 133. | 14 February 2020     | An Order of the Tribunal stayed Privacy International’s Application to amend and re-open the Existing BPD/BCD Claim until the determination of the present claim.  | A2/31/3       |
| 134. | 20-21 February 2020  | IPCO conducted an investigation of MI5’s safeguards.   | C4/221/1      |
| 135. | 26 February 2020     | MI5 error report to IPCO, reporting that “ <i>[data has] been retained for longer than it was necessary to do so</i> ” (“ <i>[Error Reference V]</i> ”).   | C4/206A/1     |
| 136. | 4 March 2020         | In an email, MI5 notified IPCO of a “ <i>potential error... relating to [an area of the TE]</i> ”.   | C4/207A/1     |
| 137. | 19 March 2020        | MI5 error report to IPCO, reporting that “ <i>[data was retained] beyond the RRD agreement</i> ” from 19 to 27 November 2019 (“ <i>[Error Reference S]</i> ”).   | C4/208AA/1    |
| 138. | 24 March 2020        | In a letter to IPCO, MI5 reported that a potential error reported on 4 March 2020 had now been assessed “ <i>not to be a relevant error</i> ”.   | C4/208A/1     |
| 139. | 27 March 2020        | MI5 error report to IPCO, reporting an error in one area starting in June 2017 and in another area starting in August 2019, with the error in one area ending in January 2020 and in another area remaining ongoing (“ <i>[Error Reference R]</i> ”).  | C4/208B/1     |
| 140. | 3 April 2020         | In a letter to IPCO, MI5 shared more details on the implementation of its “ <i>updated policy guidance regarding arrangements for [Relevance Redaction] error processes</i> ”, in light of the Covid-19 pandemic.  | C4/208C/1     |
| 141. | 21 May 2020          | MI5 error report to IPCO, reporting an error which “ <i>[included a failure to automatically delete a type of data which therefore surpassed its RRD period]</i> ” from 15 September 2019 to 27 March 2020 (“ <i>[Error Reference W]</i> ”).   | C4/210A/1     |

|      | Date             | Key event  | Bundle ref         |
|------|------------------|--|--------------------|
| 142. | 19 June 2020     | MI5 error report to IPCO, reporting an ongoing error relating to “[the over retention of data in the TE]” that started 8 December 2019 (“[Error Reference X]”).  | C4/211A/1          |
| 143. | 19 November 2020 | In a letter to IPCO, MI5 provided an update on the error it reported on 27 March 2020 (“[Error Reference I]”).   | C4/214A/1          |
| 144. | December 2020    | Mary Calam appointed to verify the delivery of MI5’s Compliance Improvement Programme  | C4/219             |
|      | <b>2021</b>      |  |                    |
| 145. | 12 January 2021  | In a letter to IPCO, MI5 recorded its proposed approach to IPCO engagement.  | C4/217/1           |
| 146. | 1 February 2021  | The Calam Report was published to consider progress on the three areas identified by the CIR.<br>The summary of the report noted that “A huge amount of work has been done through the CIP and the remediation work. Not all Sir Martin’s recommendations have yet been fully implemented, but significant, measurable progress is evident. MI5 have used the CIR to make fundamental changes across the whole organisation and develop a new legal compliance operating model intended to cope with future changes in technology and data.” | C4/219<br>C4/220/2 |
| 147. | 30 April 2021    | In a letter to IPCO, MI5 reported that “[the manual deletion process was suspended]”.  | C4/220AA/1         |
| 148. | 4-6 May 2021     | IPCO conducted a further investigation into MI5’s safeguards (the report for this investigation was published on 8 November 2021).   | C4/223G/1          |
| 149. | 19 May 2021      | MI5 error report to IPCO, reporting that “material has been retained [in an area] in breach of IPA [REDACTED] safeguards” from November 2015 to October 2018 (“[Error Reference K]”).  | C4/220B            |
| 150. | 25 May 2021      | IPCO’s ‘Inspection Report: Security Service Safeguards Inspection’ reported on its investigation of 20-21 February 2020, and required MI5 to review the adequacy of safeguards and/or provide further information in relation to LLP and RRD processes. Overall, five observations were made. IPCO stated that it was “impressed by the work that had gone into preparing this inspection, which demonstrated MI5’s prioritisation of compliance and safeguards work.”   | C4/221/2-5         |
| 151. | 9 June 2021      | MI5 error report to IPCO, reporting that “[authorised data] has been retained on the [TE2 Area 1] in breach of the IPA [REDACTED] retention safeguards” (“[Error Reference L]”).   | C4/223A/1          |
| 152. | 20 July 2021     | MI5 error report to IPCO, reporting that “[data was] kept beyond the [REDACTED] retention period specified in the relevant RRD policy when it was not necessary and proportionate to do so” from 20 January 2021 to 23 March 2021 for one error and 15 June 2021 for another error (“[Error Reference M] and [Error Reference N]”).  | C4/223B/1          |
| 153. | 21 July 2021     | MI5 error report to IPCO, reporting that “[some data] have been retained for longer than the agreed retention period” from 2010 to 4 June 2019 (“[Error Reference F]”).  | C4/223C/1          |
| 154. | 4 August 2021    | In a letter, MI5 notified IPCO of “a number of potential legal compliance issues which MI5 are currently investigating” on an application on the TE.   | C4/223D/1          |
| 155. | 27 October 2021  | In a letter, MI5 updated IPCO on remediation work which MI5 and IPCO discussed at the May 2021 safeguards inspection, noting that a pilot for a remediation tool had been delayed, but that “[a tool] continues to give a good level of assurance [regarding authorised data] sored on the [areas of the TE] are handled in accordance with the relevant RRD policies”.  | C4/223E/1          |
| 156. | 8 November 2021  | IPCO published its report following its inspection on 4-6 May 2021, stating that “MI5 had a positive and forward looking attitude to compliance with the safeguards”.  | C4/223F<br>C4/223G |

|      | Date            | Key event   | Bundle ref          |
|------|-----------------|---|---------------------|
|      | <b>2022</b>     |   |                     |
| 157. | 2 February 2022 | In a letter, MI5 updated IPCO on MI5's mitigation plan, noting that " <i>the implementation of our mitigation plan has been delayed following [an issue]</i> ", but that " <i>we have devised a mitigation plan that aims to address each of these risk factors. [The redacted text details the mitigation plan including automated deletion.]</i> ".   | <b>C4/223I/1, 2</b> |
| 158. | 1 April 2022    | MI5 error report to IPCO, reporting that MI5 had identified " <i>warranted data</i> " in three [areas] – " <i>[a database (error reference Y), a datastore (error reference Z), an application (error reference V)]</i> " – " <i>that have [sic] been retained for longer than [REDACTED] retention period dictates</i> "   | <b>C4/223J/1</b>    |
| 159. | 4 April 2022    | MI5 error report to IPCO, reporting that " <i>MI5 retained [data] without lawful authority under a warrant</i> " from 19 February 2022 to 4 March 2022 (" <i>[Error Reference AA]</i> ").   | <b>C4/223K/1</b>    |
| 160. | 21 April 2022   | In a letter, MI5 updated IPCO on an error reported on 27 March 2020, stating that " <i>this data was not handled in such a way as to breach of the safeguards</i> " (" <i>[Error Reference I]</i> ").   | <b>C4/223L/1</b>    |
| 161. | 3 May 2022      | MI5 error report to IPCO, reporting that " <i>MI5 failed to delete [data] obtained under a [REDACTED] as soon as there were no longer relevant grounds for retaining it</i> " from January 2021 to 14 December 2021 (" <i>[Error Reference CC]</i> ").  | <b>C4/223N/1</b>    |
| 162. | 17 May 2022     | MI5 error report to IPCO, reporting that " <i>MI5 retained data [REDACTED], which were authorised under [a type of warrant], for longer than its intended retention period</i> " from 11 May 2021 to 10 June 2021 (" <i>[Error Reference GG]</i> ").  | <b>C4/223NA/1</b>   |
| 163. | 19 May 2022     | MI5 error report to IPCO, reporting that " <i>[Warranted Material], [REDACTED] was found to have been retained in an MI5 member of staff's [folder] in [an area of the TE]... this [material] was [not destroyed when no longer required]</i> " from 2 April 2020 to 6 September 2021 (" <i>[Error Reference EE]</i> ").  | <b>C4/223O/1</b>    |
| 164. | 9 June 2022     | MI5 error report to IPCO, reporting that " <i>[Authorised material] [REDACTED] [was] found to have been retained [REDACTED] after there were no longer any relevant grounds to retain the information</i> " from April 2016, noting that " <i>this case may be symptomatic of a more systemic issue</i> " and that a formal investigation has been opened into the issue (" <i>[Error Reference FF]</i> "). | <b>C4/223P/1</b>    |
| 165. | 15 June 2022    | MI5 error report to IPCO, reporting that it had identified an error which " <i>has likely resulted in a failure to adhere to the [REDACTED] safeguards of the Investigatory Powers Act 2016</i> " from 17 June 2021 to 20 October 2021 (" <i>[Error Reference HH]</i> ").   | <b>C4/223Q/1</b>    |

21 July 2022