

BETWEEN

**(1) LIBERTY
(2) PRIVACY INTERNATIONAL**

Claimants

- and -

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

Respondents

ORDER

UPON the Claimants' claim issued on 31 January 2020

AND UPON the Tribunal's previous orders in the claim

AND UPON hearing leading counsel for the Claimants, leading counsel for the Respondents and Counsel to the Tribunal in OPEN and hearing leading counsel for the Respondents and Counsel to the Tribunal in CLOSED at the substantive hearing from 25–29 July 2022

AND UPON hearing leading counsel for the Respondents and Counsel to the Tribunal in CLOSED at the further hearing on 30 November 2022

IT IS HEREBY ORDERED THAT:

1 The Tribunal makes declarations that:

- 1.1 The Security Service unlawfully held data within TE, contrary to the applicable statutory requirements, in the period between late 2014 and 5 April 2019
- 1.2 The Secretary of State for the Home Department failed to make adequate enquiries as to whether the applicable statutory requirements had been complied with, and thereby acted unlawfully in granting warrants to the Security Service in the period

between 15 December 2016 and 5 April 2019 in respect of cases in which the applicable statutory requirements had not been complied with.

- 2 The Tribunal dismisses the claim, and does not grant relief, for:
 - 2.1 The quashing of warrants issued by the Secretary of State for the Home Department to the Security Service;
 - 2.2 The destruction of data held by the Security Service; and
 - 2.3 The award of any damages.
- 3 Having considered the CLOSED material the Tribunal is satisfied that there is no evidence that the Claimants' data was unlawfully obtained, retained and/or used by the Security Service, so there is no requirement for the Security Service to serve any further evidence on this issue.
- 4 The Tribunal dismisses the application made by the Claimants for further issues to be raised on the "similar fact" cases relating to alleged systemic defects committed by the Security Service in respect of holding data after 2010.
- 5 The Claimants may apply by written submissions for the judgments and determination made by the Tribunal in Claim No IPT/15/110/CH *Privacy International v Secretary of State for Foreign and Commonwealth Affairs & Ors* between 17 October 2016 and 26 September 2018 (the **BPD/BCD Claim**) to be re-opened on grounds that there was a breach of the duty of candour committed by the Security Service in its reporting to the Tribunal of relevant information (the "**Re-Opening Application**").
- 6 The Claimants shall file and serve the submissions referred to in paragraph 4 by 4pm on 27 February 2023.
- 7 The Respondents shall file and serve any submissions in reply by 4pm on 27 March 2023.
- 8 Counsel to the Tribunal shall file and serve any submissions in relation to the Re-Opening Application by 4pm on 24 April 2023. The respondents may file and serve submissions in response to the submissions of Counsel to the Tribunal by 4pm on 5 May 2023.
- 9 The Claimants may file and serve any submissions in response to the Respondents submissions by 26 May 2023.

- 10 The Tribunal shall give further directions (in OPEN or CLOSED) in relation to the Re-Opening Application as required.

6 February 2023