



Government Response to the Intelligence and Security Committee's Annual Report 2011-2012

Presented to Parliament by the Prime Minister
by Command of Her Majesty

November 2012



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GOVERNMENT RESPONSE TO THE INTELLIGENCE AND SECURITY COMMITTEE'S ANNUAL REPORT 2011-2012

The Government is grateful to the Intelligence and Security Committee (ISC) for providing independent and effective parliamentary oversight of the intelligence and security Agencies (“the Agencies”) and for producing its latest Annual Report.

The ISC’s report contains a number of conclusions and recommendations. These are set out below (in **bold**), followed immediately by the Government’s response.

A. It is imperative that policy implications and analytical judgements remain separate in any intelligence assessment provided to Ministers. We are reassured that Ministers recognise the importance of this distinction and that it will be maintained.

The Government agrees with the Committee’s conclusion that the distinction between policy implications and analytical judgements should be maintained. Intelligence assessments must be relevant to policy and analysts must work closely with policy makers, but it must be clear to Ministers where analytical judgements end and policy implications begin. This is a core principle for the intelligence and national security community, and is reflected in the recent review of the JIC (Joint Intelligence Committee) by its new Chairman.

B. The Committee recognises that it is often impossible to predict how and when events such as the ‘Arab Spring’ will begin, and it is understandable that the intelligence community was taken by surprise, as indeed were the Governments in the countries affected. There is a question, however, as to whether the Agencies should have been able to anticipate how events might subsequently unfold, and whether the fact that they did not realise that the unrest would spread so rapidly across the Arab world demonstrates a lack of understanding about the region. Events over the past eighteen months have shown the need for the intelligence Agencies to maintain a global coverage, in addition to the strategic priorities set by the NSC and the JIC.

C. We commend the Agencies for their rapid reaction to the ‘Arab Spring’, once events became clear, and their very significant contribution to the UK’s response. They demonstrated agility and flexibility in reprioritising their resources and providing the National Security Council with the intelligence it needed to form the UK response.

The Government welcomes the Committee’s recognition of the Agencies’ swift response to the Arab Spring, and of their support to the UK’s role in NATO operations in Libya. Important contributions were also made by Defence Intelligence (DI), the Joint Intelligence Organisation (JIO) and others.

The various factors that eventually resulted in the Arab Spring were well known to the intelligence community and other observers. What was not possible to predict in detail, however, was the precise timing of events, nor the way that they unfolded.

It is not possible to have intelligence resources everywhere at all times. The Agencies rightly focus effort on the Priorities for Intelligence Coverage (formerly the R&P), set annually by the NSC and JIC, prioritising those countries where secret intelligence can add greatest value

on issues of concern to the UK. The challenge for the Agencies is to respond to that prioritisation while retaining flexible capabilities that can be deployed globally in response to new or changing requirements, such as the Arab Spring, with support from allies where necessary.

D. The Committee considers that the failure in one notable case this year demonstrates a lack of operational planning that we would not have expected from SIS and other participants. The imperative to take action quickly dominated at the expense of thorough and effective planning. It was an ill-considered approach that misjudged the nature and level of risk involved. We recognise however that SIS did implement a thorough review, following this failure, and appear to have taken the lessons seriously. We would have expected nothing less.

The Government acknowledges the Committee's conclusion on the planning of a particular operation during the Arab Spring. The Government is satisfied with the thorough review carried out by SIS in the aftermath of the operation referred to and the implementation of its recommendations which focus on the management of risk.

E. The Agencies have continued to see notable successes in their counter-terrorism work. It is clear that this is becoming more challenging, and despite increases in resources, they still face difficult decisions when prioritising their efforts against the most pressing threats. Given that the Agencies' recent growth will not continue over the coming years, the challenge will be to get the most out of current resources through more innovative – and where appropriate collaborative – working. The Committee welcomes the progress the Agencies are making in this regard.

The Government welcomes the Committee's recognition of the continuing success of the Agencies' efforts on counter-terrorism whilst acknowledging the increasing challenge in this area of work.

The Government recognises that the Agencies are required to make difficult decisions in terms of prioritising their efforts against the most pressing terrorist threats to the UK and its interests. This is a challenge that the Agencies have been required to meet for a number of years and they have well-developed systems in place to help them do so effectively. The Agencies have always prioritised their resources to seek to counter the most significant threats to the UK's national security and will retain a flexible approach in doing so.

The Government acknowledges that the Agencies will continue to face challenges in balancing the delivery of front-line counter-terrorism capabilities against achieving efficiencies that Government as a whole is committed to delivering. As the terrorist threat evolves, the Agencies will need to continue to adapt and enhance their capabilities and operational techniques, in order to keep pace. Therefore, a priority for the Agencies will be to deliver new operational methods that can be deployed by all three Agencies. As the Committee notes, the Agencies are already collaborating ever more closely and effectively on counter-terrorism. This is bringing operational benefits as well as improving efficiency. The strengthened tri-Agency approach towards conducting and supporting counter-terrorism investigations is a significant development. Nevertheless, it is critical that this work continues in the future and that the current momentum is maintained.

F. We recognise that the Security Service has taken all possible measures to make available the necessary resources during the period of the Olympic and Paralympic Games, but remain concerned at the risk that is being taken in some areas and the vulnerability of the UK at this critical period.

The Government notes the Committee's concern. The Olympic and Paralympic Games posed an unprecedented security challenge for the Security Service in particular. The Security Service had to respond to an increased level of risk across its portfolio of work, in particular a heightened threat of terrorist attack planning. The Security Service is required routinely to prioritise its resources to counter threats to UK's national security. During the Games period, this prioritisation process was particularly crucial. The Security Service managed this effectively in order to mitigate the most immediate and urgent threats during the Olympics and Paralympics. Moreover, throughout the period of the games, the Security Service has been able to maintain appropriate levels of resourcing to cover non-terrorism related areas of potential concern. Following the Games, the Security Service will continue to review the nature of the national security threats facing the UK and shape its response accordingly.

G. The Olympics and Paralympic Games have placed all three Agencies (particularly the Security Service) under unprecedented pressure this year. The Committee recognises the exceptional effort that has been required from the staff of all three during this time.

The Government welcomes the Committee's recognition of the exceptional work of all three Agencies on Olympics security. The safe delivery of the London Olympics and Paralympics has been in no small part down to the effective preparations made by the Agencies as well as their work during the Games themselves. We join the Committee in praising the professionalism and commitment of the staff of all three Agencies during this extremely challenging period.

H. The Committee is concerned about the potential increase in overall risk as a result of the introduction of the TPIMs regime. The lack of any direct correlation between risk levels and the additional funding made available to the Security Service and police to prepare for this only adds to our unease, as do the delays in putting the funding in place prior to the transition from Control Orders.

The Government will never put national security at risk. The new TPIM regime is part of a package that strikes a better balance between managing a small number of individual terrorists, who we cannot yet prosecute or deport, and ensuring that if they re-engage in terrorism-related activity we can collect evidence that may lead to their conviction. The Director General of the Security Service has said that he is content that the overall TPIM package does mitigate risk.

The transition from Control Orders to TPIMs took place successfully, safely and without incident and the extra funding provided alongside the transition has already resulted in an uplift in capability for the police and Security Service, better equipping them to tackle the range of threats the UK faces. It would not be right for the Government to fetter the operational independence of these agencies by requiring them to deploy particular resources against particular individuals. The police and Security Service know best how to run their operations and the Government is not in the business of interfering with that.

I. Given the increased risk associated with the TPIMs regime, we welcome the Government's move to make additional powers available should the circumstances demand. However, the 'Enhanced' TPIMs proposals do not appear to be practical or workable, and it seems unlikely that they would ever be implemented.

The TPIM Act provides a powerful range of disruptive measures which, along with the additional resources available, and as part of a range of counter-terrorism powers, are adequate to protect the public from terrorism in all but exceptional circumstances. As such, it is possible that the powers set out in the Enhanced TPIM Bill will never be needed. However, the Government believes these powers are both workable and practical, and is pleased that pre-legislative scrutiny of the Enhanced TPIM Bill has begun.

The "exceptional circumstances" necessitating introduction of the Enhanced TPIM Bill would be circumstances in which the UK faced a serious terrorist threat that could not be managed by any other means. Rightly, it would be for Parliament to decide whether exceptional circumstances exist if and when the Bill is introduced.

J. 'Prevent' is a key strand of the Government's counter-terrorism strategy and the Committee will continue to monitor this important work. RICU's counter-radicalisation work is progressing, albeit slowly. We understand that counter-ideological work may take some time. However, the Committee continues to be concerned about the lack of measures to assess the effectiveness of the strategy. Whilst we recognise the difficulties involved, it is nevertheless important that ways are found to identify and assess the results of this work and the resources being used.

The Government welcomes the Committee's recognition of the importance of the Prevent strand of CONTEST and of the progress that RICU has made. We have developed a framework to evaluate our work under all three strands of the Prevent strategy. Quantitative metrics in some areas remain challenging, but we are committed to finding new approaches to measurement wherever possible.

There are some indications that support for violent extremism in this country has declined, although it is not possible to provide comparable statistics to those that were available for previous years under the Department for Community and Local Government's Citizenship Survey. We continue to explore alternative measures, including the potential of techniques such as online sentiment analysis, to fill this gap.

Each of RICU's campaigns is also subject to specific evaluation, tailored to the nature of the activity. For example, for a media campaign RICU might use the following evaluation indicators:

- Outputs – the number of channels on which the product is broadcast, the audience segment and numbers that the channel reaches;
- Outtakes – for example, monitoring the response to the product on social media; and
- Outcomes – using the results of focus groups to understand the impact of the product on our target audience, in terms of increased awareness of an issue, a change in emotional response or attitude, or where appropriate, any action that might be taken as a result.

We know that more individuals are passing through established programmes to draw people away from violent extremism and, while assessing outcomes remains challenging, we have increased confidence that these have a lasting effect. In April 2012 we put in place a standardised Case Management Information System across the country to assess the impact of the Channel programme (a multi-agency initiative to identify and provide support for people at risk of radicalisation), and will be in a position to analyse the first full set of data from this system in the second half of the year.

We have an agreed evaluation framework at local level to monitor both the effectiveness of basic project management processes and the impact of project delivery, and will be analysing the first formal returns in the autumn.

K. The provision of Information Assurance advice to Government, businesses and the public has the potential to generate the greatest improvement in UK cyber security for the least cost. The Communications-Electronic Security Group (CESG) and the Centre for the Protection of National Infrastructure (CPNI), among others, continue to provide an invaluable service to businesses and Government departments in this regard. Nonetheless, educating users and individuals about basic information security has significant potential and should be a greater focus for the National Cyber Security Programme.

The Government identified in the National Cyber Security Programme (NCSP) and Cyber Security Strategy that educating users and individuals in order to raise awareness of cyber risk is a crucial part of improving safety online. Most common cyber incidents could be prevented by quite simple 'cyber hygiene'. GCHQ estimates that 80% or more of currently successful attacks could be defeated by simple best practice, such as updating anti-virus software regularly.

In the Cyber Security Strategy the Government set out its commitment to make 'Get Safe Online' the single, authoritative place to go for public information on computer safety. 'Get Safe Online' has already made a significant impact in increasing awareness of the need to protect ourselves when we go online and government has increased its funding of 'Get Safe Online' to £395,000 this year to improve the website and enable them to reach out to more people across the UK. The National Fraud Authority has also completed a NCSP-funded customer segmentation study to allow effective targeting of cyber security messages and recently completed their first targeted campaign. This campaign, entitled 'devil's in your details', reached over 4 million people, 70% of whom were within the targeted segments. In analysis of 4,000 people who watched the videos over 60% said it would make them take more steps to protect themselves from fraud.

The Department for Business, Innovation and Skills has also completed a segmentation study of the SME sector and, together with the National Fraud Authority, will conduct further awareness raising and behaviour change campaigns this year, jointly funded wherever possible with the private sector, and again focussed on the most at-risk groups. A broader, more sustained awareness raising and behaviour change campaign plan will subsequently be developed to guide interventions over the remainder of the NCSP. We will continue to encourage departments and agencies to submit innovative awareness proposals for NCSP funding as we retain a flexible and effectiveness-focused approach to the remaining years of the programme.

L. We recommended last year that the Deputy National Security Adviser should prioritise the development of an effective funding model for the Communications-Electronic Security Group (CESG). To a certain extent the problem has been addressed through short-term funding arrangements. However, the importance of CESG's Information Assurance work requires that a long-term funding model must be established.

The Government recognises the importance of CESG's work on Information Assurance (IA), and is pleased that the Committee has noted the progress made in a challenging financial environment. The failure of the market mechanism of repayment still needs resolution, despite some progress. CESG will continue to charge industry for advice and services but the work CESG does directly for Government must be put on a more sustainable footing. Cabinet Office continues to work with GCHQ and the Government Senior Information Risk Owner on this important task.

M. Eighteen months into the National Cyber Security Programme, there appears to have been some progress on developing cyber capabilities. However, cyber security is a fast-paced field and delays in developing our capabilities give our enemies the advantage. We are therefore concerned that much of the work to protect UK interests in cyberspace is still in an early stage.

The Government agrees that the threat from cyberspace is evolving rapidly. Alongside work through the NCSP to raise awareness and improve defences, the Government recognises that to stay ahead of the most sophisticated threats a range of capabilities will be required, as the Committee notes. Work to date has enabled a greater understanding of the nature and extent of the threat, and the delivery of a range of initial capabilities; for example the Joint Cyber Unit based in Cheltenham. We recognise, however, that there is more to do, and further capabilities will be delivered as investment ramps up over the life of the NCSP. We are not complacent and recognise the need for a flexible approach in the face of the fast-developing cyber field.

N. The transition to internet-based communication, and the emergence of social networking and instant messaging, have transformed the way people communicate. The current legislative framework – which already allows the police and intelligence and security Agencies to access this material under tightly-defined circumstances – does not cover these new forms of communication.

The Government assesses that, given the changes in the way that people communicate, not all the data required by law enforcement agencies and other public authorities is currently generated, collected or retained by communications service providers, as they may have no business interest in doing so. This means that the police and others are unable to access it, directly impacting on the investigation of crime in this country and on our ability to prosecute criminals and terrorists. The Government published its Draft Communications Data Bill on 14 June 2012 in order to protect the public by ensuring that communications data is available in the future, as it has been in the past. It also extends the safeguards and oversight regime to ensure that, as at present, communications data can only be acquired if it is necessary and proportionate to do so. The Draft Bill is currently being scrutinised by a Joint Committee of both Houses of Parliament and the Government welcomes the Committee's parallel inquiry. Following this scrutiny process, we intend to introduce the Bill into Parliament.

O. The prospect of Iran acquiring nuclear weapons is of serious concern. The UK must continue, with our international partners, to apply diplomatic and economic pressure to persuade the Iranian regime to alter its course. We support the Government's efforts, and those of the Agencies whose work against this threat is invaluable.

The Government agrees with the Committee's conclusions. In line with the dual track policy of pressure and engagement, the Government continues, with international partners, to apply diplomatic and economic pressure on Iran in order to persuade it to negotiate meaningfully with the P5+1 (the 5 Permanent members of the UN Security Council plus Germany, i.e. China, France, Russia, UK and US plus Germany) on this issue. In the last year this has included an EU ban on the purchasing of Iranian oil. The Government will continue to intensify this pressure until Iran takes concrete action to comply with its international obligations.

P. The UK does not condone, solicit or encourage torture or CIDT. However, to protect the UK our Agencies must work with foreign agencies, some of whom do not meet our standards. In so doing, there is a risk that our Agencies will, indirectly and inadvertently, be linked to such activities. It is unfortunate, but inescapable, that those risks cannot always be wholly eliminated. The challenge therefore is how to minimise that risk, while maintaining essential intelligence-sharing relationships with our international partners.

The Government notes the Committee's recognition that, in protecting the UK, our Agencies and Armed Forces must work with international partners. The Government stands firmly against torture and cruel, inhuman and degrading treatment or punishment. We do not condone it, nor do we ask others to do it on our behalf. The implementation of the *'Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees'* published in July 2010 provides a practical framework for mitigating the risks associated with working with foreign governments in this regard. It makes clear that we act in compliance with our domestic and international legal obligations and our values as a nation.

Q. The Committee understands the reasons for halting the current Detainee Inquiry and supports the Government's plans to hold another judge-led inquiry when possible. The specific allegations of UK involvement in renditions of two individuals to Libya remain under police investigation and we will, therefore, not be commenting further at this time.

The Government welcomes the Committee's understanding as to why it was necessary to halt the Detainee Inquiry. The Government fully intends to hold an independent, judge-led inquiry, once all related police investigations have concluded, to establish the full facts and draw a line under these issues.

As a police investigation is underway and civil proceedings have been issued, we are unable to comment further on the details of the specific allegations of UK involvement in the renditions of two individuals to Libya. The Government is co-operating fully with the police investigation and welcomes the Committee's intention to pursue its own investigation once all related criminal enquiries have concluded.

R. Defence Intelligence makes a critical contribution to the UK's intelligence collection and assessment capabilities. However, it is often not thought of as part of the central intelligence machinery and the Committee is concerned that its vital role sometimes goes unrecognised. We hope that the reforms will result in DI obtaining the profile its work deserves.

The Government welcomes the Committee's recognition of the vital role Defence Intelligence (DI) plays within the Whitehall intelligence community. DI played an important role in understanding the events of the recent 'Arab Spring' and its contribution was recognised at the time by the NSC. Although already well integrated into the UK intelligence machinery, recent reforms, including those led by Lord Levene, will help to ensure that DI's profile is raised.

S. Defence Intelligence has told us that it “can't cover everything all the time in the modern world”. Nevertheless Strategic Defence and Security Review cuts will further decrease DI's ability to provide global coverage with sufficient depth. It is therefore likely that even greater risk will have to be taken when reacting to the next crisis than was the case with the Libya campaign. This is an unsatisfactory position. We urge the Government to ensure that sufficient resources are available to allow in-depth coverage to be maintained on an ongoing basis.

The reduction of the deficit is the Government's top priority and that means bearing down on public expenditure. MOD, and therefore DI, will have to make economies to meet the demands placed on it by Government and no area of the MOD's business can be exempt from these economies. DI will continue to prioritise effort in those areas that matter most to UK national interests and defence. DI retains the ability to surge people into these areas, and work collaboratively with allies in areas of mutual interest, where there is a national priority to do so.

T. In our 2010-2011 Annual Report, we expressed concern about the impact of a flat-cash settlement on the Agencies' capabilities over the Spending Review period. It would appear that public sector pay constraints and the Agencies' efforts to control other costs have allowed capabilities to be maintained. This is reassuring in the short term, but we remain of the opinion that the Spending Review settlement must be kept under review to ensure that it is commensurate with the threat.

The Government welcomes the Committee's conclusion. It was, and still is, recognised that the spending review settlement will be challenging for the SIA. The Agencies have put considerable effort in to managing their finances to live within this settlement. The settlement is still sufficient to enable a wide range of Agency capabilities and activities, in line with operational requirements and NSC prioritisation.

U. The Spending Review settlement for the Single Intelligence Account (SIA) was predicated on the Agencies finding substantial efficiencies in order to maintain capabilities. We are not yet convinced that these efficiencies are achievable, particularly in the case of collaborative working. We recommend that the central team under the National Security Adviser who are in charge of the SIA urgently re-evaluate the evidence base for, and viability of, these savings.

The Government notes the Committee's concerns about the achievability of substantial efficiencies, particularly from collaborative working. The National Security Adviser will continue to monitor the Agencies ability to meet these savings. The National Security Adviser and Agency Heads are aware of the need to deliver the savings, whilst continuing to deliver capability, and note that there has been considerable progress over the past year. Work continues on planning for delivery of savings for the remaining SR10 period.

V. The redundancy processes all three Agencies have now undertaken have cost the taxpayer significant sums. However all three have reassured us that this was necessary in order to meet Spending Review savings targets. Moreover, they have cited further benefits in terms of less top heavy and leaner organisations, and staff with more up-to-date specialist skills. We expect to see the impact of this restructuring emerge over the coming years.

The Government notes the Committee's conclusion. In response to changes in both the nature of the threat and the economic climate, the Agencies have reviewed their staffing and skills requirements to ensure that they are in the best shape to meet future national security challenges. As part of this, the decision was taken by each of the Agencies to undertake a programme of redundancies or early release. These programmes, alongside recruitment in key areas, have enabled the Agencies to grow the skills and expertise they need (particularly in relation to rapidly evolving technologies) to meet their future objectives, as well as providing greater room for capacity growth within the organisations. The redundancy programmes and subsequent restructuring have also formed part of wider efficiency savings across the SIA over the long term. The Agencies are already realising the benefits of this restructuring exercise and will keep their staffing and skills requirements under close review.

W. All three Agencies apply the same nationality requirements, which are a prerequisite for security clearance. Whilst that does hamper their recruitment of a more ethnically diverse work force, we nevertheless consider that greater efforts can, and must, be made even within these constraints.

The Government notes the Committee's conclusion. Given the sensitive nature of the work undertaken by the Agencies, ensuring that staff are suitably vetted and security cleared is an indispensable part of the recruitment process. Notwithstanding this, the Agencies take seriously their responsibility to have an ethnically-diverse workforce.

The Agencies have taken a number of steps towards achieving this at all levels of the workforce, with a strong commitment to the development of all staff below the senior civil service, where there is already greater ethnic diversity. Over time, the aim is for this diversity to be reflected at higher grades within the Agencies. A number of recruitment campaigns both online and in the printed media have been specifically designed to attract individuals of black and minority ethnic backgrounds. Moreover, the Agencies have worked to raise awareness of diversity issues within their organisations (particularly in terms of management training) to create an inclusive working environment. While there have already been positive developments in this area, the Government will continue to monitor the progress that the Agencies make.

X. GCHQ's continuing difficulties retaining internet specialists is a matter of grave concern. We have asked the Director of GCHQ to identify options to address the problem of how to retain such specialist staff which can then be discussed with the Cabinet Office and the Treasury. We expect to see a package agreed and implemented before the start of the 2013/14 financial year.

The Government welcomes and appreciates the Committee's continued interest in this matter. GCHQ and the Government are in active discussion about GCHQ's continued and increasing difficulty in recruiting and retaining specialist staff. Work is in hand to identify a sustainable package of measures to tackle the situation and to do so well before the end of the financial year.

Y. The Agencies spend hundreds of millions of pounds of public money every year with industry. They have a responsibility to ensure that in doing so they achieve value for money. The Committee is pleased that the Government has responded positively to our Investigator's recommendations in this area, and will look to see what improvements are made over the remainder of the Spending Review period.

The Government notes the Committee's recommendation and we will continue to seek opportunities to drive down costs across all areas, not just contractors and consultants, in order to achieve the best value for the tax payer.

Z. The inquiry into the death of Gareth Williams has taken nearly two years, during which there has been much media speculation as to the reasons behind Mr Williams' death. We extend our sympathy to the family of Mr Williams who have had to endure continuous intrusion under very difficult circumstances. There is no doubt that determining the cause of death was made more complex by the unnecessary delays in reporting Mr Williams' unexplained absence from work. SIS has rightly apologised for this. SIS and GCHQ, Mr Williams' home department, have reviewed their arrangements, including for staff on secondment. We consider that the Agencies must exercise a far greater duty of care, in relation to their employees, than other organisations owing to the nature of the work they are involved in.

The Government notes the Committee's comments. We refer the Committee to Sir John Sawers' statement at the conclusion of the inquest where he both apologised unreservedly on behalf of the whole of SIS and confirmed that lessons have been learned. Duty of care responsibilities are taken extremely seriously by all the Agencies. Since Mr Williams' death, both SIS and GCHQ have reviewed and tightened procedures; in particular the responsibility of all staff to report unaccounted absences has been reinforced. In addition, everyone working at SIS and GCHQ has been reminded of their wider duty of care responsibilities towards colleagues, especially those they manage.

It would be inappropriate for the Government to make any further comment whilst the police investigation into Mr Williams' death is ongoing.



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