



Intelligence and Security Committee of Parliament

Annual Report 2013–2014

Chair:

The Rt. Hon. Sir Malcolm Rifkind, MP



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THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT

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The Rt. Hon. Lord Butler KG GCB CVO

The Rt. Hon. George Howarth, MP

The Rt. Hon. Sir Menzies Campbell CH CBE QC, MP

Dr Julian Lewis, MP

The Rt. Hon. Paul Goggins, MP (until January 2014)

The Most Hon. The Marquess of

Ms Fiona Mactaggart, MP (from May 2014)

Lothian QC PC

The Intelligence and Security Committee of Parliament (ISC) is a statutory committee of Parliament that has responsibility for oversight of the UK intelligence community. The Committee was originally established by the Intelligence Services Act 1994, and has recently been reformed, and its powers reinforced, by the Justice and Security Act 2013.

The Committee oversees the intelligence and security activities of the UK, including the policies, expenditure, administration and operations¹ of the Security Service (MI5), the Secret Intelligence Service (MI6) and the Government Communications Headquarters (GCHQ). The Committee also scrutinises the work of other parts of the UK intelligence community, including the Joint Intelligence Organisation and the National Security Secretariat in the Cabinet Office; Defence Intelligence in the Ministry of Defence; and the Office for Security and Counter-Terrorism in the Home Office.

The Committee consists of nine Members drawn from both Houses of Parliament. The Chair is elected by its Members. The Members of the Committee are subject to section 1(1)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties.

The Committee sets its own agenda and work programme. It takes evidence from Government Ministers, the Heads of the intelligence and security Agencies, officials from the intelligence community, and other witnesses as required. The Committee is supported in its work by an independent Secretariat and an Investigator. It also has access to legal, technical and financial expertise where necessary.

The Committee produces an Annual Report on the discharge of its functions. The Committee may also produce Reports on specific investigations. Prior to the Committee publishing its Reports, sensitive material that would damage national security is blanked out ('redacted'). This is indicated by *** in the text. The intelligence and security Agencies may request the redaction of material in a Report if its publication would damage their work, for example by revealing their targets, methods, sources or operational capabilities. The Committee considers these requests for redaction carefully. The Agencies have to demonstrate clearly how publication of the material in question would be damaging before the Committee agrees to redact it. The Committee aims to ensure that only the minimum of text is redacted from a Report. The Committee believes that it is important that Parliament and the public should be able to see where information had to be redacted. This means that the published Report is the same as the classified version sent to the Prime Minister (albeit with redactions). The Committee also prepares from time to time wholly confidential reports which it submits to the Prime Minister.

¹ Subject to the criteria set out in section 2 of the Justice and Security Act 2013.

ANNUAL REPORT 2013–2014

1. This Report summarises the work of the Intelligence and Security Committee of Parliament (ISC) for the period covering July 2013 to October 2014. The Committee has focused on two major special Inquiries during the past year (as detailed below), and it is the Reports that result from these that will form the substantive record of our work for this period, rather than this shorter Annual Report.

2. In April 2013, Parliament passed the Justice and Security Act 2013. This legislation reformed the ISC, making it a statutory committee of Parliament, and strengthening its powers. The ISC now has greater access to information, including primary material held within the Agencies. Our remit has also been expanded to include oversight of intelligence and security operations, and oversight of the remaining intelligence and security activities of Government (including parts of the Cabinet Office, the Office for Security and Counter-Terrorism in the Home Office, and Defence Intelligence in the Ministry of Defence). The Committee has negotiated a Memorandum of Understanding between the Committee and the Prime Minister which includes some of the detailed working arrangements governing the ISC's new powers and remit. This has now been agreed and is included at Annex A.

3. In May 2013, Fusilier Lee Rigby of the Royal Regiment of Fusiliers was brutally attacked and killed in Artillery Place, Woolwich. Shortly after the attack, the Prime Minister asked the ISC to investigate the intelligence and security Agencies' prior knowledge of Michael Adebolajo and Michael Adebowale, who have been convicted of Fusilier Rigby's murder. The Committee received written evidence from the Agencies in August 2013 and has devoted a major proportion of its time since then to this investigation, including reviewing significant amounts of primary material, as this was the first Inquiry the Committee has carried out since the changes implemented under the Justice and Security Act 2013. The Committee has now concluded its investigation and is publishing its Report today.

4. In July 2013 following the material leaked by Edward Snowden, a systems administrator working for the US National Security Agency (NSA), the Committee investigated allegations made in the media that GCHQ was accessing the content of communications through the NSA's PRISM capability without proper authorisation (thereby circumventing UK law). The Committee took detailed evidence from GCHQ and concluded that, from the evidence seen, those allegations were "*unfounded*".² However, the Committee considered that there were broader questions that merited further investigation and, in October 2013, announced that it would be conducting an Inquiry to examine the appropriate balance between privacy and security in the internet age. This Inquiry is now well under way:

- The Committee has received formal written evidence from MI5, the Secret Intelligence Service (SIS) and GCHQ and questioned the senior management of the Agencies in evidence sessions.
- We have taken evidence from the Ministers responsible for the intelligence and security Agencies, partly in closed but also – for the first time – in public sessions.

² *Statement on GCHQ's Alleged Interception of Communications under the US PRISM Programme, Intelligence and Security Committee of Parliament, 17 July 2013.*

- We have also taken evidence, in public, from the leader of the Liberal Democrats and the Shadow Home Secretary and from the Intelligence Services Commissioner and interim Interception of Communications Commissioner in closed sessions.
- We have received written evidence from members of the public and interested groups, and held five public evidence sessions and a roundtable discussion.

The Committee intends to report on this Inquiry in early 2015.

5. Linked to this Inquiry, the Committee hosted the International Intelligence Review Agencies Conference (IIRAC). This conference brings together organisations from all over the world which oversee the work of intelligence agencies. It aims to provide a forum for legislators and senior office holders working in the field of intelligence oversight to exchange ideas and compare models of accountability. For this year's conference – attended by around 80 delegates – the Committee chose as the theme the complex balance between protecting the individual's right to privacy and ensuring our collective right to security, as well as considering the challenges of providing transparent oversight of necessarily secret intelligence agencies.

6. In addition to its work on these two Inquiries,³ on 7 November 2013 the Committee held an open evidence session with the three Heads of the intelligence and security Agencies. This was the first time that the three Heads of the Agencies had given evidence on their work, their priorities and the general threats to the national security of the UK in a public session. This therefore represented a significant step forward in terms of the openness and transparency of the Agencies.

7. The Committee has also this year received evidence from the Agencies and Defence Intelligence in relation to their administration, staffing and (for the first time in the case of Defence Intelligence) finance. The Committee is grateful for the assistance of the National Audit Office (NAO), which has examined this information, with a particular focus this year on collaborative savings.⁴ A new development this year, in line with the extended remit and powers granted to the Committee by the Justice and Security Act 2013, is that the Committee now receives Quarterly Reports from the Agencies covering all areas of the Committee's remit, including their operational work.

8. In carrying out its work this year, the Committee has:

- held 28 formal evidence sessions with, amongst others, the three intelligence and security Agencies, the Metropolitan Police Service,⁵ the Foreign Secretary and the Home Secretary;
- held 15 further full Committee meetings and 31 other meetings;
- visited the Agencies and other parts of the intelligence community for informal briefings on five occasions;

³ In December 2013 the Prime Minister asked the Committee to consider those issues identified by Sir Peter Gibson in the *Detainee Inquiry*. The Committee agreed to undertake this responsibility, subject to extra staff being provided. The staff were provided in June 2014.

⁴ The Committee's Investigator has separately undertaken an investigation into collaborative working across the three intelligence and security Agencies.

⁵ This was in relation to the Committee's investigation into the intelligence and security Agencies' prior knowledge of Michael Adebolajo and Michael Adebowale.

- held bilateral discussions with those in the American intelligence and oversight community; and
- hosted delegations from Lithuania, Jordan, Kenya, Italy, Japan, France, the United States of America and Romania.

The Committee has been supported in this work by a team of eight staff and a part-time Investigator, with a total staff budget of £560,000. (As part of the reforms made under the Justice and Security Act 2013, the Committee's budget will next year be doubled to around £1.3 million a year, and the number of staff will rise to 13.)

9. The Committee was saddened to lose The Rt. Hon. Paul Goggins MP, who died in January 2013. He was a much valued and highly respected Member of this Committee. His contribution, dedication and good humour are missed by us all.

LIST OF WITNESSES

Ministers

The Rt. Hon. Nick Clegg, MP – Deputy Prime Minister

The Rt. Hon. William Hague, MP – Foreign Secretary (to 14 July 2014)

The Rt. Hon. Philip Hammond, MP – Foreign Secretary (from 15 July 2014)

The Rt. Hon. Theresa May, MP – Home Secretary

Officials

GOVERNMENT COMMUNICATIONS HEADQUARTERS

Sir Iain Lobban KCMG CB – Director, GCHQ (until 2 November 2014)

Other officials

SECRET INTELLIGENCE SERVICE

Sir John Sawers KCMG – Chief, SIS (until 31 October 2014)

Other officials

SECURITY SERVICE

Mr Andrew Parker – Director General, Security Service

Other officials

HOME OFFICE

Mr Charles Farr – Director General, Office for Security and Counter-Terrorism

POLICE

Assistant Commissioner Cressida Dick

Assistant Chief Constable Richard Berry

Deputy Chief Constable Jon Boutcher

Other officials

COMMISSIONERS

Sir Paul Kennedy – Interim Interception of Communications Commissioner

Sir Mark Waller – Intelligence Services Commissioner

Other witnesses

The Rt. Hon. David Blunkett, MP

Ms Emma Carr – Big Brother Watch

The Rt. Hon. Yvette Cooper, MP – Shadow Home Secretary

Mr Charlie Edwards – Royal United Services Institute

Mr Peter Gill – Liverpool University

Professor Anthony Glees – University of Buckingham

Ms Rebecca Hilsenrath – Equality and Human Rights Commission

Mr Jim Killock – Open Rights Group

Dr Eric Metcalfe – Justice

Professor John Naughton – Cambridge University

Baroness Onora O’Neill – Equality and Human Rights Commission

Sir David Omand – King’s College London

Professor Charles Raab – Edinburgh University

Dr Julian Richards – University of Buckingham

Isabella Sankey – Liberty

Professor Tom Simpson – Oxford University

Professor Peter Sommer – De Montfort University

Hanne Stevens – Rights Watch UK

ANNEX A: A MEMORANDUM OF UNDERSTANDING AGREED BETWEEN THE PRIME MINISTER AND THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT (ISC)

Introduction

1. The Justice and Security Act 2013 (“the Act”) provides for the oversight of the intelligence and security activities of HM Government (HMG) by the Intelligence and Security Committee of Parliament (ISC).
2. The Act states that any memorandum of understanding (MoU) for the purposes of the Act must be agreed between the Prime Minister and the Intelligence and Security Committee of Parliament. The ISC shall publish the MoU and lay a copy before Parliament (see section 2(6) of the Act).
3. In addition to addressing certain particular matters specified by the Act,⁶ this MoU also sets out the overarching principles which will govern the relationship between the ISC and those parts of Government it oversees.

The Intelligence and Security Committee of Parliament

4. The ISC is a Committee of Parliament created by statute and comprising members of each House of Parliament.⁷ For the purposes of its work, the ISC has a staff, known as the ISC Secretariat.
5. Parliament appoints the members of the ISC, by vote on a motion of the relevant House. Candidates for membership must first have been nominated by the Prime Minister. The ISC elects its own Chair from amongst the appointed members of the Committee.
6. The ISC makes its reports to Parliament, subject to the requirement that material must be redacted from a report if the Prime Minister considers that its inclusion would prejudice the functions of the Security Service, the Secret Intelligence Service, the Government Communications Headquarters (collectively, “the Agencies”) or of other parts of the intelligence and security community. The ISC may also, as appropriate, report to the Prime Minister.
7. All members of the ISC, and their staff, are notified under the Official Secrets Act 1989 (section 1(1)(b) and 1(6)). They may not, without lawful authority, disclose any information related to security or intelligence which has come into their possession as a result of their work on, or for, the ISC.

⁶ *The activities of HMG that the ISC shall oversee; the principles governing the ISC’s consideration of operational matters; the arrangements by which the Agencies and other government Departments will make information available to the ISC; and the relevant Ministers of the Crown responsible for providing information to the ISC.*

⁷ *The Standing Orders of the House of Commons and House of Lords, which govern the procedures of their Select Committees in general, do not apply to the ISC. The ISC has the power to hear evidence on oath, but it is expected that this will only be used exceptionally.*

Remit

8. The Act provides that the ISC may oversee the expenditure, administration, policy and operations of the Agencies; and that it may examine or otherwise oversee such other activities of HMG in relation to intelligence or security matters as are set out in a memorandum of understanding. The ISC is the only committee of Parliament that has regular access to protectively marked information that is sensitive for national security reasons: this means that only the ISC is in a position to scrutinise effectively the work of the Agencies and of those parts of Departments whose work is directly concerned with intelligence and security matters.⁸ In addition to the expenditure, administration, policy and (subject to paragraphs 11–17) operations of the Agencies, the ISC and HMG have agreed that the ISC shall also oversee the following activities:-

- a. MOD:
 - i. The strategic intelligence activities undertaken by the Chief of Defence Intelligence, including intelligence collection, analysis and training.⁹
 - ii. Offensive cyber.
- b. Cabinet Office:
 - i. The activities of the National Security Adviser and National Security Secretariat in relation to matters of intelligence and security. In practice this will include the activities of the Cabinet Office: in providing support to the Prime Minister in his role as Minister with overall responsibility for intelligence and security matters; coordinating intelligence policy issues of strategic importance and public scrutiny of intelligence matters; managing the Single Intelligence Account; and certain activities (relating to matters of intelligence and security) of the Office of Cyber Security and Information Assurance (OCSIA).
 - ii. The activities of the Joint Intelligence Organisation.
- c. Home Office: the activities of the Office for Security and Counter-Terrorism (OSCT).

9. There are a number of other individuals or bodies that oversee intelligence and security matters. For example: the Independent Reviewer of Terrorism Legislation; the Intelligence Services Commissioner; and the Interception of Communications Commissioner. The ISC will continue to have a relationship with those bodies and should cooperate with them so far as is reasonable to avoid any unnecessary duplication in their respective remits.

10. Likewise, the ISC will seek to avoid unnecessary duplication with the work of courts or tribunals (such as the Investigatory Powers Tribunal) which may, from time to time, have cases before them concerned with intelligence and security matters.

⁸ This will not affect the wider scrutiny of departments such as the Home Office, FCO and MOD by other parliamentary committees. The ISC will aim to avoid any unnecessary duplication with the work of those Committees.

⁹ In respect to operational matters, addressed in paragraphs 11–17, general military operations conducted by the MOD are not part of the ISC's oversight responsibilities.

Oversight of Operational Matters

11. The ISC may consider or otherwise oversee the operational activities¹⁰ of the Agencies and the specified activities of other Government Departments referred to in paragraph 8 above (“the Departments”). The ISC may consider particular operational matters in three sets of circumstances:

- a. Where the ISC and the Prime Minister are satisfied that the matter is not part of any ongoing intelligence or security operation and is of significant national interest and the consideration of the matter is consistent with any principles set out in, or with any other provision made by, the MoU (see section 2(3)(a) and 2(4) of the Act); or
- b. Where the Prime Minister has asked the ISC to consider the matter and the consideration of the matter is consistent with any principles set out in, or with any other provision made by, the MoU (see section 2(3)(b) and 2(4) of the Act); or
- c. Where consideration of an operational matter is not covered by (a) or (b) above, but information is nevertheless provided voluntarily to the ISC by the Agencies or a Department, whether or not in response to a request by the ISC (see section 2(3)(c) of the Act).

Further detail regarding the ISC’s oversight of operational matters in these circumstances is set out below.

12. The ISC recognises the sensitivity of intelligence and security operations. Its role overseeing such operational activity will therefore be governed by the following overarching principles:

- a. this work must not jeopardise the success of an operation or compromise the security and safety of those involved; and
- b. the ISC’s examination of an operational matter must not unduly impede the operational effectiveness of an Agency or Department.

13. Where there are legal proceedings (criminal or civil), inquiries¹¹ or inquest proceedings, the ISC and HMG will consider carefully whether it is appropriate to proceed with an investigation.

14. Under section 2(3)(a) of the Act, the ISC’s power to oversee operational activity is retrospective and on matters of significant national interest. When considering whether an activity ‘is not part of any ongoing intelligence or security operation’, the ISC and the Prime Minister will take into account:

- a. Whether the main objectives of the particular operation have been achieved or whether there is now no reasonable prospect of further operational activity to seek to achieve the main objectives in the near future;

¹⁰ Certain long-running ‘operations’ may be considered within the ISC’s remit, for example, where the entire intelligence gathering effort for a particular country is undertaken for long periods under the guise of a single operational code word.

¹¹ Including statutory inquiries or other independent judge-led inquiries.

- b. That the operational activity of the Agencies and Departments can vary greatly in scope, type and magnitude and in some cases it may not be clear when a particular operation has ended. Deciding whether a matter is or is not part of ‘any ongoing intelligence or security operation’ will be a matter of judgement for the Prime Minister and the ISC;
- c. When two or more operational activities may be separated in time but closely linked in objective, the ISC will be entitled to have retrospective oversight of such operations that have been completed, unless such oversight would jeopardise the success of such future operations; and
- d. The ISC and HMG are agreed that the operational activity or event in question will only be regarded as ‘of significant national interest’ if it raises issues of wider significance or raises serious questions relating to Agency or Departmental conduct, competence, resourcing and policy in the operational context, including in situations where there is, or is likely to be, significant parliamentary or public interest in relation to such issues or questions.

15. The Prime Minister will nominate the National Security Adviser and his deputy for intelligence matters to consider, on his behalf, whether the conditions for such oversight are met. The final decision will rest with the Prime Minister, in conjunction with the ISC.

16. Under section 2(3)(b) of the Act, the Prime Minister may, at his discretion, consider it appropriate to invite the ISC to consider an operational matter which falls outside the ‘retrospective’ and ‘significant national interest’ criteria.

17. Under section 2(3)(c) of the Act, the ISC may consider operational matters not covered by sections 2(3)(a) or 2(3)(b) where information is provided voluntarily to the ISC by the Agencies or a Department, whether or not in response to a request by the ISC.

Provision of Information

18. The ISC requires information from HMG in order to carry out its oversight function. The importance of the ISC’s oversight role is recognised by the fact that, while officials and Ministers are able to provide information to the ISC, only a Secretary of State has the power to withhold it. This is reflected in paragraph 4 of Schedule 1 to the Act.

19. The duty to provide information to the ISC rests, for the Departments, with the relevant Minister of the Crown (this may, but need not necessarily, be a Secretary of State),¹² and for the Agencies, with the Heads of the Agencies.

20. In practice there will be a range of methods which the ISC may use in order to obtain the information it requires from HMG, including:

- a. oral evidence sessions with Ministers, Agency Heads and other senior officials. These sessions allow the ISC to ask detailed questions about particular issues within their remit, but also to get a broader sense of the issues that Agencies, Departments and Ministers are facing and to decide whether any particular issue might need further scrutiny;

¹² For the following Departments, the relevant Ministers of the Crown, for the purposes of making information available to the ISC (paragraphs 4(3) and 4(7) of Schedule 1) are as follows:

- a. Cabinet Office: Any Minister of the Crown in a relevant Government department;
- b. MOD: Secretary of State for Defence;
- c. Home Office: Secretary of State for the Home Department;
- d. Foreign and Commonwealth Office: Secretary of State for Foreign and Commonwealth Affairs.

- b. Written material, both regular briefs on agreed lines of reporting and responses to specific questions. HMG and the Agencies will keep the ISC fully and promptly informed of any significant matters falling within the ISC's remit;
- c. Members of the ISC's staff working with the Agencies and the Departments to obtain information on the ISC's behalf, ensuring that the ISC has all the information it needs to do its job in relation to matters consistent with its remit.

21. The responsibility for ensuring the ISC has access to relevant information consistent with its remit will fall to the appropriate Agency or Department, who will make available the information the ISC needs. The ISC will work together with the Agencies and Departments to ensure that the provision of such information does not involve disproportionate cost or diversion of effort.

22. The Committee may seek confirmation from HMG of the factual accuracy or completeness of information it has gathered before drawing on it in its reports.

23. Committee members may, as part of their work, undertake visits to the Agencies and Departments that the ISC oversees, to familiarise themselves with the broader context of their work. Information provided to Committee members in the course of such visits will not constitute formal evidence gathering unless it is agreed as such by both parties either in advance or retrospectively.

24. On occasion the Prime Minister may write to the ISC specifically to draw to the Committee's attention an area of work it may wish to scrutinise.

25. In common with the practice for departmental select committees, the ISC should be informed of impending Ministerial statements or announcements which are relevant to its current enquiries or general remit in good time. The ISC will also be informed in advance of the appointments of the heads of the Agencies, the Chief of Defence Intelligence and the Chair of the Joint Intelligence Committee (JIC).

26. The ISC will seek to keep HMG informed as to its future work plans, as far as that is possible and reasonable. The ISC, in consultation with the Agencies and Departments, will set reasonable deadlines when it makes requests for information. Where it becomes clear that, exceptionally, HMG is unable to meet a particular deadline set by the ISC for provision of information, then the Agency or Department concerned will notify the ISC and provide a written explanation in advance of the deadline.

Protection and Handling of Sensitive Information

27. The ISC is responsible for ensuring that information disclosed to it is handled in accordance with HMG's document handling, storage and security procedures. The ISC will be provided with appropriate accommodation and facilities for this purpose and/or the requisite resources.

28. The Act sets out restrictions on the ISC's ability to publish or disclose information (section 3(4) of, and paragraph 6 of Schedule 1 to, the Act). In practice, the ISC and HMG agree that these provisions of the Act will only prevent the ISC publishing or disclosing information if it is information of the kind that it could not include in one of its reports to Parliament.

29. Paragraph 1(3) of Schedule 3 to the Act allows the ISC created by the Act to access documents or other information provided by or belonging to the previous Intelligence and Security Committee (i.e. the Committee established by section 10 of the Intelligence Services Act 1994). The ISC in a new Parliament will inherit the documents, and will be able to continue the ongoing work, of its predecessor in the preceding Parliament (paragraphs 1(6) and (7) of Schedule 1 to the Act). The Committee's staff will continue in post notwithstanding a dissolution of Parliament.

Withholding Information

30. The ISC regularly sees protectively marked material in the course of their work but there may, exceptionally, be circumstances in which it would not be appropriate for the ISC to see particular information, as set out in paragraph 4 of Schedule 1 to the Act. The power to withhold information from the ISC can only be exercised by a Secretary of State (given the ISC's remit this will generally be the Foreign, Home or Defence Secretaries).

31. It is agreed by HMG and the ISC that no decision will be taken to withhold information from the ISC without the ISC being informed of that decision. If the Secretary of State, after considering advice from the Agencies and/or the Departments, decides that there is reason to withhold certain information, the relevant Minister will discuss the matter with the ISC Chair, if requested.

32. The power to withhold information from the ISC under paragraph 4(4)(b) of Schedule 1 is discretionary,¹³ and one that it is expected will be required to be exercised very rarely. In exercising this discretion the Secretary of State will have particular regard to the provisions that the ISC has for keeping material confidential. In some cases, having regard to those provisions and other features of the ISC that distinguish it from select committees, the Minister might well consider it appropriate that information be provided to the ISC. For example, the ISC has in the past received information about matters *sub judice* and/or contained in papers of a previous administration.

Oral Evidence Sessions: Closed

33. The ISC's evidence sessions are generally with Ministers (Home Secretary, Foreign Secretary) and senior officials (Heads of Agencies, National Security Adviser, Chair of the JIC, Chief of Defence Intelligence, Head of OSCT). This is not an exhaustive list, and the ISC may invite any Minister or senior official to give evidence.

34. During an evidence session, if witnesses consider that answering a question put to them would disclose information that a Minister might consider ought properly to be withheld from the ISC, in accordance with paragraph 4(4) of Schedule 1 to the Act, then the witnesses should state that they will need to take further advice before answering the question. A response must be provided to the ISC in writing as soon as possible after the evidence session (generally within 14 days). This will take the form of a substantive response to the question, or a response setting out the Secretary of State's decision, informing the ISC that they will be exercising the power to withhold the information.

¹³ In considering whether to withhold information on these grounds the Secretary of State will have regard to any guidance issued by a Minister of the Crown or a Department concerning the provision of evidence by civil servants to Select Committees (paragraph 4(5) of Schedule 1). Currently, this means the Cabinet Office Guide "Departmental Evidence and Response to Select Committees" (July 2005) (sometimes referred to as the "Osmotherly Rules"). The Osmotherly Rules outline the categories of information where it may sometimes be appropriate to decline to provide information to Select Committees. These include information: as to officials' personal views (as distinct from views of Ministers) on policy options; requiring substantial research be carried out by a Department or which could only be supplied at excessive cost; about matters *sub judice*; about the conduct of particular individuals, where the Committee's line of questioning appears to be not just to establish facts but with the implication of allocating individual blame; and contained in papers of a previous administration.

35. The Committee will supply witnesses giving oral evidence with copies of their verbatim transcripts as soon as possible after their appearance (generally within 14 days). This is to enable witnesses to check that the transcript is an accurate record of what they said and, if necessary, provide corrections.

Open Sessions

36. HMG and the ISC are committed to enabling occasional evidence sessions in public on matters agreed by both parties. The nature of the Committee's work and the need for it to consider protectively marked material in carrying out its functions means that the majority of sessions will continue to be held in private. HMG and the ISC will agree adequate safeguards (including on physical security, attendance, and arrangements for broadcast) in advance of each public session. This will allow them to take place without risking disclosure of protectively marked information, while still enabling a substantive hearing. The ISC will provide those giving evidence with an indication of the main issues to be discussed, in keeping with the practice of Parliamentary Select Committees.

Reporting

37. Whilst the Act provides that information must be redacted from a report if the Prime Minister considers its inclusion would be prejudicial to the continued discharge of the functions of the Agencies or of the wider intelligence and security community, HMG will work constructively with the ISC to ensure that as much of its reports that can be published, is published. HMG and the ISC will work together to apply a reasonable process for identifying, in consultation with the ISC, sensitive material that must be removed from ISC reports prior to publication.

38. HMG will aim to respond substantively to any report by the ISC within 60 days.

39. The ISC will provide information on its staffing and budget in its published reports.

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