



INTELLIGENCE AND SECURITY COMMITTEE

35 Great Smith Street, London SW1P 3BQ

The Intelligence and Security Committee (ISC) has issued the following statement regarding the draft Communications Data Bill:

In June last year, the Government published a draft Communications Data Bill. Given the importance of communications data to the security and intelligence Agencies the ISC undertook an investigation into how the proposals in the Bill might affect them. We reported a summary of our findings in December, at the same time as the report of the Joint Committee of Parliament, chaired by Lord Blencathra, which considered the wider issues relating to the draft Bill.

The question of access to communications data is one which is generating significant public debate – and rightly so, since any intrusion into an individual’s personal life is a serious matter. We undertook to make public as much of the content of our report as possible, and today the Prime Minister has laid that report before Parliament. Certain national security-sensitive material has been redacted from this public version, although we wish to make clear that its exclusion does not affect our conclusions in any way. The report demonstrates how vital communications data is to the Agencies, and that there is a need for action to maintain access to this key investigative tool. Nevertheless we consider that the Government needs to give more details on its proposals if the public and Parliament are to be convinced of the necessity of the Bill.

NOTES TO EDITORS:

1. The Intelligence and Security Committee (ISC) was established in 1994 to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service (SIS) and Government Communications Headquarters (GCHQ). The Committee also examines the work of the Joint Intelligence Committee (JIC), the Assessments Staff and the National Security Secretariat in the Cabinet Office, and Defence Intelligence (DI) in the Ministry of Defence.

2. The ISC is a cross-party Committee of nine Parliamentarians from the Lords and the Commons. The Prime Minister appoints ISC Members after considering nominations from Parliament and consulting with the Leader of the Opposition. The Committee's membership is as follows:

The Rt. Hon. Sir Malcolm Rifkind, MP (Chairman)

The Rt. Hon. Hazel Blears, MP

The Rt. Hon. Paul Goggins, MP

The Rt. Hon. Lord Butler KG GCB CVO

The Rt. Hon. George Howarth, MP

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

Dr Julian Lewis, MP

Mr Mark Field, MP

Lord Lothian QC PC

3. The ISC takes evidence in private, and its Members are subject to the terms of the Official Secrets Act 1989. This ensures they are able to scrutinise the most sensitive work of the intelligence Agencies that cannot be made public. However, when producing reports, the Committee aims to put as much material as possible in the public domain.

4. Communications data refers to the 'who, where and when' of a communication – but not the 'what'. Details that can currently be requested from a Communications Service Provider (CSP) include subscriber details or calls made or received by a telephone number, and the location of a handset at a particular time. The content of a telephone conversation or email cannot be accessed in this way, and require a warrant signed by a Secretary of State. Requests for communications data are subject to strict processes of internal authorisation within public authorities, and are subject to external review by the independent Interception of Communications Commissioner.

5. The Government's draft Communications Data (CD) Bill was published on 14 June 2012. It covers revisions to be made to current powers of public bodies to access communications data (i.e. that information about a communication, but not the content). A Joint Committee of Parliament was established to conduct formal pre-legislative scrutiny of the draft Bill, and published its report (HC 479/HL79) in December 2012.

6. The ISC undertook a parallel investigation, concentrating on the use of communications data by the intelligence and security Agencies. The ISC's report was sent to the Prime Minister in November last year, and the summary and conclusions of its investigations were published at the same time as the Joint Committee's report.