



# INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



## PRESS RELEASE

The Intelligence and Security Committee of Parliament (ISC) has today published its Report “*Privacy and Security: A modern and transparent legal framework*”. Speaking on behalf of the Committee, the Rt. Hon. Hazel Blears MP said:

*“The internet has transformed the way we communicate and conduct our day-to-day lives. However this has led to a tension between the individual right to privacy and the collective right to security. This has been the focus of considerable debate over the past 18 months, and set the context for the Committee’s Inquiry into the range of intrusive capabilities used by MI5, MI6 and GCHQ.*

*All those who contributed to our Inquiry agreed that the security and intelligence Agencies have a crucial role protecting UK citizens from threats to their safety. The importance of this work is reflected in the fact that the Agencies have been given legal authority to use a range of intrusive powers which they use to generate leads, to discover threats, to identify those who are plotting in secret against the UK and to track those individuals.*

*However, in a democratic society those powers cannot be unconstrained: limits and safeguards are essential. In the UK, investigative action which intrudes into an individual’s privacy can only be taken where it is for a lawful purpose and is determined to be necessary and proportionate. The question we have considered is whether the intrusion is justified and whether the safeguards are sufficient.*

*This Report includes, for the first time in a single document, a comprehensive review of the full range of intrusive capabilities available to the UK intelligence Agencies. Although some material has had to be redacted for the purpose of protecting national security, it nevertheless contains an unprecedented amount of information about those capabilities, and we have revealed the use of certain capabilities – such as Bulk Personal Datasets and Directions under the Telecommunications Act 1984 - for the first time. The Report represents a landmark in terms of the openness and transparency surrounding the Agencies’ work.*

*Our overall findings can be summarised as follows:*

- *The UK’s intelligence and security Agencies do not seek to circumvent the law.*
- *However, the legal framework is unnecessarily complicated and – crucially – lacks transparency.*
- *Our key recommendation therefore is that all the current legislation governing the intrusive capabilities of the security and intelligence Agencies be replaced by a new, single Act of Parliament.*
- *We have set out the principles which must underpin this new legal framework. These are based on explicit avowed capabilities, together with the authorisation procedures, privacy constraints, transparency requirements, targeting criteria,*

*sharing arrangements, oversight, and other safeguards that apply to the use of those capabilities.*

*Our Report also contains substantial recommendations about each of the Agencies' intrusive capabilities, which we consider are essential to improve transparency, strengthen privacy protections, and increase oversight. Given the recent controversy surrounding GCHQ's bulk interception capability, we have scrutinised this in particular detail. We have found that:*

- *GCHQ require access to internet traffic through bulk interception primarily in order to uncover threats - whether that might be cyber criminals, nuclear weapons proliferators or ISIL terrorists. They need to find patterns and associations, in order to generate initial leads. This is an essential first step before the Agencies can then investigate those leads through targeted interception.*
- *GCHQ's bulk interception systems involve three stages of targeting, filtering and selection:*
  - *First, choosing which communications links, or bearers, to access: GCHQ's systems operate on a very small percentage of the bearers that make up the internet.*
  - *Then, selecting which communications to collect from those links that are being accessed: GCHQ apply levels of filtering and selection such that only a fraction of the material on those bearers is collected.*
  - *Finally, deciding which of the communications collected should be read: further targeted searches ensure that only those items believed to be of the highest intelligence value are ever presented for analysts to examine. Only a very tiny percentage of those collected are ever seen by human eyes.*
- *Given the extent of targeting and filtering involved, it is evident that while GCHQ's bulk interception capability may involve large numbers of emails, it does not equate to blanket surveillance, nor does it equate to indiscriminate surveillance. GCHQ is not collecting or reading everyone's emails: they do not have the legal authority, the resources, or the technical capability to do so.*
- *In terms of how bulk interception affects people in the UK, we have established that bulk interception cannot be used to search for and examine the communications of an individual in the UK unless GCHQ first obtain a specific authorisation naming that individual, signed by a Secretary of State.*
- *These findings are reassuring. Nevertheless, they do not obviate the need for a thorough overhaul of the current, overly complicated, legislation.*

*There is a legitimate public expectation of openness and transparency in today's society, and the security and intelligence Agencies are not exempt from that. While we accept that they need to operate in secret if they are to be able to protect us from those who are plotting in secret to harm us, the Government must make every effort to ensure that information is placed in the public domain when it is safe to do so. This Report is an important first step toward greater transparency. Nevertheless, there is more that could and should be done. This is essential to improve public understanding and retain confidence in the vital work of the intelligence and security Agencies."*

## **NOTES TO EDITORS:**

1. The ISC was established in 1994 under the Intelligence Services Act, and was reformed under the Justice and Security Act 2013. This legislation made the ISC a statutory committee of Parliament and strengthened its powers. The Committee now has greater access to information, including primary material held within the Agencies. Its remit has also been expanded to include oversight of intelligence and security operations, and oversight of all intelligence and security activities of Government.

2. The ISC is a cross-party committee of nine parliamentarians from the Commons and the Lords. The Committee's membership is as follows:

*The Rt. Hon. Hazel Blears MP*

*The Rt. Hon. Lord Butler KG GCB CVO*

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

*Mr Mark Field MP*

*The Rt. Hon. George Howarth MP*

*Dr Julian Lewis MP*

*The Most Hon. the Marquess of Lothian QC PC*

*Ms Fiona Mactaggart MP*

*The Rt. Hon. Sir Malcolm Rifkind MP*

3. The completion of the Committee's Inquiry into Privacy and Security marks the end of a major piece of work which began in July 2013. The ISC has since received 56 substantive written submissions and held 19 evidence sessions a wide range of witnesses, from Ministers to academics and campaign groups, including in public sessions held in October 2014.

4. The Committee's Members are subject to the Official Secrets Act 1989. This ensures they are able to scrutinise the most sensitive work of the intelligence Agencies which cannot be made public. However, when producing reports, the Committee aims to put as much material as possible into the public domain, subject only to restrictions on grounds of national security or *sub judice* rules.

5. The Committee have agreed to redact parts of this Report where the security and intelligence Agencies have demonstrated that to publish that information would be damaging to their work, for example by revealing their targets, methods or sources. The Committee has looked to publish as much material as possible, in the interests of transparency, and in many cases it has rejected calls for redactions: as a result the Committee is revealing certain Agency capabilities – such as the Agencies' access to Bulk Personal Datasets and their use of Directions under the Telecommunications Act 1984 - for the first time.

6. While redactions often attract criticism, rather than producing a seamless document to hide redacted material, the Committee believes that it is important that Parliament and the public should be able to see where information has had to be redacted. This is therefore indicated by \*\*\* in the text.

7. In accordance with the provisions of the Justice and Security Act 2013, the Report is being made to Parliament (rather than to the Prime Minister, as was previously the case under the Intelligence Services Act 1994).