



INTELLIGENCE AND SECURITY COMMITTEE

35 Great Smith Street, London SW1P 3BQ

Intelligence and Security Committee: Annual Report 2009–2010

The Intelligence and Security Committee's Annual Report for 2009-2010 was laid before Parliament today by the Prime Minister. The Report details the work of the Intelligence and Security Committee from August 2009 to March 2010. It was delivered to the Prime Minister on 5 March 2010.

Commenting on the Report, the Rt. Hon. Dr Kim Howells MP, Chairman of the Committee, said:

“This Annual Report covers the administration, policy and expenditure of the three security and intelligence Agencies. It also, for the first time, makes public the changes which the Committee has requested that the Prime Minister and Cabinet Secretary make in order to safeguard the independence of the Committee.

“The Committee is confident in its ability to fulfil its statutory remit to hold the Agencies, and other bodies with an intelligence role, to account and to do so independently of Government. It has therefore been a matter of grave concern to us that this independence has been threatened over the last twelve months.

“We have therefore sought to clarify the principles, policies and procedures which define our remit and our independent status. We hope that this will ensure that there is no scope for confusion in the future as to the nature of this Committee and the independence and ownership of its work.

“In drawing these up it became clear to us that the Committee should no longer be based within the Cabinet Office, where it has been hosted since 1994. The original arrangements were purely for ease of administration as the Cabinet Office was a central department used to handling classified material and with suitably cleared staff. However, the role of the Cabinet Office in terms of intelligence has developed substantially since then, and we now find ourselves in an inappropriate position whereby we sit within a Government department which has a significant role in the UK intelligence community which we also oversee. The fact that the Cabinet Office also decides and allocates the Committee's budget and employs our staff, is another conflict of interest.

“The Committee therefore recommended to the Prime Minister and Cabinet Secretary in November 2009 that the ISC be moved to another Government department: one without such a central role in security and intelligence matters. We have suggested that the Ministry of Justice might offer a suitable alternative. We have also recommended that our budget should be based upon a set percentage of the Single Intelligence Account (SIA). This would provide the necessary flexibility to enable the Committee’s activity and capabilities to reflect those it oversees.

“Separation and independence are the key issues here. We are keen to see the Committee, its work and its staff placed on a firmer footing as it looks to the future and seeks to build on the hard work and progress made over the last sixteen years. We are therefore surprised and disappointed that the Government’s Response to our Report has failed to respond positively and kicks the issue into the long grass. The Prime Minister might have affirmed the Committee’s independence, but the Cabinet Office is obviously less prepared to release its grip. We would regard it as a sign that Ministers take the issue of our independence seriously – and that our work and staff will be protected – if an indication that these changes are accepted is given by Ministers during today’s debate in the House of Commons on the Committee’s work.

“In addition to our Annual Report, the Committee had hoped that today’s debate would also cover its Review of the Government’s Draft Guidance on Handling Detainees. We sent that review to the Prime Minister on 5 March 2010 and were assured that it would be published alongside our Annual Report today. We are therefore disappointed that the Government has delayed publication. We hope that Government will be in a position to publish both our Review and the revised Guidance itself in the very near future.

“Today’s report is the final Annual Report of the current Committee. Whilst we have at times been critical of the intelligence and security Agencies, we nevertheless recognise the fundamental importance of the work they do safeguarding this country. We would like to take this opportunity to thank all the officers who carry out this challenging and difficult work.”

NOTES TO EDITORS

1. The Intelligence and Security Committee (ISC) was established by the Intelligence Services Act 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 Intelligence and Security Secretariat in the Cabinet Office, and the Defence Intelligence Staff (DIS) in the Ministry of Defence.

2. The Intelligence and Security Committee (ISC) is a cross-party Committee made up of 9 Parliamentarians, however it is not a Parliamentary Committee. The Prime Minister appoints ISC Members after considering nominations from Parliament and consulting with the leaders of the two main opposition parties. The Committee meets in private and does not discuss its work, apart from through the publication of its Reports.

3. For reasons of national security it reports to the Prime Minister, and all Committee reports are published by the Prime Minister. The Annual Report may contain some redactions, where the Committee has agreed, after careful consideration, that publication of the material would harm national security.

4. The ISC is hosted by the Cabinet Office, however this is for administrative purposes only. Given that the role of the Cabinet Office in security and intelligence matters has grown considerably, and the Committee oversees this work, the Committee has requested a change in host department in order to ensure that there is clear separation and to safeguard its independence. The Prime Minister has affirmed the Committee's independence, but the move is currently being blocked at Official level.

5. The Committee's membership is as follows:

Rt. Hon. Dr Kim Howells MP (Chairman)

Rt. Hon. Michael Ancram QC DL MP

Mr Ben Chapman MP

Rt. Hon. George Howarth MP

Mr Richard Ottaway MP

Rt. Hon. Sir Menzies Campbell QC MP

Rt. Hon. Lord Foulkes of Cumnock

Rt. Hon. Michael Mates MP

Ms Dari Taylor MP

6. Copies of the Committee's Annual Report 2009-2010 (Cm 7844) can be purchased from TSO for £14.35. The Report can also be found on the ISC's website: <http://www.cabinetoffice.gov.uk/intelligence>