

[REDACTED]

IPCO

Investigatory Powers
Commissioner's Office

Gists are shown in italics and are double-underlined

For the attention of Counsel to the Tribunal

28 September 2017

Dear Sirs

Privacy International v Secretary of State and others – IPT 15/110/CH

Ref Closed Annex to letter to the Commissioners Dated 4 August 2017

Firstly, may we apologise for the delay in responding to this request for additional information.

Please find below our answers to the questions prepared by Counsel to the Tribunal. [REDACTED]

Answers:

[REDACTED]

We have no further observations to make save that, particularly as regards BPD and the oversight of ISCom, The Commissioner had only limited resources available (he, save for secretarial support, performed the role alone) and that, consequently, the focus of oversight was aimed at considering issues of necessity and proportionality.

Sir Mark Waller (ISCom) remained wholly resistant to acquiring any inspector resources (or indeed technical/legal resources) to assist him in his duties despite being advised by the then Head of IOCCO, Jo Cavan, and the Interim Head that succeeded her of the benefits of such resourcing in September 2016. Sir Mark's view on the need for additional resources is outlined in his response to the Joint Committee on the Investigatory Powers (see answers to questions from Lord Strasburger and Suella Fernandes Q 41 - 2 December 2105 page 801). Sir Mark was also concerned that the use of inspectors would impact negatively on the working of the agencies – see Home Affairs Committee – Minutes of Evidence HC231 of Tuesday 18 March 2014.

[REDACTED]



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On being made aware of the issues raised in this litigation the IPC ordered that an immediate inspection should be undertaken of any sharing of BPD/BCD datasets by the UKIC. [REDACTED] potential sharing with LE will be examined when IPCO inspectors next visit the agencies.

Under the Investigatory Powers Act 2016 the IPC has acquired both legal and technical resources in addition to an increase in the inspectorate and, consequently, it is expected that the focus of oversight and the nature of inspections will broaden. The inspections undertaken in August and September 2017 used a mix of legal and inspector resources.

We will revert to you as soon as possible in response to our partial answers above and if any additional information becomes available.

Yours faithfully

Investigatory Powers Commissioner's Office

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