

Witness: MI5 WITNESS
Party: 4th Respondent
Number: 1
Exhibit: n/a
Date: 16.10.17

Case No. IPT/15/110/CH

IN THE INVESTIGATORY POWERS TRIBUNAL
BETWEEN:

PRIVACY INTERNATIONAL

Claimant

and

(1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH
AFFAIRS

(2) SECRETARY OF STATE FOR THE HOME DEPARTMENT

(3) GOVERNMENT COMMUNICATIONS HEADQUARTERS

(4) SECURITY SERVICE

(5) SECRET INTELLIGENCE SERVICE

Respondents

WITNESS STATEMENT OF MI5 WITNESS

I, MI5 WITNESS, Senior Manager in the Security Service, of Thames House
London SW1, WILL SAY as follows:

1. I am a Senior Manager in the Security Service. I have worked for MI5 for 31 years and have been a member of the Senior Management Team for 9 years. In my current role I am responsible for MI5's advanced and strategic analysts. I have been involved in MI5's bulk personal data activities since 2006 and from that, and from my experience in my current role, I am familiar with the way in which MI5 staff access and search MI5's bulk personal dataset holding.
2. I am duly authorised to make this statement on behalf of MI5. The contents of this statement are within my own knowledge and are true to the best of my knowledge and belief. Where matters are not within my own knowledge

they are based upon documentation made available to me and from discussions with others within MI5.

3. I make this further statement in order to provide some further context to one matter arising from the OPEN version of IPCO's email of 10 October 2017 to the Tribunal. In the IPCO email, it is said (in relation to the issue of "failed searches") that:

"MI5 explained that they do not collect stats for 'use' because these would be misleading as the searches will always run across all available datasets."

4. The Tribunal may find it helpful to understand what is meant by "available" datasets. MI5 currently stores 95% its BPDs in two systems (the remaining BPDs are stored separately). Which BPDs are available for searching will thus depend on which of those (essentially) two systems the BPD is stored in. Of those two systems, one is used primarily by investigators and the other is used by (and only accessible to) a much smaller group of specialist analysts.
5. The system that is used by investigators has, within it, less than 40% of MI5's BPD holdings. Searches by investigators in this system can only search the BPDs held in this system. It is right that the default position for any search will be to search all the BPDs in that system, in order to ensure that the search is comprehensive and something is not missed. However, it is possible, when searching, to de-select a BPD. The vast majority of BPD searches conducted by MI5 officers will be conducted within this system.
6. The remaining 55% of MI5's BPDs (together with the 40% referred to above) are held in an area that is only accessible to specialist analysts. Again, it is correct that the default position for searches in this system will be to search across all BPDs held in this system. That is, for the same reason as above, namely to ensure that all information that may be relevant is searched against. However, it is also possible in this system (as in the other) to choose not to search particular BPDs.

Statement of Truth

I believe that the facts stated in this witness statement are true.

MI5 witness

Dated: 16 October 2017