

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

ORDER

UPON HEARING COUNSEL FOR THE CLAIMANT, COUNSEL TO THE TRIBUNAL AND COUNSEL FOR THE RESPONDENTS AT A DIRECTIONS HEARING ON 8 MARCH 2017

AND UPON THE HEARING LISTED FOR 8-10 MARCH 2017 HAVING BEEN ADJOURNED BY CONSENT

IT IS ORDERED THAT:

1. Respondents to serve an OPEN and CLOSED response to the RFI on searches (dated 22 February 2017) by 4pm on 22 March 2017.
2. Respondents to serve an OPEN and CLOSED response to the RFI dated 7 March 2017 by 4pm on 28 March 2017.
3. Counsel to the Tribunal to serve CLOSED submissions relating to both RFI responses by 4pm on 4 April 2017.
4. The Respondents to serve their response to Counsel to the Tribunal's submissions by 4pm on 10 April 2017.
5. The Counsel to the Tribunal and Counsel for the Respondents to meet on 12 April 2017 to seek agreement if possible in relation to the issues raised by their respective submissions.
6. Any disclosure arising out of the above meeting to be provided to the Claimant by 4pm on Thursday 20 April.
7. The Claimant to file and serve:

- a. a document identifying any further issues it wishes to invite the Tribunal to consider;
 - b. a draft list of issues and sub-issues for determination at the hearing in June;
 - c. any evidence in reply to the Respondents' evidence
by 4pm on 28 April 2017.
8. The parties' skeleton arguments for the hearing on 5 May 2017 shall be served by 4pm on Wednesday 3 May 2017. The skeletons shall summarise the parties' response, in outline, to the questions identified by the Tribunal at the directions hearing on 8 March 2017 Annexed to this Order.
9. The Tribunal shall hold an OPEN and CLOSED hearing to deal with the RFIs, and any other applications on Friday, 5 May 2017. Time estimate 1 day.
10. The Claimant to serve its updated skeleton argument by 4pm on Monday 15 May 2017.
11. The Respondents to serve their updated skeleton argument by 4pm on Monday 22 May 2017.
12. If requested by the Tribunal, Counsel to the Tribunal shall file and serve a skeleton argument by 4pm on Friday 26 May 2017.
13. The parties to inform the Tribunal immediately should it become possible to schedule an uninterrupted three-day hearing in the week commencing Monday 5 June 2017. Otherwise, the hearing shall be listed to take place on Monday 5 June 2017, Tuesday 6 June 2017 and Friday 9 June 2017.
14. Liberty to apply.

Dated 9 March 2017

Annex

1. Did the European Court in deciding the issues it did in Watson, in relation to retention of and/or access to databases, for the purposes of national security, have jurisdiction in the light of Article 4 of TEU?
2. In the light of Article 4 of TEU, what is the effect of its judgment in Watson on the Tribunal's decision in this case?
3. What is the effect, if any, on issues 1 and/or 2 and/or on the European Court's jurisdiction of the fact that BCDs and/or BPDs may be issued for the prevention or detection of crime?