

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

THE RESPONDENTS' RE-AMENDED REPORT ON SEARCHES

- 1) By paragraph 1 of its order dated 12 December 2016 the Tribunal ordered the Respondents to carry out searches of their databases (including their Bulk Personal Datasets and Bulk Communications Datasets). Paragraph 2 of that order required the Respondents to provide a report detailing the results of those searches. This is the Respondents' re-amended report, which has been re-amended further to the Tribunal's order dated 23 July 2018. This re-amended report should be read with the Respondents' OPEN and CLOSED Responses to the Claimant's Request for Further Information relating to Searches dated 22 February 2017.
- 2) As ordered, this report addresses the searches relating to BPD and BCD separately, and within those categories, so far as practicable separates the results relating to the ~~pre-avowal and post-avowal~~ periods in respect of which the Tribunal has made findings that the relevant regimes were lawful and unlawful in each case. CLOSED annexes are provided with this report which relate to GCHQ, the Security Service and SIS respectively.

~~Pre-avowal~~ Periods subject to findings of unlawfulness

BPD

3) GCHQ's search results did not show that GCHQ held data relating to the Claimant in its BPDs before avowal on 12 March 2015. It is accepted however that it is likely, on the balance of probabilities, that GCHQ did hold such data in its BPDs during the said period. [REDACTED] The reason for this acceptance is that GCHQ's records show that during that period it had acquired and subsequently deleted BPD datasets also held by MI5. MI5 found data acquired prior to avowal and relating to the Claimant in its datasets that GCHQ had held prior to avowal.

4) The Security Service's search results showed that the Security Service held data relating to the Claimant in its BPDs before avowal on 12 March 2015.

5) SIS's search results showed that SIS held data relating to the Claimant in its BPDs before avowal on 12 March 2015.

BCD

6) GCHQ's search results ~~showed did not show~~ that GCHQ held data relating to the Claimant in its BCDs in the period prior to 14 October 2016~~before avowal on 4 November 2015.~~

7) The Security Service's search results ~~showed did not show~~ that the Security Service held data relating to the Claimant in its BCDs before avowal on 4 November 2015.

[REDACTED]

17 February 2017

ANDREW O'CONNOR QC

RICHARD O'BRIEN

Amended on 6 October 2017

ANDREW O'CONNOR QC

RICHARD O'BRIEN

Re-Amended on 17 August 2018

ANDREW O'CONNOR QC