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Dear Sirs,

R (Privacy International) v Investigatory Powers Tribunal and Others - CO/2368/2016

1. We write with respect to the forthcoming hearing in this matter, and in particular to correct a statement made in the Interested Parties' skeleton argument for the hearing.
2. Footnote 8 of the Interested Parties' skeleton argument states that paragraph 4.4 of the Claimant's skeleton argument is not correct (see lines 2-5). However, the statement in the footnote itself requires correction. The Interested Parties accept that activity of the limited kind described at paragraph 4.4 of the Claimant's skeleton argument could in principle be authorised by a warrant issued under section 5 of the Intelligence Services Act 1994 ("ISA"). As such activity would not be "for the purpose of obtaining communications, private information or equipment data", section 13(1) of the Investigatory Powers Act 2016 (IPA), which provides that activities described in that section may only be authorised by an "equipment interference warrant" under the IPA, does not apply to it.
3. For the avoidance of doubt, the Interested Parties neither confirm nor deny whether activities of the kind described in paragraph 4.4 of the Claimant's skeleton argument have been or will be the subject of warrants issued under section 5 of the ISA.

Yours faithfully,

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For the Treasury Solicitor

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