



**4<sup>th</sup> August 2015**

We have received a number of media enquiries about our recent findings concerning the acquisition of communications data by police forces to determine journalistic sources.

Our July 2015 report<sup>1</sup> sets out that we recently identified that two police forces had acquired communications data to identify the interactions between journalists and their sources without obtaining judicial approval. These breaches of the code of practice (the code) for the acquisition and disclosure of communications data were identified during IOCCO inspections.

We made clear in our half-yearly report that we were in the early stages of investigating these breaches and determining whether any individual has been adversely affected by any wilful or reckless failure by any person within a public authority. If we establish that fact we will, in line with paragraph 8.3 of the code, inform the affected individuals of the existence of the Investigatory Powers Tribunal (IPT) and its role to enable them to engage the IPT effectively.

We did not name the two police forces and note that a media report relating to this matter has set out that *"the policy of IOCCO is that it does not identify agencies where breaches have occurred"*<sup>2</sup>. This is simply untrue and misrepresents our position.

It would be wholly inappropriate for us to name the two police forces whilst we are still in the process investigating fully these matters. Our primary concerns are to ensure that our investigation process is not prejudiced, that the privacy of those individuals who may have been adversely affected is protected and, that those individuals are able to seek effective remedy. Careful consideration has also had to be given to the fact that criminal investigations and legal proceedings are invariably active and we are not yet in a position to consider the impact or potential wider consequences of naming.

The reason we chose to report these breaches at such an early stage of investigation was to ensure that the issue was highlighted nationally at the earliest opportunity to prevent further breaches from occurring. The National Police Chiefs' Council (NPCC) immediately responded to our concerns by issuing guidance on this matter to Chief Officers<sup>3</sup>.

We have no further comment to make at this time. It is important for all to allow a full investigation to be conducted into these matters.

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<sup>1</sup> Paragraphs 3.10 to 3.26 [http://www.iocco-uk.info/docs/2015%20Half-yearly%20report%20\(web%20version\).pdf](http://www.iocco-uk.info/docs/2015%20Half-yearly%20report%20(web%20version).pdf)

<sup>2</sup> [http://www.heraldsotland.com/politics/13527140.Sturgeon\\_challenged\\_to\\_set\\_out\\_what\\_she\\_knows\\_about\\_Police\\_spying\\_claims/](http://www.heraldsotland.com/politics/13527140.Sturgeon_challenged_to_set_out_what_she_knows_about_Police_spying_claims/)

<sup>3</sup> <http://news.npcc.police.uk/releases/further-guidance-to-be-prepared-to-ensure-ethical-use-of-communications-data>

## Notes to Editors:

IOCCO is an independent oversight body – independent of Government and Parliament – we are led by the Interception of Communications Commissioner.

IOCCO conducts thorough and robust inspections of public authorities which have powers to intercept communications and / or acquire communications data under the Regulation of Investigatory Powers Act (RIPA). These inspections ensure they are acting within the law.

IOCCO carried out 116 RIPA inspections in 2013, and made over 400 recommendations to ensure compliance or to improve systems and procedures. Our latest reports can be accessed via this link:

July 2015 [http://www.iocco-uk.info/docs/2015%20Half-yearly%20report%20\(web%20version\).pdf](http://www.iocco-uk.info/docs/2015%20Half-yearly%20report%20(web%20version).pdf)

March 2015 [http://www.iocco-uk.info/docs/IOCCO%20Report%20March%202015%20\(Web\).pdf](http://www.iocco-uk.info/docs/IOCCO%20Report%20March%202015%20(Web).pdf)