



9th May 2014

Statement on the Home Affairs Committee's Report on Counter-terrorism

The Rt Hon. Sir Anthony May, Interception of Communications Commissioner

Today, the Home Affairs Committee, chaired by the Rt Hon. Keith Vaz, has published its report summarising the findings of its Counter-terrorism Inquiry. The report raises some concerns in relation to the oversight of the security and intelligence agencies.

I welcomed the opportunity to give evidence, both written and oral, to the Committee's Inquiry in February 2014. Since I gave evidence my Annual Report for 2013 to the Prime Minister was laid before Parliament (8th April 2014).

The Committee's report makes some reference to my Annual Report, but does not appear to acknowledge that my Report contains much of the detail for interception and communications data which the Committee's report says is lacking – see for instance the Committee's conclusion 23 on page 101. That said, I agree that the unreliability and inadequacy of the statistical requirements in relation to communications data is a significant problem which requires attention. I gave evidence to this effect before the Committee and my Annual Report contains a detailed account of what in my view is lacking. We have already consulted with the Home Office and set out the revisions and enhancements that we believe are necessary both to assist us with our oversight role, and, to inform the public better about the use which public authorities make of communications data.

The Committee's report recommends that at least 50% of warrants and applications should be examined during our inspections. In 2013 we scrutinised one third (33%) of all interception warrants extant at the end of the year and approximately 10% of all communications data applications. First, I do not regard this to be a small number. Second, although it is important that we scrutinise a sufficient sample of individual applications and warrants – in my view inspecting and understanding systems is in the end more important than scrutinising yet more individual applications. On this point my office conducted a number of separate investigations testing the sufficiency of the systems in place (for example, see my investigation in relation to the retention, storage and deletion of intercepted material). Third, in addition to the random sampling, my Inspectors have full access to the systems in the public authorities and they conduct query based searches which enable specific areas of the application process to be looked at in detail and tested for compliance. Fourth, there is a formal error reporting procedure which requires public authorities and Communication Service Providers (CSPs) to report any contraventions of the Act or breaches to my office which are then subject to investigation.

My Annual Report outlined the findings from the detailed investigation that my office undertook into the allegations made in relation to the interception activities of the intelligence agencies stemming from media reports of Edward Snowden's actions. My Report also addressed a number of legitimate concerns that were raised in public and parliament. More information on our detailed investigations and inspections can be found [here](#) in my latest Annual Report.

NOTES TO EDITORS:

- IOCCO is an independent oversight body – independent of Government and Parliament – The Commissioner is required to have held high judicial office and complete independence is a hallmark of any judge.
- We are committed to openness and transparency. We report on our work in an Annual Report to the Prime Minister which is laid before Parliament for all to read.
- We conduct thorough and robust inspections of public authorities which have powers to intercept communications and acquire communications data. We have full and unrestricted access to all of the information we require to carry out our statutory oversight function.
- We carried out 140 inspections in 2013, and made 350 recommendations to ensure compliance or to improve systems and procedures. Detailed information on our inspections and findings can be found [here](#) in my latest Annual Report.
- A number of legitimate concerns were raised in public as a result of media reports stemming from Edward Snowden's actions. We undertook a detailed investigation into the allegations made in relation to the interception activities of the intelligence agencies. More information on this investigation can be found [here](#) in my latest Annual Report.
- We are in the process of carrying out an Inquiry into whether there might be institutional overuse by police forces and law enforcement agencies of authorisations to acquire communications data. We will report on this inquiry when the investigation is complete.