



Inspections under Chapter 1 of Part I of the Regulation of Investigatory Powers Act 2000 (RIPA) by the Interception of Communications Commissioner's Office (IOCCO)

Name of Public Authority	Government Communications Headquarters (GCHQ)
Dates of Inspection	26-27 November 2015
Inspectors	[REDACTION], Head of IOCCO [REDACTION], IOCCO Inspector [REDACTION], IOCCO Inspector

1. Purpose and Objectives of the Inspection

Under section 57(2) of RIPA ("the Act") the Interception of Communications Commissioner has a duty to keep under review the exercise and performance by the Secretary of State of the powers and duties conferred or imposed on him by or under sections 1 to 11, and the adequacy of the arrangements by which the duty imposed on him by section 15 is sought to be discharged.

The primary objectives of this inspection were to;

- ensure that all interception has been carried out lawfully and in accordance with Chapter 1 of Part I of the Act and its associated Code of Practice;
- ensure that the systems in place for the interception of communications are sufficient for the purposes of the Act and that all relevant records have been kept;
- review the recommendations from the previous inspection to ensure they have been implemented; and,
- ensure that errors are being reported and that the systems are reviewed and adapted where any weaknesses or faults are exposed.

The following sections summarise the findings against key areas. Annex A contains details of the progress against previous inspection recommendations. Annex B lists the authorisations examined during the inspection. Annex C lists the recommendations arising from this inspection.

[REDACTION]

[REDACTION]

2. Bulk Personal Datasets (BPDs)

We had previously asked GCHQ and SIS for their views concerning the Prime Minister's direction to the Intelligence Services Commissioner regarding the oversight of Bulk Personal Datasets (BPDs). A letter setting out the position between the two Commissioner bodies (dated 30th October) was shared with the intelligence agencies. From this point forward IOCCO will cease to oversee BPDs acquired via interception. We will still examine the interception warrants relating to the obtaining of any BPDs and if we identify any issues with regard to the lawfulness, necessity or proportionality of those warrants we have agreed to bring those issues to the attention of the Intelligence Services Commissioner. We will also broadly need to be assured that the section 15 RIPA safeguards are being adhered to. There is potentially still some overlap between bulk communications data acquired pursuant to any direction issued under s.94 of the Telecommunications Act 1984 and IOCCO has committed to write to the Intelligence Services Commissioner again in the New Year on this point.

3. Section 94 of the Telecommunications Act 1984

We received a helpful background briefing on this matter. IOCCO intends to conduct a formal inspection of GCHQ's procedures during January 2016. The first directions issued under s.94 date back to 2001. [REDACTION]

We were informed that since 2010 these directions have been overseen by the Intelligence Services Commissioner. [REDACTION] In the main the directions have a foreign focus. We discussed one direction that appeared out of kilter [REDACTION]. GCHQ informed us that the direction had recently been cancelled as a result of a review being commissioned. The timeline for the cancellation by the company and the subsequent deletion of the data by GCHQ was not entirely clear. This will be picked up by the Inspectors in their January 2016 inspection. GCHQ also committed to send to IOCCO their closed response to the BPD related IPT claim which has relevance to s.94 directions.

4. Partner Compliance

We received a briefing on partner compliance which is summarised in the below paragraphs. [REDACTION]

With this in mind IOCCO has decided to initiate a review of the arrangements in place within GCHQ for the sharing of intercepted material and related communications data (RCD) with

[REDACTION]

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Interception of Communications Commissioner's Office (IOCCO)

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[REDACTION]

foreign partners in order to review compliance with the s.15 safeguards. In order for the review to be undertaken IOCCO would be grateful to be provided with a schedule / table containing the following detail:

[REDACTION]

Supplementary questions relating to communications data:

1. Is any communications data obtained pursuant to any s.94 direction shared with any foreign partner? If yes, please include details in the above schedule / table.
2. Is any communications data acquired under Chapter 2 of Part I of RIPA shared with any foreign partner? If yes, please include details in the above schedule / matrix.

We are conscious that this review will generate a lot of work for which we are grateful in advance. It would be helpful if this information could be provided to IOCCO by 31st May 2016.

Recommendation 3: GCHQ to facilitate a review by IOCCO of the arrangements in place for the sharing of intercepted material and related communications data (RCD) with foreign partners. GCHQ to provide IOCCO with a schedule / table containing the above listed detail by 31st May 2016. GCHQ to advise whether any other matters are worthy of consideration in order to ensure a comprehensive review.

[REDACTION]

5. Audit Process

[REDACTION] There is also a separate audit process to assess partner compliance (touched on in the previous section of this report).

[REDACTION]

6. Conclusion

[REDACTION]

[REDACTION]

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[REDACTION]

We have also initiated a review of the arrangements in place for the sharing of intercepted material and related communications data by GCHQ with its foreign partners. We have set out the scope and terms of this review in this report.

[REDACTION]

Please feel free to disseminate this report more widely within GCHQ as required. We shall send a copy to the Foreign Secretary and the Senior Official in the FCO.

[REDACTION]

[ANNEXES REDACTED]

[REDACTION]

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