IN THE INVESTIGATORY POWERS TRIBUNAL Case No. IPT/15/110/CH

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

CLAIMANT'S CHRONOLOGY

Date	BCD	BPD
12 April 1984	Telecommunications Act 1984 (Royal Assent) [A1/1]	
2 August 1984	Malone v United Kingdom [A3/46]	
25 July 1985	Interception of Communications Act 1985 (Royal Assent)	
9 May 1989	Hewitt and Harman v United Kingdom [A3/48]	
26 May 1994	Intelligence Services Act 1994 (Royal Assent) [A1/4]	
21 March 1997	Police Act 1997 (Royal Assent)	
1998-1999	Foreign Secretary made two s. 94 directions (both of which were cancelled in 2001)	
March 1998	GCHQ started using s. 94 directions for collecting BCD (Amended GCHQ Witness Statement, § 117) [CORE/B2/25]	
28 July 2000	Regulation of Investigatory Powers Act 2000 (Royal Assent) [A1/7]	
Late 2001	GCHQ's s. 94 Directions were updated and expanded (Amended GCHQ Witness Statement, § 121) [CORE/B2/25]	

Date	BCD	BPD
2002	Interception of Communications Code of Practice 2002 [A3/64]	
2002		Covert Human Intelligence Sources Code of Practice 2002 [A3/66]
		Covert Surveillance Code of Practice 2002 [A3/67]
12 July 2002	E-Privacy Direct	tive 2002/58/EC
17 July 2003	Communications Act 2003 (Royal Assent) [A1/8]	
11 December 2003	Privacy and Electronic Communications (EC Directive) Regulations 2003	
May – July 2004	Correspondence between Home Office and Sir Swinton Thomas [1/821-831] also at [3/419-429]	
July 2004	Sir Swinton Thomas first informed that BCD had been obtained by GCHQ pursuant to a s. 94 direction [CORE/A4/9]	
	Until 2015, oversight not on express, agreed terms [CORE/A8/2]	
October – December 2004	Correspondence between GCHQ and Sir Swinton Thomas concerning s. 94 [2/B/175-182] and at [3/430-437]	
June 2005-2010	GCHQ Compliance Guide [2/B/89-146]	
July 2005	First s. 94 directions made at the request of the Security Service (Amended Security Service Witness Statement, § 109) [CORE/B2/24]	
2006-2015	Intelligence Services Commissioner provides limited oversight over s. 94 directions	
31 March 2006	Security Service internal guida	nnce [1/265-266] and [4/173-174]

Date	BCD	BPD
May 2006	Security Service BCD Database became operational (Amended MI5 Witness Statement, § 136) [CORE/B2/32]	
2 June 2006	Weber v Geri	many [A3/53]
October 2006		Security Service began to apply a 'Bulk External Data Acquisition – Internal Authorisation Process' [1/177-180] and [4/87-96]
Post-summer 2007		SIS developed a bulk personal dataset authorisation process (Amended SIS Witness Statement, §§ 25, 28) [CORE/B2]
October 2007	Acquisition and Disclosure of Communications Data Code of Practice 2007 [A4/67]	Covert Human Intelligence Sources Code of Practice 2007 [A4/68] Covert Surveillance Code of Practice 2007 [A4/69]
October 2007	Interception of Communications Code of Practice 2007 [A4/70]	
1 July 2008	Liberty v United Kingdom [A3/55]	
2009		SIS put in place a Bulk Data Acquisition and Exploitation Policy [2/A/79-83]
25 November 2009	E-Privacy Directive 2009/136/EC	
2010		Intelligence Services Commissioner first notified that the Agencies acquire and use BPDs [CORE/A/4/11] Covert Human Intelligence Sources Code of Practice 2010 [A4/71] Covert Surveillance and Property Interference Code of Practice 2010 [A4/72]
2010-June 2014	GCHQ Compliance Guide [2/B/147-162]	

Date	BCD	BPD
February 2010		Hannigan Report [3/563-573] and [5/22/280-290]
18 May 2010	Kennedy v United Kingdom [A3/59]	
August 2010		Code of Practice for SIS's BPD database [2/A/101-104]
October 2010		Security Service Policy for Bulk Data Acquisition, Sharing, Retention & Deletion [1/17-28] and at [3/154-165] and [4/71-80]
14 October 2010		Intelligence Services Commissioner oversight of Security Service BPD commences (Amended Security Service Witness Statement, § 100) [CORE/B2/22]
November 2010		SIS Bulk Data Acquisition, Exploitation and Retention Policy [2/A/49-54] and [4/219-224]
6 December 2010		Commissioner oversight of GCHQ BPD commences (Amended GCHQ Witness Statement, § 67) [CORE/B2/14]
February 2011	Security Service revised guidance on communications data [1/279-283]	
2012	GCHQ begins obtaining Internet communications data (Amended GCHQ Witness Statement, § 122) [CORE/B2/25]	
October 2012		Security Service Bulk Data Retention and Deletion Policy [1/29-34] and at [3/166-170]
March 2014	GCHQ formally notifies the ISC that s. 94 had been used to require CSPs to provide BCD [CORE/A4/12]	Intelligence and Security Committee first formally notified of the Security Services' use of BPD (Response to RFI, §38) [CORE/A4/12]
8 April 2014	C-293/12 and 594/12 Digital Rights Ireland [A3/62]	

Date	BCD	BPD
June 2014 – 4 November 2015	GCHQ Compliance Guide [2/B/5-24]	
17 July 2014	Data Retention and Investigatory Powers Act 2014 (Royal Assent) [A1/11]	
December 2014		Covert Human Intelligence Sources Code of Practice 2014 [A4/73]
		Covert Surveillance and Property Interference Code of Practice 2014 [A4/74]
		SIS BPD Guidance on Authorisation [2/A/5-12] and [3/340-347] and [5/18/191-197] and [5/24/295-309]
January 2015	Sir Anthony May asked to extend his oversight of Security Service's database capability (Amended GCHQ Witness Statement, § 151) [CORE/B2/31]	
February 2015		Joint SIA BPD Policy [1/309-317]
		Security Service SIA BPD Policy [3/1-14] and [4/1-15]
March 2015	IOCCO agrees to provide non- statutory oversight over s. 94 directions, once sufficient resources in place (IOCCO Report, March 2015, §10.4) [A4/78] Acquisition and Disclosure of Communications Data Code of Practice 2015 [A4/75]	Terms of reference for GCHQ BPD Review Panel [2/B/63-64] Security Service internal BPD Guidance [1/35-46] and at [3/171-182] and [5/15/162-173]
March – December 2015	Correspondence between Home Office (Theresa May MP) and Security Service concerning Designated Persons [3/438-440] [3/454-462]	
11 March 2015		Review of BPD placed onto statutory basis: Intelligence Services Commissioner (Additional Review Functions) (Bulk Personal Datasets) Direction 2015 [A1/16]

Date	BCD	ВРО
12 March 2015		BPD avowed for the first time in ISC Report [A4/79]
19 March 2015- 18 December 2015	Correspondence between the Security Service and Home Secretary re Independent Authorisation of Communications Data [3/454-462]	
October 2015		SIS BPD Guidance on Authorisation [2/13-20] and [5/19/198-204]
November 2015		Security Service SIA Bulk Personal Data Policy (updated and mis- dated) [3/219-232]
4 November 2015	First avowal that s. 94 used to obtain BCD on publication of draft IP Bill [CORE/A4/3] Publication of s. 94 Handling Arrangements [2/B/195-204] GCHQ Closed Handling Arrangements [2/B/81-88] and [4/191-198] and [5/11/138-145] Security Service Closed Handling Arrangements [1/163-175] and [4/169-182] and [5/10/125-137]	BPD Handling Arrangements [2/B/183-193] GCHQ Closed BPD Handling Arrangements [2/B/71-80] and at [4/137-146] and [5/9/115-124] Security Service Closed BPD Handling Arrangements [1/101-114] and at [3/251-264] SIS Closed BPD Handling Arrangements [2/A/65-78] and at [3/404-416] and [4/93-104] and [5/8/103-114] Security Service updated BPD Guidance [1/47-66] and at [3/183-202]
January 2016	Interception of Communications Code of Practice 2016 [A4/76]	
January 2016		Equipment Interference Code of Practice 2016 [A4/77]
12 January 2016	Szabo v Hungary [A3/61]	
11 April 2016	GLD writes to Bhatt Murphy to explain error re Designated Persons [3/417-418]	
7 July 2016	Burnton Report published [A4/82]	

Date	BCD	BPD
19 July 2016	AG Opinion in C-203/15 and 698/15 Watson & Ors [A3/63]	