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15 June 2017

Dear Sirs

Privacy International v The Secretary of State for Foreign and Commonwealth Affairs and Others, IPT/15/110/CH

We refer to the GLD's letter of 13 June indicating that internal enquiries have been made "*in an attempt to provide more specificity as to the timing, nature and extent of any transfer of bulk data to industry partners*".

The result of the enquiries is that there is "*doubt on whether any bulk data has ever in fact been transferred to industry partners (as opposed to such data being shared with them whilst retained at GCHQ's premises)*".

The conclusion of the letter is that "*no BPD has been transferred to industry partners in the period since 2011*".

A bulk personal dataset means "*any collection of data which… comprises personal data as defined by section 1(1) of the Data Protection Act 1998… relates to a wide range of individuals, the majority of whom are unlikely to be of intelligence interest* [and] *is held, or acquired for the purposes of holding, on one or more analytical systems within the Security and Intelligence Agencies*" (ISC (Additional Review Functions) (Bulk Personal Datasets) Direction 2015).

We have some concern as to whether the conclusions in the letter are correct. The disclosed document at [3/476] records that there are "*frequent releases of routine sets of raw Sigint data to industry partners*". A dataset of raw Sigint data (defined in the same document as "*raw intercept*") is undoubtedly a BPD – it contains personal data about individuals, the vast majority of whom are of no intelligence interest (that is the nature of raw Sigint data) and the data is held on a Service analytical system.

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The document indicates that such releases are "*frequent*". Indeed, delegated authority is given to "*the research team*" to authorise such releases.

This document is undated, but the contrast with the GLD's letter of 13 June is striking. The document at [3/476] says that releases are frequent. But the letter suggests that such a release has never happened since 2011.

Further, the letter is caveated by the phrase "*as opposed to such data being shared with them whilst retained at GCHQ's premises*". This is a distinction without a difference. It does not matter whether access is given physically or over a remote data link. In either case, GCHQ has lost control over the use of the data and proper oversight and audit is required.

We therefore invite the Respondents to clarify their position. In particular:

- What is the date of the document at [3/476]?
- Please confirm that a dataset of raw sigint data is a BPD within the meaning of the 2015 Direction.
- In light of [3/476], is it correct that "*no BPD has been transferred to industry partners in the period since 2011*"?
- Has BPD and/or BCD been shared with industry partners whilst retained at GCHQ's premises? If so, please provide full particulars of the regularity of such sharing and the audit systems in place?

Yours faithfully

Bhatt Murphy