

[Email sent 13 October 2017 14:06]

We have identified a clarification to our answers of email of 10 October that is relevant and I have shown the amendment to our response below.

Answer as originally drafted

- a) How many failed searches take place, where data is accessed but no useful intelligence purpose is served? Have the Commissioners examined the failure rate?

**Answer:** We are unaware of how many “failed searches” take place. Indeed, the definition of a failed search is problematic as all searches require a national security justification which means that, even if they turn up zero results, an intelligence purpose could be served by conducting the search. Protective monitoring of the use of the data sets does occur, and examples of searches which did not appear to fulfil an intelligence requirement were brought to the attention of the relevant Commissioner. This has been referred to in ISCom’s 2015 report.

For IOCCO, inspectors also conducted random audits of searches to check that individual access to the data was necessary and proportionate. The ISCom considered in detail the use of the data in interviews during inspections, but we have no record of ISCom having conducting any random audit of searches against the data.

#### **Amended answer**

We are unaware of how many “failed searches” take place. **The broader issue of negative results from searching was considered by Sir John Golding, accompanied by two ISCom inspectors during their inspection of Mi5 on the 30 June 2017. An extract from ISCom’s report of that inspection is attached below.**

The definition of a failed search is problematic as all searches require a national security justification which means that, even if they turn up zero results, an intelligence purpose could be served by conducting the search. Protective monitoring of the use of the data sets does occur, and examples of searches which did not appear to fulfil an intelligence requirement were brought to the attention of the relevant Commissioner. This has been referred to in ISCom’s 2015 report.

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**Extract from write up of MI5 BPD Inspection carried out on 30 June 2017**

**The Commissioner asked how MI5 measure value and use of the datasets. MI5 explained that they do not collect stats for ‘use’ because these would be misleading as the searches will always run across all available datasets. MI5 agreed with the Commissioner’s view that negative results from datasets had value, but this was difficult to capture in an assessment of use.**