



Statement by the Interception of Communications Commissioner's Office (IOCCO)  
on the publication of the Rt Hon. Sir Anthony May's Half-Yearly Report 2015

16 July 2015

**EMBARGOED FOR USE AFTER THE REPORT IS LAID IN THE HOUSE BY THE PRIME MINISTER,  
THE RT HON. DAVID CAMERON MP**

Today the Government published a half-yearly report submitted to the Prime Minister by Sir Anthony May, Interception of Communications Commissioner, as required under section 6 of the Data Retention and Investigatory Powers Act (DRIPA).

Sir Anthony said:

*"There continues to be significant public debate about the privacy implications of the public authorities' use of the intrusive powers available to them, about the capabilities the public authorities might need, the adequacy of the existing legislation and the effectiveness of the oversight mechanisms. I hope this report contributes further to the debate. "*

This is the first half-yearly report IOCCO have published. The purpose of moving from annual to half-yearly reports (until the DRIPA sunset clause) was to reassure Parliament and the public that DRIPA is doing as intended and that it has not increased or extended the powers of the public authorities. This report does that but, in addition, it gives some pertinent updates about the work IOCCO has undertaken and provides full details of the 17 serious error investigations IOCCO initiated in 2014.

This is Sir Anthony's last report as Interception of Communications Commissioner after his decision to stand down at the end of July 2015. During his tenure IOCCO has undertaken a number of high profile inquiries and has contributed significantly to the various reviews of legislation and oversight at the same time as carrying out their regular program of inspections. There is still much more to be done and IOCCO remains committed to informing the public and Parliament better about their work and ensuring that there is greater transparency and accountability of public authorities' use of these intrusive powers.

To learn about IOCCO's annual inspection regime, recommendations and the statistical information please read the March 2015 report<sup>1</sup> (which covers the period January-December 2014).

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<sup>1</sup> [http://www.iocco-uk.info/docs/IOCCO%20Report%20March%202015%20\(Web\).pdf](http://www.iocco-uk.info/docs/IOCCO%20Report%20March%202015%20(Web).pdf)

In summary this report provides:

- **An update on the implementation of DRIPA (section 2)** which confirms that the legislation does not appear to have changed the operational practice of public authorities or communication service providers (CSPs), albeit there has been increased cooperation from overseas CSPs in response to some urgent requests. The report reinforces the need to work on building an international framework for the sharing of data.
- **An update on the revised code of practice for the acquisition and disclosure of communications data (section 3)** welcoming the enhanced statistical requirements that have been introduced to improve transparency and the increased safeguards around the independence of Designated Persons and the acquisition of data to determine journalistic sources. This section raises concerns about the speed at which the new code came into force and the level of engagement with key stakeholders. It also raises concerns that a number of public authorities appeared unaware of the changes in law and practice and that two police forces acquired communications data to determine journalistic sources without obtaining the judicial approval required.
- **An update on IOCCO's new oversight regime concerning directions issued under section 94 of the Telecommunications Act 1984 (section 4).**
- **Details about the 17 serious communications data error investigations that IOCCO initiated in 2014 (section 5)** setting out the causes of the errors; whether they were human or technical system errors; whether they were caused by public authorities, CSPs or other organisations; and the consequences of the errors. Some of these error investigations were complex and took months to complete. 10 of the 17 errors related to requests for internet data, primarily about resolving internet protocol (IP) addresses to individuals. Errors of this kind can have a devastating impact on the individuals concerned. The report makes 15 recommendations to help prevent recurrence of similar errors. In the March 2015 Report IOCCO makes clear that these errors should be seen in the context of a total of 998 errors from 517,208 notices and authorisations.

#### **Notes for editors:**

IOCCO is an independent oversight body – independent of Government and Parliament – led by the Interception of Communications Commissioner.

IOCCO conducts thorough and robust inspections of public authorities which have powers to intercept communications and / or acquire communications data under the Regulation of Investigatory Powers Act (RIPA). These inspections ensure they are acting within the law.

IOCCO carried out over 100 RIPA inspections in 2014, and made over 400 recommendations to ensure compliance or to improve systems and procedures.

Please visit IOCCO's website to see details of their reports, inquiries and publications. Follow IOCCO on Twitter to hear latest news.