



The Rt. Hon Keith Vaz MP
Chair, Home Affairs Select Committee
RIPA Inquiry

5th November 2014

Dear Mr Vaz,

Re: Supplementary evidence to oral session on 4th November 2014

Thank you for the opportunity to give evidence to your Committee yesterday.

I explained in my evidence yesterday that I stepped back into this role at the end of July 2014 as Sir Anthony May was involved in a serious accident. My time as Commissioner ceased in December 2012 and some of my responses did not take account of more recent changes that were brought about by my successor. To assist the Committee in their work I would like to provide some supplementary evidence in relation to the number of applications that we audit during our inspections as I did not have the figures to hand yesterday and mistakenly made reference to a figure of ten percent random sampling of warrants. Please accept this letter as an extension of my evidence so as to clarify matters.

How many applications or warrants are examined during the inspections? How many have you examined so far in 2014?

My oversight function is post facto - it is not a pre-authorisation regime.

Interception Warrants

In 2013, 600 interception warrants were examined. This represents 33% of the extant warrants at the end of that year and 20% of the new warrants issued in that year¹.

In 2014, at the halfway point of our inspection rounds we had examined 438 interception warrants.

Communications Data Applications

In the smaller public authorities (such as local authorities) the Inspectors examine 100% of the applications submitted in the period being examined.

In the police forces and law enforcement agency inspections it was estimated that approximately 10% of the applications were individually scrutinized in 2013. The reason that it is only possible to estimate stems from the inadequacy of the statistical requirements in the Code of Practice and this

¹ See Page 18 of 2013 Annual Report for Points of Note on Interception <http://www.iocco-uk.info/docs/2013%20Annual%20Report%20of%20the%20IOCC%20Accessible%20Version.pdf>

issue is explained in detail in the 2013 annual report.² We have consulted with the Home Office and set out the revisions and enhancements of the statistical requirements that we believe are necessary to assist us with our audit role, and, to better inform the public about the use which public authorities make of communications data.

In addition to the 10% random sampling, the Inspectors also conduct query based searching and audit records provided to us by the Communication Service Providers (CSPs).

Query Based Searching – We have directly engaged with the software companies that supply bespoke systems to enable the applications to be administered in nearly all of the police forces and law enforcement agencies. The software companies have developed capabilities to enable our Inspectors to retrieve data by means of query based searches relating to the applications and authorisations so as to give better insight into all of the activities undertaken by an authority rather than being limited to a random extraction of applications within a given period.

The development of query based searches now enables specific areas to be tested for compliance which include the extraction of information relating to, for example:-

- particular designated persons and their recorded considerations for each application they have approved or rejected to check they are not rubber stamping applications, that they are of the appropriate rank or level to act in that capacity, and they are independent of the investigation or operation;
- requests where service use or traffic data has been applied for over lengthy time periods;
- requests for particularly intrusive data sets that been acquired.

This type of sampling not only enables key themes to be examined, but also enables specific parts of a much larger number of applications to be examined.

CSP Data - On a regular basis the CSPs share with us information generated by their secure auditable systems from within their disclosure departments to manage their responses to requirements made under the Act. Those audit systems contain information such as the name of the public authority acquiring data, the URN of the authority, the data description, the statutory purpose etc. This information allows our Inspectors to perform a back audit when inspecting public authorities to assess whether there is a corresponding authority in place and its scope.

I hope you find this additional information helpful. Please do not hesitate to contact my office if you require any further assistance with your Inquiry.

Yours sincerely,

Sir Paul Kennedy
Interception of Communications Commissioner

² See Paragraphs 4.19-4.26 and 4.37-4.39 of 2013 Annual Report <http://www.iocco-uk.info/docs/2013%20Annual%20Report%20of%20the%20IOCC%20Accessible%20Version.pdf>