



**Interception of Communications
Commissioner's Office (IOCCO)**

**Speaking Notes for NAFN Annual Conference
12th November 2014**

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Visit our Website www.iocco-uk.info

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Who are we?

- an **independent** oversight body
- independent of Government and Parliament
- headed by the Rt. Hon Sir Paul Kennedy – a former high court of appeal judge
- supported by a team of 9 inspectors & a secretariat
 - forensic telecommunication expert, analysts, law enforcement and intelligence agency senior officials, industry regulators, university lecturers, telecommunications private enterprise.

What do we do?

- Oversee the use of powers in Part I of the Regulation of Investigatory Powers Act (RIPA) **retrospectively**...
 - **Interception** of Communications (the content and related communications data) by the **nine interception agencies**. In 2013 there were 2760 interception warrants authorised.
 - Acquisition and Disclosure of **Communications Data** (the who, when and where of a communication) by **intelligence agencies, police forces, law enforcement agencies and other public authorities**. In 2013 there were 514,608 authorisations and notices.



Our Powers

It is the duty of every person to comply with any request made by the Commissioner and to disclose or provide to the Commissioner all such documents and information as he may require to carry out his functions (Section 58(1) RIPA).

What this means in reality....

We have full and unrestricted access to all of the information and documents that we need (including unfettered access to computer systems)

Local Authorities

- Local Authorities only have powers to acquire **Communications Data** for the **purpose of preventing or detecting crime**.
- Local authorities should also be mindful to only submit applications in relation to criminal offences which they have a statutory duty to investigate. The 2003 consultation paper provides some good examples of the Government's intention in this regard and also note Footnote 14 of the Code of Practice.
- Local authorities are also limited in the types of communications data they can acquire – only **subscriber information** or **service use data** under Sections 21(4)(c) and (b) respectively.

Lets run the stats....

- 121 Local Authorities have reported never using their powers to acquire communications data.

In 2013:

- 132 Local Authorities reported using their powers and between them they made 1766 Notices and Authorisations for communications data (see Annex B of our annual report for breakdown).
- 1766 equates to 0.3% of the 514,608 Notices and Authorisations.
- 85% of the 132 local authorities reported that they submit their requirements via the NAFN SPoC. NAFN is inspected on an annual basis and has achieved a consistently good level of compliance with the Act and Code of Practice.

How do we oversee the public authorities?

- **Revolving Programme of Inspections.** Since January 2013 (to end October 2014) we have conducted...
 - 33 individual local authority inspections
 - 2 inspections of NAFN (2013 – 130 local authorities examined, 2014 – 102 local authorities examined)
- **Inspection Objectives**
 - Ensure all interception of communications and acquisition of communications data has been undertaken lawfully in accordance with the Act and Code of Practice (CoP);
 - Ensure that the acquisition was necessary and proportionate to the task in hand
 - Ensure that the systems in place are sufficient for the purposes of the Act and CoP and that all relevant records have been retained
 - Ensure that errors / breaches are reported and systems are reviewed and adapted in light of any weaknesses

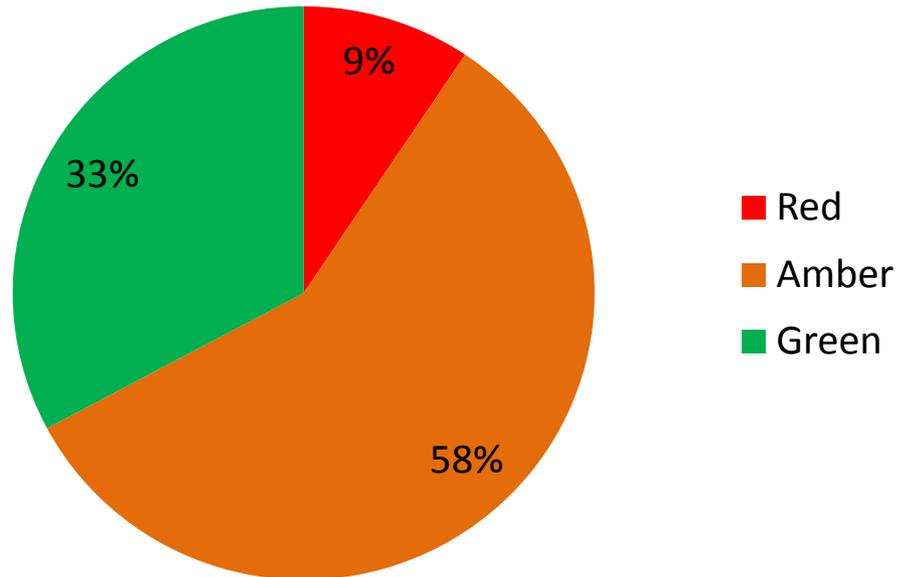
What we do during an inspection



- Scrutinise applications – justifications for necessity, proportionality and collateral intrusion.
- 100% of applications were examined during the individual local authority inspections and during the 2014 NAFN inspection.
- Review roles and responsibilities performed by the Single Point of Contact (SPoC).
- Examine approvals / rejections (considerations) given by the Designated Person (DP) (Head of Service, Service Manager or Equivalent).
- Query based sampling – look for trends / patterns / compliance issues in key parts of process, for example, DPs considerations.
- Auditing data from Communication Service Providers (CSPs) – cross check.

Local Authority Findings (Jan 2013 - Oct 2014)

- 64 recommendations



Top Recommendations

Applicants not sufficiently setting out:

- crime / offences under investigation
- necessity justification (link between crime, person and communications address)
- proportionality justification – objective balanced against intrusion into privacy and / or timescale

Designated Persons (DPs) not:

- recording written considerations when approving / rejecting applications
- approving in a timely fashion
- formally issuing notices

Record Keeping Requirements:

- applications and associated documentation not retained for inspection purposes.

We would encourage any Senior Responsible Officers (SROs) or SPoCs in the audience to audit these particular areas regularly.

Reviews & Scrutiny

1. Privacy and Security Inquiry by the **Intelligence Security Committee (ISC)**
2. Independent Surveillance Review - **Royal United Services Institute (RUSI)** – commissioned by Deputy Prime Minister
3. Investigatory Powers Review by **David Anderson, Independent Reviewer of Counter Terrorism** – A statutory review with all-party agreement under section 7 of the Data Retention and Investigatory Powers Act 2014
4. RIPA Review by the **Home Affairs Select Committee (HASC)**

Your Role

- Ensure that all acquisition of communications data is carried out in accordance with the Act and Code of Practice
- Help to ensure there is an informed debate and public consent
 - Engage with and contribute to the various reviews in an open and transparent manner
 - Think about how you can better inform Parliament and the public in relation to how you use your powers

How do we report?

- Inspection report to each public authority (or to NAFN for LA members) setting out the inspection findings and recommendations
- Half-yearly reports to the Prime Minister which are laid in Parliament
- Website & Twitter - latest news / re-tweet items of interest
(Including transparency statistics, inspection findings, inspection recommendations, outcomes of inquiries, error investigations)
- Evidence to parliamentary select committees, Intelligence Security Committee, various reviews of powers and Government consultations
- Speeches, roundtables, panel discussions at Government, civil society and industry events.

The image shows two screenshots from a mobile device. The top screenshot is of the IOCCO website (iocco-uk.info) at 09:56. The website header includes the title 'Interception of Communications Commissioner's Office (IOCCO)' and a navigation menu with 'Home', 'Reports', 'Who we are', 'What we do', 'Contact us', and 'Links'. A search bar is visible. The main content area features the IOCCO logo and a welcome message from the Commissioner, Sir Paul Kennedy, detailing his appointment in January 2013 and his role under the Regulation of Investigatory Powers Act (RIPA) 2000. A 'Latest News' section highlights a report from 6th October 2014 regarding an inquiry into the acquisition of communications data by police forces to identify journalistic sources. The bottom screenshot shows the IOCCO Twitter profile (@iocco_oversight) at 09:48. The profile bio states: 'Interception of Communications Commissioner's Office (IOCCO) - Independent Watchdog - Interception and Communications Data.' It shows 394 following and 268 followers. A recent tweet from @iocco_oversight is visible, mentioning a submission to the @terrorwatchdog review and providing a link to a report on globalnetworkinitiative.org.



INTERCEPTION

**OF
COMMUNICATIONS
COMMISSIONER'S
OFFICE**