

Statement by the Interception of Communications Commissioner's Office
(IOCCO) on the publication of the Interception of Communications
Commissioner's 2013 Annual Report

08 April 2014

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

Today the Government has published a report submitted to the Prime Minister by Sir Anthony May, Interception of Communications Commissioner, on the work carried out by Sir Anthony and his team during 2013.

Sir Anthony said:

“My first annual report is a full and independent account of my statutory oversight of the interception and communications data activities of the public authorities during 2013. Importantly, the report is as detailed and open as I have been able to make it; there is no confidential annex; and it addresses Questions of Concern arising from media disclosures relevant to my statutory oversight. I hope that Parliament and the public will find it helpful.”

The report covers four separate areas: interception, communications data, questions of concern and prisons, as well as a number of separate investigations which Sir Anthony has carried out during the year.

In summary the report says:

Interception:

- In 2013: 2760 interception warrants (to obtain communications content) were authorised; the Commissioner conducted 26 interception inspections, examining 600 warrants, one third of the extant warrants at the end of 2013; he made 65 recommendations, an average of 7 for each interception agency; 57 interception errors were reported to IOCCO. The Commissioner also carried out a number of detailed interception investigations.

Communications Data

- In 2013: 514,608 authorisations and notices for communications data under RIPA 2000 Part I Chapter II were approved; 214 public authorities acquired data; IOCCO conducted 75 communications data inspections; they made 299 recommendations, an average of 4 for each public authority; there were 970 RIPA 2000 Part I Chapter II communications data errors, 869 reported to IOCCO and 101 identified by the Inspectors, with 87.5% attributable to public authorities and 12.5% to Communication Service Providers (CSPs).

- Of the 514,608 notices and authorisations, 87.7% were made by police forces and law enforcement agencies, 11.5% by the intelligence agencies and less than 1% by local authorities and other public authorities.

Questions of Concern

- The Commissioner has full, unrestricted access to all information from public authorities, however sensitive, to enable him to undertake his statutory functions.
- He is fully independent of Government and the public authorities he inspects.
- He has considered the in detail question of whether RIPA 2000 Part I remains fit for purpose in the developing internet age and concluded that it is as fit for purpose now as it was when it was enacted. He intends to carry out further investigations into one aspect of the operation of Section 8(4).
- Public authorities do not misuse their powers under RIPA Part I to engage in random mass intrusion into the private affairs of law abiding UK citizens. It would be comprehensively unlawful if they did. He has considered whether there is a material risk that unlawful intrusion might occur in the operation of Section 8(4) in particular and, subject to some further investigation, has concluded that there is no material risk.
- The Commissioner is clear that any member of the public who does not associate with potential terrorists, serious criminals or individuals who are potentially involved in actions which could raise national security issues for the UK can be assured that none of the interception agencies which he inspects has the slightest interest in examining their emails, their phone or postal communications or their use of the internet.
- British intelligence agencies to not circumvent domestic oversight regimes by receiving from US agencies intercept material about British citizens which could not lawfully be acquired by intercept in the UK.

Prisons

- Under an agreement to provide non-statutory oversight of the interception of communications in prisons in England, Wales and Northern Ireland, in 2013 IOCCO: Conducted 88 prison inspections, about two thirds of prisons; and made 465 recommendations from these inspections, about 5 for each prison.

Notes for editors:

Sir Anthony was appointed by the Prime Minister and took up his post in January 2013. Former President of the Queen's Bench Division of the High Court, Sir Anthony has had a distinguished legal career after being called to the Bar in 1967. Since then he has held numerous judicial posts, all requiring complete independence.

Contact:

For more information about the Interception of Communications Commissioner, what he does, and for a full copy of the report please go to: <http://www.iocco-uk.info>