



---

## **NATIONAL INTELLIGENCE MACHINERY**

---

## CONTENTS

|  |    |
|--|----|
| OVERVIEW   | 1  |
| The Legislative Framework for the Agencies   | 2  |
| Funding  | 4  |
| THE INTELLIGENCE AND SECURITY AGENCIES   | 6  |
| Secret Intelligence Service  | 6  |
| GCHQ   | 8  |
| Security Service   | 10 |
| Defence Intelligence   | 13 |
| Joint Terrorism Analysis Centre  | 15 |
| THE ROLE OF MINISTERS  | 16 |
| CENTRAL INTELLIGENCE MACHINERY   | 19 |
| The Prime Minister's National Security Adviser                                     | 21 |
| Chairman of the Joint Intelligence Committee and Head of Intelligence Assessment   | 22 |
| Joint Intelligence Committee   | 23 |
| ACCOUNTABILITY AND OVERSIGHT   | 27 |
| Intelligence and Security Committee  | 29 |
| Commissioners and Tribunal   | 31 |
| INTELLIGENCE RECORDS   | 33 |
| ANNEX A: UK Government Intelligence:<br>Its Nature, Collection, Assessment and Use | 36 |

## OVERVIEW

The United Kingdom's intelligence machinery comprises:

- the central intelligence machinery based in the Cabinet Office;
- the Secret Intelligence Service (SIS), often called MI6;
- Government Communications Headquarters (GCHQ);
- the Security Service, often called MI5;
- Defence Intelligence (DI), part of the Ministry of Defence (MOD); and
- the Joint Terrorism Analysis Centre (JTAC).

Other parts of Government also contribute to intelligence collection and/or analysis and assessment: for example, the Serious Organised Crime Agency (SOCA), Her Majesty's Revenue and Customs (HMRC) and Home Office.

SIS, Security Service and GCHQ – collectively known as the Agencies - were not publicly acknowledged for much of their existence. The SIS and Security Service originated in 1909, while there has been an official codebreaker since the 16th century. Their low profile has led to the proliferation of many rumours, myths and false impressions about their work and roles. Since the late 1980s, however, all three of the Agencies have been publicly acknowledged. They are now more open and accountable than at any previous point in their histories.

## The Legislative Framework of the Agencies

The Agencies act within the law. All their operations are conducted within a framework of legislation that defines their roles and activities. In summary, their operations must relate to national security, the prevention or detection of serious crime, or the UK's economic well-being.

By law, Agency heads are required to seek the personal approval of an appropriate Secretary of State for all intrusive surveillance and interception of communications activities.

The main statutes governing the Agencies are:

- the Security Service Act 1989, covering the Security Service;
- the Intelligence Services Act 1994, covering SIS and GCHQ;
- the Regulation of Investigatory Powers Act 2000.

The above Acts have been amended by several subsequent pieces of legislation. For instance, the Intelligence Services Act was amended by the Anti-Terrorism, Crime and Security Act 2001, and the Security Service Act has been amended by five separate Acts since it was passed in 1989. The legislative framework is continuing to evolve to ensure that it meets current challenges.

The Acts listed above are overseen by the independent Intelligence Services and Interception of Communications Commissioners, both of whom must hold, or have held, high judicial office. They review the exercise of a Secretary of State's powers and report to the Prime Minister annually. The Investigatory Powers Tribunal is appointed by HM The Queen and is made up of senior members of the legal

profession. The Tribunal is, among other things, tasked to investigate individuals' complaints about the Agencies' actions. These form a vital part of the oversight arrangements for the national intelligence machinery.

This framework of legislation complies with the requirements of the Human Rights Act 1998, which incorporated the principles of the European Convention on Human Rights into UK law.

## Funding

The Agencies – SIS, the Security Service and GCHQ – are funded through the Single Intelligence Account (SIA). The SIA's budget provision is decided by Ministers through the Spending Review mechanism which determines the budgets for Government departments. These arrangements are designed to enable Ministers to decide the amount to spend on security and intelligence, in line with decisions on the overall level and allocation of Government spending.

The Prime Minister's National Security Adviser, currently Sir Peter Ricketts, is the Principal Accounting Officer for the SIA.

DI and Cabinet Office central intelligence machinery are funded separately through their respective Departments. JTAC is funded on a joint basis. JTAC staff costs are paid for by their parent Department and Agencies, and JTAC receives additional funding (e.g. for travel) from the SIA through the Security Service.

### Current levels of funding

The Comprehensive Spending Review 2007, published on 9 October 2007, provided additional resources for the security and intelligence Agencies to support continued expansion of their counter-terrorism capabilities.

The actual and planned figures for the SIA<sup>1</sup> are as follows.

|                             | 2007/08 | 2008/09 | 2009/10 | 2010/11 |
|-----------------------------|---------|---------|---------|---------|
| <b>Resource (£ million)</b> | 1,480   | 1,723   | 1,871   | 1,952   |
| <b>Capital (£ million)</b>  | 287     | 310     | 356     | 298     |

---

<sup>1</sup> Correct at time of update

Detailed breakdowns showing the division of funding between the three agencies are not published for security reasons.

### **Financial oversight**

Like Government departments, the Agencies are subject to close budgetary scrutiny and challenging efficiency targets. Accounts are subject to audit by the National Audit Office (NAO) in the same way as those of other departments. NAO staff have access to relevant records for this purpose.

The expenditure and resource allocations of the Agencies are subject to Parliamentary scrutiny. Part of the Intelligence and Security Committee's remit (see page 29) is to oversee the Agencies' expenditure and the Committee is assisted in doing so by the NAO. The Chairman of the House of Commons' Public Accounts Committee also sees the expenditure details of the Agencies and can question the Agencies on their expenditure, through the NAO.

## THE AGENCIES

### Secret Intelligence Service (SIS)

The principal function of SIS, often known as MI6, is the collection of secret foreign intelligence on issues concerning Britain's vital interests in the fields of security, defence, serious crime, foreign and economic policies.

The work of SIS is undertaken in accordance with requirements and priorities that are established by the Joint Intelligence Committee and approved by Ministers. SIS uses human and technical sources to meet these requirements, as well as liaison with a wide range of foreign intelligence and security services.

The role of SIS is governed by the Intelligence Services Act 1994, which placed SIS on a statutory basis for the first time. The Act formalised the Foreign Secretary's responsibility for the work of SIS. It defined the functions of the Service and the responsibility of its Chief as well as establishing oversight arrangements. The Act directs SIS to obtain and provide information relating to the acts and intentions of persons overseas:

- in the fields of national security and with particular reference to the Government's defence and foreign policies;
- in the interests of the economic well-being of the UK; and
- in support of the prevention or detection of serious crime.

The Act likewise directs SIS to perform other tasks, enabling the Service to conduct



operations and to act clandestinely overseas in support of British Government objectives.

The Foreign Secretary is answerable to Parliament for the work of SIS.

SIS was established in 1909 as the Foreign Section of the Secret Service Bureau under the leadership of Naval Commander (later Captain Sir) Mansfield Cumming. The Foreign Section was responsible for gathering intelligence overseas. It grew steadily and by 1920 had become a separate service increasingly referred to as SIS. Cumming signed himself 'C'. His successors have done so ever since.

The present Chief of SIS is Sir John Sawers, who took up his post in November 2009. SIS is based at Vauxhall Cross in central London.

*For further details, see [www.sis.gov.uk](http://www.sis.gov.uk)*

## Government Communications Headquarters (GCHQ)

GCHQ has two main missions: gathering intelligence through the interception of communications (known as "Signals Intelligence", or Sigint) and providing services and advice as the UK's national technical authority for Information Assurance.

GCHQ's Sigint work provides intelligence in support of Government decision-making in the fields of national security, military operations and law enforcement. It provides essential intelligence in the battle against terrorism and also contributes to the prevention of serious crime.

Information Assurance helps to keep Government communication and information systems safe. It also helps those responsible for the UK's critical national infrastructure (power, water, communications etc.) to keep their networks safe from interference and disruption. GCHQ works closely with the Security Service, other Government departments and industry to ensure that sensitive information in such systems is properly protected for the national good.

GCHQ was placed on a statutory basis by the Intelligence Services Act 1994. This Act and subsequent legislation defines the boundaries for GCHQ's activities. Within these boundaries, the choice of what to intercept and report to Government departments and military commands is, as for SIS, based on requirements and priorities established by the Joint Intelligence Committee and approved by Ministers (see page 23).

The Foreign Secretary is answerable to Parliament for the work of GCHQ.

GCHQ was established in 1919 as the Government Code and Cypher School and

adopted its present name in 1946. Its successes during the Second World War, when its headquarters were at Bletchley Park, are now well known.

GCHQ has been based in Cheltenham since 1952. The current Director is Iain Lobban, who took office in July 2008.

*For further details, see [www.gchq.gov.uk](http://www.gchq.gov.uk)*

## Security Service

The Security Service, also known as MI5, is responsible for protecting the UK against covertly organised threats to national security. These include terrorism, espionage and the proliferation of weapons of mass destruction. It also provides security advice to a range of other organisations.

Its role is defined by the Security Service Act 1989, which put the Service onto a statutory footing for the first time. The Act formalised the Home Secretary's responsibility for the work of the Security Service, defines the Service's functions and sets out the responsibilities of its Director General. In summary, the Service's functions are:

- to protect national security, and in particular protect against threats from espionage, terrorism and sabotage, from the agents of foreign powers, and from actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means;
- to safeguard the economic well being of the UK against threats posed by the actions or intentions of persons outside the British Islands;
- to act in support of police and other law enforcement agencies in the prevention and protection of serious crime.

To fulfil these functions, the Security Service:

- investigates threats by gathering, analysing and assessing intelligence;
- counters the sources of threats;
- advises Government and others on the nature of the threat, and on relevant protective security measures; and

- assists other agencies, organisations and Government departments in combating threats.

Since the establishment of the Serious Organised Crime Agency, the Service has suspended work on serious crime in order to concentrate more resources on counter terrorism.

The Home Secretary is answerable to Parliament for the work of the Security Service.

In collecting and assessing intelligence the Security Service is guided by the requirements and priorities established by the Joint Intelligence Committee and approved by Ministers (see page 23).

The Security Service was established in 1909 as the domestic arm of the Secret Service Bureau, under Army Captain (later Major General Sir) Vernon Kell, tasked with countering German espionage. It became formally known as the Security Service (and theoretically stopped being called MI5) in 1931. At the same time, it assumed wider responsibility for assessing threats to national security, which included communist and fascist subversion as well as espionage by hostile foreign powers. The Service's role changed significantly with the rise of terrorism and the end of the Cold War. Most of its resources now go into counter-terrorist work. Since 1992 it has been the lead agency for national security work in Great Britain, and took on this role fully in Northern Ireland from 2007.

Although the Security Service works very closely with law enforcement organisations, its staff has no executive powers. Cases likely to result in prosecution are co-

ordinated closely with the police, Crown Prosecution Service, or HM Immigration Service, or HM Revenue and Customs, who take any necessary action in accordance with their own responsibilities.

The present Director General of the Security Service is Jonathan Evans, who took office in 2007. The Security Service is based at Thames House in central London.

*For further details, see [www.mi5.gov.uk](http://www.mi5.gov.uk)*

## Defence Intelligence

DI is an essential element of the national intelligence machinery, but differs in a number of important ways from the Agencies. It is not a stand-alone organisation but is a constituent part of the Ministry of Defence (MOD). It brings together expertise from all three Armed Forces as well as civilian staff. It is funded from within the Defence budget.

DI conducts all-source intelligence analysis from both overt and covert sources. It provides intelligence assessments in support of policy-making, crisis management and the generation of military capability. These are used by the MOD, military commands and deployed forces, as well as other Government departments and to support the work of the Joint Intelligence Committee.

In addition to such assessments, DI collects intelligence in direct support of military operations, as well as in support of the operations of the Agencies. This intelligence collection is authorised in accordance with procedures laid down by the Regulation of Investigatory Powers Act 2000. DI also provides a wide range of geospatial services, including mapping and charting, and a selection of intelligence-related training activities at the Defence Intelligence and Security Centre.

DI was created in 1964 by the amalgamation of all three Armed Services' intelligence staffs and the civilian Joint Intelligence Bureau. The current Chief of Defence Intelligence (CDI) is Air Marshal Chris Nickols, who took up office in January 2009. In addition to his role as head of DI, the CDI is responsible for the overall co-ordination of intelligence activities throughout the Armed Forces and single Service Commands.

*For further details, see [www.dis.mod.uk](http://www.dis.mod.uk)*



## Joint Terrorism Analysis Centre (JTAC)

JTAC was established in 2003 as part of the development of co-ordinated arrangements for handling and disseminating intelligence in response to the international terrorist threat. It is a multi-agency unit, staffed by members of the three Agencies, DI and representatives from other relevant departments including the Foreign and Commonwealth Office and Home Office, and from the police.

Since its establishment, JTAC has become widely recognised as an authoritative and effective mechanism for analysing all-source intelligence on the activities, intentions and capabilities of international terrorists who may threaten UK and allied interests worldwide. It sets threat levels and issues timely threat warnings (relating to international terrorism) as well as providing more in-depth reports on trends, terrorist networks and capabilities.

The Head of JTAC is accountable directly to the Director General of the Security Service, who in turn reports to the Joint Intelligence Committee on JTAC's performance of its functions. An Oversight Board, chaired by the Cabinet Office, ensures that JTAC meets customer requirements by monitoring the effectiveness of JTAC's systems for engaging with customer departments.

*For further details, see [www.mi5.gov.uk](http://www.mi5.gov.uk)*

## THE ROLE OF MINISTERS

In their day-to-day operations the Intelligence and Security Agencies operate under the immediate control of their respective Heads. Each of the Heads has a statutory duty to provide annual reports on the work of their Service to the Prime Minister and to their Secretary of State, and brief their respective Secretary of State regularly. The Home Secretary is responsible for the Security Service; the Foreign Secretary for SIS and GCHQ; and the Defence Secretary for DI.

The lines of Ministerial responsibility are shown on page 18.

The Prime Minister has overall responsibility for intelligence and security matters. He is accountable to Parliament for matters affecting the Agencies collectively.

The Prime Minister chairs the newly formed National Security Council (NSC), whose permanent members include the Deputy Prime Minister, the Chancellor of the Exchequer, the Foreign Secretary, the Home Secretary, the Defence Secretary, the Security Minister, the Secretary of State for International Development, the Secretary of State for Energy and Climate Change, Chief Secretary to the Treasury and the Cabinet Office Minister of State. Other Ministers and senior officials, including the Heads of the Intelligence Agencies, attend as required. The Council meets every week and is charged with overseeing and co-ordinating all aspects of Britain's security.

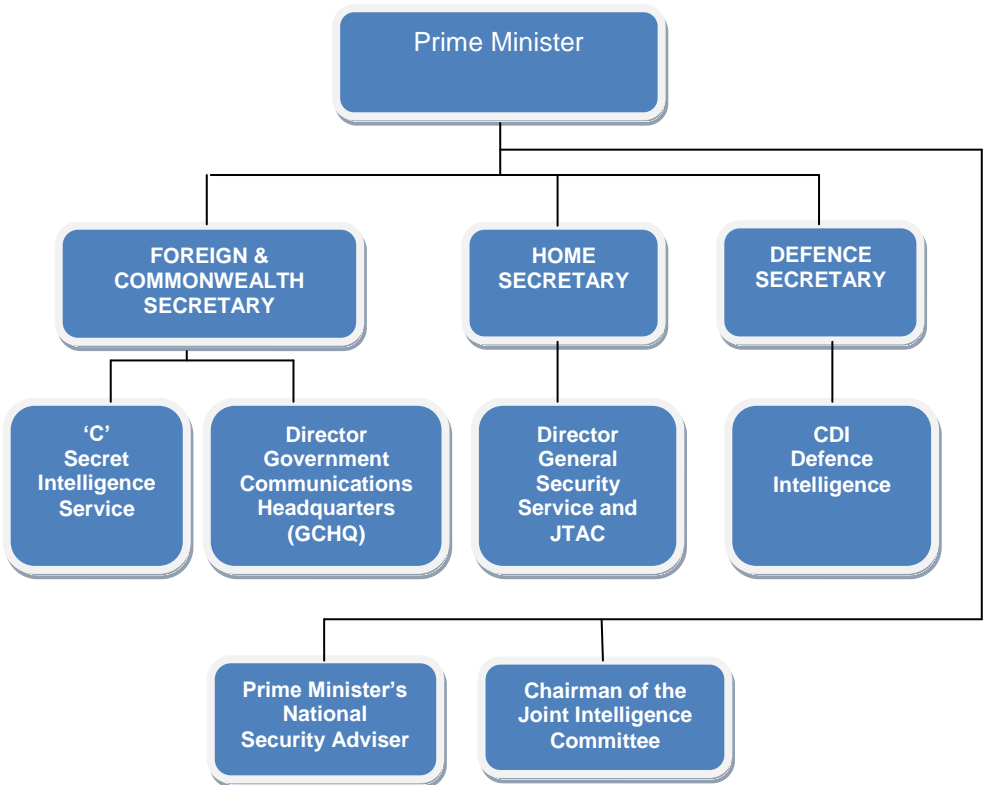
The Prime Minister is advised by his National Security Adviser, Sir Peter Ricketts. This is a new role based in the Cabinet Office and is responsible for co-ordinating and delivering the Government's international security agenda. (see page 21).

An Officials' Committee (NSC (O)) has been established to support the National Security Council. NSC (O) is chaired by the National Security Adviser.

The newly formed National Security Council Committee for Threats, Hazards, Resilience and Contingencies is responsible for considering issues related to terrorism, other security treats, hazards, resilience, contingencies, intelligence policy and the performance and resources of the security and intelligence agencies. It reports as necessary to the National Security Council and replaced the previous National Security and International Development (NSID) committee structures.

The National Security Council Committee for Threats, Hazards, Resilience and Contingencies is chaired by the Prime Minister and is attended by Cabinet Ministers. Attendance for intelligence matters is restricted to the Prime Minister (Chair), Deputy Prime Minister (Deputy Chair), Secretary of State for Foreign and Commonwealth Affairs, Chancellor of the Exchequer, Secretary of State for the Home Department, Secretary of State for Defence.

## The Lines of Ministerial Responsibility



## CENTRAL INTELLIGENCE MACHINERY

The Government's national security policies aim to:

- protect UK and British territories, British nationals and property from a range of threats, including from terrorism and espionage;
- protect and promote Britain's defence and foreign policy interests;
- protect and promote the UK's economic well-being;
- support the prevention and detection of serious crime.

Intelligence from secret sources is used to support these aspects of the Government's policies by providing information on relevant activities and developments which are secret or undisclosed and which could not be adequately monitored from regular or overt sources.

Machinery at the centre of Government, in the Cabinet Office, which is led by the Chairman of the Joint Intelligence Committee and the Deputy National Security Adviser for Intelligence, Security and Resilience is responsible for the tasking the Agencies in accordance with agreed requirements and priorities, funding and performance monitoring. These are put to the National Security Council Committee for Threats, Hazards, Resilience and Contingencies for approval, with advice provided by the National Security Council Officials' Committee (NSC(O)).

Intelligence collected by the three Agencies is passed directly in the form of reports to customer departments in Government, where it informs and assists decision-making. It contributes, with other sources of information, to threat assessment work and other longer-term analysis and assessment. Intelligence reporting from the Agencies is also used to support field operations by the Armed Forces and the law enforcement agencies.

The Agencies and those who use their intelligence products maintain close relationships. The Agencies work closely with each other, combining forces wherever appropriate in operational work, sharing elements of infrastructure and producing coordinated intelligence reports. A more detailed account of the nature, collection, assessment and use of intelligence is at **Annex A**.

## The Prime Minister's National Security Adviser

Sir Peter Ricketts is the Prime Minister's National Security Adviser and is based in the Cabinet Office. He was appointed in May 2010.

He is responsible for advising the Prime Minister on national security, overseeing the new National Security Council structures and co-ordinating and delivering the Government's security agenda.

Sir Peter Ricketts has taken on the role as the Accounting Officer for the Single Intelligence Account, which was previously undertaken by the Cabinet Secretary.

He is supported by two deputies. The Deputy National Security Adviser for Intelligence, Security, and Resilience, Oliver Robbins, is responsible for intelligence policy, security policy, cyber strategy and civil contingencies and the Deputy National Security Adviser for Foreign Policy and Defence is Julian Miller. The Prime Minister, National Security Adviser and his Deputy for Intelligence Security and Resilience are assisted by a small team in Cabinet Office supporting the Prime Minister in his role as Minister with overall responsibility for intelligence and security matters, coordinating intelligence policy issues of strategic importance and public scrutiny of intelligence matters, and managing the Single Intelligence Account.

## Chairman of the Joint Intelligence Committee and Professional Head of Intelligence Analysis

The Chairman of the Joint Intelligence Committee (JIC) and Professional Head of Intelligence Analysis is responsible to the Prime Minister for supervising the work of the JIC. He is the head of the Joint Intelligence Organisation, which includes the Assessments Staff, a group of analysts responsible for drafting JIC papers and other all source products. He is charged specifically with ensuring that the Committee's warning and monitoring role is discharged effectively.

The JIC Chairman is also the Professional Head of Intelligence Analysis, a role established following recommendations in Lord Butler's 2004 review of Intelligence on Weapons of Mass Destruction.

The current Chairman is Alex Allan, who was appointed in December 2007.



## The Joint Intelligence Committee (JIC)

The JIC is a cross-Government Committee, based at the Cabinet Office, responsible for providing Ministers and senior officials with co-ordinated inter-departmental intelligence assessments on a range of issues of immediate and long-term importance to national interests, primarily in the fields of security, defence and foreign affairs.

### **Membership**

The JIC's members are senior officials in the Foreign and Commonwealth Office, Ministry of Defence (including the Chief of Defence Intelligence), Home Office, Cabinet Office, Department for International Development, Treasury, the Heads of the three intelligence Agencies and the Chief of the Assessments Staff. Other Departments attend as necessary.

The Chairman of the JIC is responsible for supervising the work of the Committee. Like the Agency Heads, he has direct access to the Prime Minister.

### **Assessments Staff**

The JIC is supported by the Assessments Staff, which consists of a range of analytical staff seconded from various departments, services and disciplines. It is responsible for drafting all-source assessments of strategic issues and issues of current concern, and providing warnings of threats to British interests. Its staff draws on a range of reporting, primarily from the Agencies but also including UK diplomatic reporting and open source material.

The Assessments Staff work closely with the Agencies and other Government departments in analysing and interpreting the reporting. Their draft assessments are subject to formal inter-departmental scrutiny and challenge in Current Intelligence Groups, which bring together experts from a range of Government departments and the Agencies. The JIC agrees most assessments before they are circulated to Ministers and senior officials, although some papers, including urgent updates on developing issues, are issued under the authority of the Chief of the Assessments Staff. The latter also has an advisory oversight role of the programme of strategic assessments undertaken across Government in the security, defence and foreign affairs fields.

Like the three Agencies and DI, the Assessments Staff maintains its own contacts with analogous overseas intelligence organisations. Such liaison arrangements allow access to information and analysis that might otherwise not be available. In the case of countries with which the UK has military alliances or faces a common threat, information is shared so that decisions can be taken on the basis of a common perception.

### **Professional Head of Intelligence Analysis**

The post of Professional Head of Intelligence Analysis (PHIA) was established within the Cabinet Office as part of the Government's response to Lord Butler's 2004 Review of Intelligence on Weapons of Mass Destruction. The main tasks of this post are to support effective and confident Government decision-making by enhancing the quality of Intelligence Analysis through oversight of, and advice on, analytical capabilities, methodology and training across the UK Intelligence Community. PHIA also has a role in ensuring that JIC products are impartial and not influenced by

preconceptions or assumptions.

***Assessing international terrorism: relationship with JTAC***

The JIC (through the Assessments Staff) and the Joint Terrorism Analysis Centre (JTAC) both play an important role in analysing and assessing international terrorism. JTAC sets threat levels and issues timely threat warnings as well as more in-depth reports on trends, terrorist networks and capabilities for a wide range of customers. JIC assessments of terrorism are more strategic and place JTAC assessments in a broader geopolitical context for Ministers and senior officials.

## **JIC Terms of Reference**

The role of the Joint Intelligence Committee is:

- To assess events and situations relating to external affairs, defence, terrorism, major international criminal activity, scientific, technical and international economic matters and other transnational issues, drawing on secret intelligence, diplomatic reporting and open source material;
- To monitor and give early warning of the development of direct and indirect threats and opportunities in those fields to British interests or policies and to the international community as a whole;
- To keep under review threats to security at home and overseas and to deal with such security problems as may be referred to it;
- To contribute to the formulation of statements of the requirements and priorities for intelligence gathering and other tasks to be conducted by the intelligence Agencies;
- To maintain oversight of the intelligence community's analytical capability through the Professional Head of Intelligence Analysis;
- To maintain liaison with Commonwealth and foreign intelligence organisations as appropriate, and to consider the extent to which its product can be made available to them.

Members of the Committee are to bring to the attention of their Ministers and Departments, as appropriate, assessments that appear to require operational, planning or policy action. The Chairman is specifically charged with ensuring that the Committee's monitoring and warning role is discharged effectively.

The Committee may constitute such permanent and temporary sub-committees and working parties as may be required to fulfil its responsibilities.

## ACCOUNTABILITY AND OVERSIGHT

To maintain their effectiveness the Intelligence and Security Agencies must be able to operate in secret. However it is also important in a democratic society that there are effective safeguards and means of overseeing their work, with clearly defined political accountability for their activities.

Effective accountability and oversight is provided in three different ways:

- through Ministers, who are accountable to Parliament for the activities of the Agencies;
- through Parliament itself, to provide politically independent oversight of Agency activities; and
- through independent Commissioners, who provide judicial expertise on the Agencies' performance of their statutory duties, and an Investigatory Powers Tribunal, which investigates complaints by individuals about the Agencies' conduct towards them.

The oversight mechanisms are founded in three key pieces of legislation:

- the Security Service Act 1989 (amended 1996), which placed the Service under the authority of the Home Secretary and which set out the functions of the Service and the responsibilities of the Director General;
- the Intelligence Services Act 1994 (ISA), which established a framework for Parliament to exercise oversight of expenditure, administration and policy of the three Agencies; and

- the Regulation of Investigatory Powers Act 2000 (RIPA) which established a Commissioner for the Interception of Communications, a Commissioner for the Intelligence Services and a Tribunal to examine complaints and hear proceedings under section 7 of the Human Rights Act 1998.

## Intelligence and Security Committee

Parliamentary oversight of SIS, GCHQ and the Security Service is provided by the independent Intelligence and Security Committee (ISC). Its cross-party membership of nine Parliamentarians, drawn from both Houses, is appointed by the Prime Minister after consultation with the leader of the opposition. It was established by the Intelligence Services Act 1994.

The Committee's statutory remit is to examine the expenditure, administration and policy of the three Agencies. In addition, although the Committee does not have formal oversight of DI (which is part of the MoD), the Chief of Defence Intelligence has, with the Government's agreement, given evidence to assist the Committee with its work. On a similar basis, the ISC has also taken evidence from the Chairman of the JIC and the Chief of the Assessments Staff and Office of Security and Counter Terrorism in the Home Office in the pursuit of its inquiries.

The ISC operates within a "ring of secrecy", so that members are bound to observe confidentiality whilst having access to the range of Agency activities and to highly classified information. In terms of the Agencies' budgets, the Committee sees the details of the Single Intelligence Account and is supported by the National Audit Office in this work.

The ISC sets its own work programme. Ministers, Agency heads, and others give evidence as necessary. The Committee reports annually to the Prime Minister on its work. These annual reports, after any redactions of sensitive material, are then laid before both Houses of Parliament, together with the Government's response, and debated. The Committee also produces ad hoc reports, such as its "Could 7/7 have

been prevented – review of the intelligence on the London Terrorist Attacks on 7 July 2005”, which was published on 11 May 2006.

The current Chairman of the ISC is Sir Malcolm Rifkind MP. The ISC is supported by a Clerk and an independent secretariat based in the Cabinet Office.



## Commissioners and Tribunal

The Agencies are also overseen by two Commissioners, appointed under the Regulation of Investigatory Powers Act 2000 (RIPA). They are required to hold, or have held, high judicial office.

The Rt. Hon. Sir Peter Gibson currently holds the position of **Intelligence Services Commissioner**. He reviews the issue by the relevant Secretary of State of warrants and authorisations for operations by the Agencies and Ministry of Defence (MOD) which fall under his oversight, namely warrants issued under the Intelligence Services Act 1994 and warrants and authorisations for surveillance and agents under RIPA.

The Rt. Hon. Sir Paul Kennedy currently holds the position of **Interception of Communications Commissioner**. He reviews the issue and operation of warrants permitting the interception of mail and telecommunications and the acquisition of communications data by the Intelligence and Security Agencies, MOD and law enforcement organisations, and the arrangements for handling the material.

The Commissioners are able to visit the Agencies and relevant departments to discuss any case they wish to examine in more detail. They must, by law, be given access to whatever documents and information they need and at the end of each reporting year they submit reports to the Prime Minister. These reports are subsequently laid before Parliament and published.

The Commissioners also assist the **Investigatory Powers Tribunal**, a body established in October 2000 to investigate, among other things, complaints by individuals about the Agencies' conduct towards them or about interception of their communications. Anyone, regardless of nationality, can complain if they believe that their communications or human rights have been violated or abused by any of the Agencies. The Tribunal enquires into each complaint and investigates whether the Agencies have acted improperly. If the Tribunal upholds a complaint, it has the power to order such remedial action as it sees fit including, if it deems appropriate, the award damages to the complainant.

The Tribunal is made up of senior members of the legal profession or judiciary. Lord Justice John Mummery is its current President.

*See the Tribunal's website ([www.ipt-uk.com](http://www.ipt-uk.com)) for more information on its role and activities.*

## INTELLIGENCE RECORDS

The records of the security and intelligence Agencies and Agency related material held in the records of other departments are protected by a 'blanket' exemption, in accordance with Section 3(4) of the Public Records Act 1958, from the legal obligation to transfer public records to The National Archives (TNA). Similarly, the records of the Agencies are not subject to the Freedom of Information Act 2000 and that Act creates an exemption in respect of Agency- related material held in the records of other departments. However, many intelligence-related records are already in the public domain.

- GCHQ has transferred to TNA virtually all its records up to the end of the Second World War, amounting to many hundreds of thousands of papers. The few records still withheld from this period are re-reviewed regularly.
- The Security Service is committed to preserving for posterity its records of historical interest, and follows a policy of voluntarily declassifying and releasing as much material of historical interest as it can, compatible with the demands of national security, responsibility to individuals concerned and resources available. In practice, the Service follows a programme of releasing records in excess of 50 years old. An official centenary history of the Service was published in October 2009.
- SIS records are not released into the public domain, in line with the organisation's commitment never to reveal the identities of individuals or organisations co-operating with them. SIS does, however, make available information that does not breach the vital principles of confidentiality of sources and operational methods, including reviewing and transferring to TNA the records of the Special Operations Executive (SOE), and SIS

documentation found on the files of other departments. An official history of SIS was published in 2010.

- Defence Intelligence records are subject to the same regime as other Ministry of Defence (MOD) records and are reviewed for release to TNA after 30 years.
- Joint Intelligence Committee records are reviewed for release to TNA after 30 years together with other Cabinet Office records. An official history of the JIC is being prepared.

In 2004 an interdepartmental Consultative Group on Security and Intelligence Records was established under Cabinet Office chairmanship with representatives from the Intelligence Agencies, Foreign and Commonwealth Office, MOD, Home Office, NIO and TNA. It also includes representatives of the academic community: Professor Christopher Andrew of the University of Cambridge and Professor Richard J Aldrich of the university of Warwick.

The purpose of the Group, as set out in its terms of reference, is "to consider requests from historians and other researchers of security and intelligence records and to respond where possible by:

- Facilitating the use of records that are already available;
- Disseminating work in progress;
- Identifying forthcoming releases;
- Taking forward consideration of records on particular topics for possible release; and
- undertaking an annual review of releases."

You can find previously released intelligence-related records via the **National Archives Catalogue** ([www.nationalarchives.gov.uk/catalogue](http://www.nationalarchives.gov.uk/catalogue)). The principal series codes are:

- GCHQ - HW
- Security Service - KV
- Ministry of Defence – DEFE, ADM, AIR and WO
- Cabinet Office – CAB
- SOE - HS

## ANNEX A

### UK GOVERNMENT INTELLIGENCE: ITS NATURE, COLLECTION, ASSESSMENT AND USE

Secret intelligence is information acquired against the wishes and (generally) without the knowledge of the originators or possessors. Sources are kept secret from readers, as are the many different techniques used. Intelligence provides privileged insights not usually available openly.

Intelligence, when collected, may by its nature be fragmentary or incomplete. It needs to be analysed in order to identify significant facts, and then evaluated in respect of the reliability of the source and the credibility of the information in order to allow a judgement to be made about the weight to be given to it before circulation either as single source reports or collated and integrated with other material as assessments.

SIS and GCHQ evaluate and circulate mainly single source intelligence. The Security Service also circulates single source intelligence although its primary product is assessed intelligence. Defence Intelligence produces mainly assessed reports on an all-source basis. The Joint Terrorism Analysis Centre produces assessments both on short-term terrorist threats and on longer term trends relating to terrorism.

Assessment should put intelligence into a sensible real-world context and identify elements that can inform policy-making. Evaluation, analysis and assessment thus transform the raw material of intelligence so that it can be assimilated in the same way as other information provided to decision-makers at all levels of Government.

Joint Intelligence Committee (JIC) assessments, the collective product of the UK intelligence community, are primarily intelligence-based but also include relevant information from other sources. They are not policy documents. JIC products are circulated to No. 10, Ministers and senior policy makers.

There are limitations, some inherent and some practical, on the scope of intelligence, which have to be recognised by its ultimate recipients if it is to be used wisely. The most important limitation is incompleteness. Much ingenuity and effort is spent on making secret information difficult to acquire and hard to analyse. Although the intelligence process may overcome such barriers, intelligence seldom acquires the full story. Even after analysis it may still be, at best, inferential.

Readers of intelligence need to bear these points in mind. They also need to recognise their own part in providing context. A picture that is drawn solely from secret intelligence will almost certainly be a more uncertain picture than one that incorporates other sources of information. Those undertaking assessments whether formally in a written piece or within their own minds when reading individual reports, need to put the intelligence in the context of wider knowledge available. That is why JIC assessments are "all source" assessments, drawing on both secret and overt sources of information. Those undertaking assessments also need to review past judgements and historic evidence. They need to try to understand, drawing on all the sources at their disposal, the motivations and thinking of the intelligence targets. Where information is sparse or of questionable reliability readers or those undertaking assessments need to avoid falling into the trap of placing undue weight on that information and the need to be aware of the potential risk of being misled by deception or by sources intending to influence more than to inform. In addition

readers and those undertaking assessments need to be careful not to give undue weight automatically to intelligence that reinforces earlier judgements or that conforms to others' expectations.

If the intelligence machinery is to be optimally productive, readers should feed back their own comments on intelligence reports to the producers. In the case of human intelligence in particular, this is a crucial part of the evaluation process to which all sources continually need to be and are subjected.

**November 2010**