



**TERMS OF REFERENCE FOR
THE TECHNICAL ADVISORY BOARD**

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Legislative basis for the Technical Advisory Board (TAB)

1. The Technical Advisory Board, hereafter referred to as the TAB, is an advisory Non-Departmental Public Body established by section 13(1) of the Regulation of Investigatory Powers Act 2000, hereafter referred to as the 2000 Act.

Role and purpose

2. The TAB has two functions.
 - In accordance with section 12(9) of the 2000 Act, the TAB must be consulted before the Home Secretary makes an order under section 12(1) of the 2000 Act, imposing obligations on communications service providers (CSPs).
 - In accordance with section 12(5) of the 2000 Act, a notice issued to a CSP under section 12(2), the effect of which is to trigger the imposition of the obligations provided for in the section 12(1) order, may be referred by the CSP to the TAB within 28 days of the notice's issue. In accordance with section 12 (6), the TAB shall consider the requirements set out in the notice and their financial consequences for the CSP. It shall then report its views to the CSP and to the Home Secretary. After considering any report from the TAB relating to a notice, the Home Secretary may either withdraw the notice or give a further notice under section 12(2) of the 2000 Act confirming its effect, with or without modifications.

Working practices

3. The TAB will fulfill its functions by convening meetings when required, but at least once a year. It will give careful consideration to the matters brought before it, where appropriate seeking evidence and expert advice from outside its own membership. The TAB chairman shall report the TAB's conclusions, in writing, to the Home Secretary. In relation to a notice issued under section 12(2) of the 2000 Act and referred to the TAB for consideration, the TAB chairman shall also report its conclusions, in writing, to the person making the reference. The TAB will operate business practices that meet its objectives within legislation concerning the management of data and the provision of access to information. The TAB chairman will publish an annual report and ensure that the TAB communicates effectively with both CSPs and the general public.

Membership

4. The membership of the TAB is provided for by the Regulation of Investigatory Powers (Technical Advisory Board) Order 2001. There shall be 13 members. Six industry members (holding an office, rank or position with a CSP, or with a body representing the interests of CSPs) and six government members (holding office, rank or position with an intercepting agency, or with a body representing their interests). One person, who does not fall within either of the previous two categories, shall be appointed chairman.

Recruitment of TAB members

5. Recruitment of the TAB chairman and industry members shall be conducted in accordance with the guidelines on ministerial appointments to public bodies issued by the Office for the Commissioner for Public Appointments (OCPA). The government members shall be nominated by the intercepting agencies and appointed by the Home Secretary.

Responsibilities of the TAB chairman

6. The chairman is responsible for chairing and managing the work of the TAB. He or She must also ensure that the TAB operates within the parameters set out in the Cabinet Office's "Non-Departmental Public Bodies: A Guide for Departments". The chair is directly responsible to the Home Secretary. His or Her key tasks and objectives are:
 - participating in the recruitment of TAB industry members;
 - leading the work of the TAB in the production of advice for the Secretary of State;
 - producing an annual report on the TAB's activities;
 - reviewing the appointment of TAB members every 3 years and making recommendations to the Secretary of State;
 - ensuring that the TAB is able to call on appropriate experts as and when required;
 - agreeing a code of practice for TAB members with the head of the sponsoring Home Office Unit (the Intelligence and Security Liaison Unit), ensuring that the code of practice is, where practicable and appropriate, consistent with Cabinet Office guidelines and reporting any breaches of the code of practice to the Home Secretary.

Responsibilities of TAB members

7. TAB members are responsible to the TAB chairman, assisting him or her to formulate advice for the Secretary of State on matters referred to the TAB for consideration. TAB members must at all times abide by the TAB's code of practice.

Terms and conditions for the post of TAB chairman

8. The terms and conditions for the post of TAB chairman are as follows:
 - the post holder will need to be developed vetted;
 - the post holder will need to abide by the code of practice for TAB members;
 - the post holder cannot be a current employee of a communication service provider or an intercepting agency;
 - the remuneration is £400 per day plus expenses. The initial appointment is for three years with the possibility of renewal.

Terms and conditions for the post of TAB member

9. The terms and conditions for the post of TAB member are:
 - the post holder will need to be vetted to at least security check level;
 - the post holder will need to abide by the code of practice for TAB members;
 - no remuneration will be received, but expenses will be reimbursed. Appointments will be for three years with the possibility of renewal.

TAB secretariat and relationship with the Home Office

10. The Home Office will provide the TAB with a secretary, administrative support and any policy or legal guidance it requires. The Home Office will also administer TAB members' expense claims and payments to the TAB chairman, and act as a conduit between the TAB and other Government Departments and Agencies, as required.

Review of the functions of the TAB

11. The TAB chairman should review the functions of the TAB on a quinquennial basis, in line with Cabinet Office guidance.

Contacting the TAB

12. The TAB may be contacted by writing to The Technical Advisory Board, PO Box 38542, London SW1H 9YE. Alternatively, e-mails may be addressed to TAB@homeoffice.gsi.gov.uk.
13. The TAB homepage, which provides further information on the TAB, including copies of both this document and the TAB's Code of Practice, can be found at <http://security.homeoffice.gov.uk/ripa/interception/technical-advisory-board/>