



Statement by the Interception of Communications Commissioner's Office (IOCCO) on the publication of the Interception of Communications Commissioner's Report 2014

12 March 2015

**EMBARGOED FOR USE AFTER 1030 AM THURSDAY 12 MARCH 2015**

Today the Government published a report submitted to the Prime Minister by the Rt Hon. Sir Anthony May, Interception of Communications Commissioner, on the work carried out by Sir Anthony and his team during 2014.

Sir Anthony said:

*"My office has continued to undertake our audits of public authorities' use of these intrusive powers against existing legislation. Overall our inspections show that they have a desire to comply with the legislation and to achieve high standards in the work that they carry out.*

*"My office continues to challenge positively the necessity and proportionality justifications put forward by the public authorities to ensure that the significant privacy implications are always at the forefront of their minds when they are working to protect the public in the interests of national security, to save life or to prevent or detect crime. Nevertheless there is always room for improvement and the work that my office undertakes assists public authorities to keep their systems and their use of these intrusive powers under constant review.*

*"The areas I oversee continue to attract comment and debate and there is a diverse range of interested and informed people who are, and should continue to, contribute to ensure the debate is informed and accurate. My office has undertaken considerable work to engage in the debate which demonstrates our commitment to understanding the issues and better informing the public about our work. Much more remains to be done and we will continue to provide independent, accurate, unbiased advice and substantive evidence that is not affected by political persuasion to the debate and various reviews."*

The report covers inspections in three separate areas: interception, communications data and prisons, as well as a number of inquiries into specific issues carried out in 2014:

In summary the report says:

#### Interception:

- In 2014: 2795 interception warrants (to access communications content) were issued; 1605 warrants were extant at the end of the year, 20 of which were section 8(4) warrants for external communications.
- IOCCO conducted 26 interception inspections, examining 936 warrants (60% of the extant warrants at the end of 2014); we made 85 recommendations to the interception agencies and warrant granting departments.
- 60 interception errors were reported to IOCCO; these ranged from over-collection and unauthorised selection or examination of material to the incorrect communications addresses being intercepted.
- Our inquiry into the retention, storage and deletion of intercepted material and data resulted in a significant amount of material and data being destroyed and retention periods being reduced as the interception agencies were not able to provide a persuasive justification to retain it.

#### Communications Data

- In 2014: 517,236 authorisations and notices for communications data were issued or granted; 88.9% by police forces and law enforcement agencies, 9.8% by the intelligence agencies and the remaining 1.3% by local authorities and other public authorities.
- IOCCO conducted 90 communications data inspections; examining 13,000 applications on a random basis and 100,000 applications via query based searches; they made 346 recommendations.
- Our inquiry into whether there might be *significant institutional* overuse of communications data powers by police forces and law enforcement agencies found that there is not. However we found that a proportion of the applications did not adequately deal with the question of necessity or proportionality, there were some examples where the powers had been used improperly or unnecessarily.
- 998 communications data errors were reported; 84.4% attributable to public authorities and 14.3% to Communication Service Providers (CSPs). 12 technical system errors and 9 human errors were reported that resulted in multiple or serious consequences, for example action being taken against the wrong individual or delays in welfare checks on persons in crisis.

#### Prisons

- Under an agreement to provide non-statutory oversight of the interception of communications in prisons in England, Wales and Northern Ireland.
- In 2014 IOCCO: conducted 100 prison inspections; and made 492 recommendations from these inspections, about 5 for each prison.

- Prisons work hard to comply with the various, sometimes overlapping or contradictory, policies governing interception of prisoners' communications but they are in need of clear direction and better quality policy. It is important that the National Offender Management Service gets to grips with these issues.

**Notes for editors:**

This report covers the period from January to December 2014. For the second year IOCCO have not included a confidential annex with the report.

This is Sir Anthony's second report as Commissioner. 2014 was a significant year, not least because Parliament passed new powers relating to the areas that he oversees; his reports to the Prime Minister were increased in frequency from annually to half-yearly; and, various reviews of the legislation and oversight were commissioned. In addition a number of cases relating to the legislation the Commissioner oversees were taken to the Investigatory Powers Tribunal (IPT). The Commissioner touches on all of these matters in my report.

Sir Anthony was appointed by the Prime Minister and first took up his post in January 2013. During his recovery from a road traffic accident Sir Paul Kennedy stood in for Sir Anthony on an interim basis. Sir Anthony is a former President of the Queen's Bench Division of the High Court and 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>