



**INTELLIGENCE AND SECURITY COMMITTEE**  
35 Great Smith Street, London SW1P 3BQ

**PRESS RELEASE**

The Chairman of the Intelligence and Security Committee (ISC), the Rt. Hon. Sir Malcolm Rifkind MP, has issued the following statement:

*“I strongly welcome the publication today of the Government’s Green Paper on Justice and Security.*

*“The risk of our courts disclosing foreign intelligence material, which allies had presumed to be shared in confidence, is extremely concerning. This undermines the ‘control principle’ – a key facet of intelligence sharing relationships – and risks damaging our national security. Additional protection for intelligence material is urgently needed. Yet it is also crucial, in the interests of justice, that the courts have access to all the relevant material in forming their judgments. Striking the right balance between keeping secrets secret and ensuring fairness in our courts is at the heart of this important consultation. The Intelligence and Security Committee will examine the Government’s proposals in detail, and respond in due course.*

*“The Green Paper also contains proposals for reform of the oversight arrangements for the UK intelligence community. I am pleased that the Government has accepted the vast majority of the Intelligence and Security Committee’s own proposals in its Green Paper published today. This is a strong endorsement of our desire to modernise and strengthen parliamentary oversight of the intelligence community in this country. If implemented in full, the ISC will become a Committee of Parliament with greater authority, effectiveness, resources and credibility. It will significantly enhance oversight of the United Kingdom intelligence community in a manner in which Parliament and the public can have full confidence. These are significant reforms which I hope will earn widespread support.”*

## **NOTES TO EDITORS:**

1. The Intelligence and Security Committee (ISC) was established in 1994 to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service (SIS) and Government Communications Headquarters (GCHQ). The Committee also examines the work of the Joint Intelligence Committee (JIC), the Assessments Staff and the National Security Secretariat in the Cabinet Office, and Defence Intelligence (DI) in the Ministry of Defence.

2. The ISC is a cross-party Committee of nine Parliamentarians from the Lords and the Commons. The Prime Minister appoints ISC Members after considering nominations from Parliament and consulting with the Leader of the Opposition. The Committee's membership is as follows:

*The Rt. Hon. Sir Malcolm Rifkind, MP (Chairman)*

*The Rt. Hon. Hazel Blears, MP*

*The Rt. Hon. Paul Goggins, MP*

*The Rt. Hon. Lord Butler KG GCB CVO*

*The Rt. Hon. George Howarth, MP*

*The Rt. Hon. Sir Menzies Campbell CBE QC, MP*

*Dr Julian Lewis, MP*

*Mr Mark Field, MP*

*Lord Lothian QC PC*

3. The Green Paper on Justice and Security (Cm 8194) is consulting on proposals to:

- better equip the courts to pass judgment in cases involving sensitive information;
- protect UK national security by preventing damaging disclosure of genuinely national security sensitive material; and
- modernise judicial, independent and parliamentary scrutiny of the security and intelligence agencies to improve public confidence that executive power is held fully to account.

4. The ISC, in its Annual Report 2010-2011 (Cm 8114, published in July 2011), proposed a number of reforms to its status, remit and powers that would strengthen Parliamentary oversight of the UK intelligence community. The full Report can be accessed at <http://isc.independent.gov.uk>, and the relevant extract is included below.

### **Extract from ISC Annual Report 2010-2011:**

270. In the 16 years since the Intelligence and Security Committee was established there have been a number of changes within the intelligence community, and the work of the Committee has evolved to take account of these. However, public expectation in terms of transparency and openness has increased significantly during this time, and the Committee must ensure that it has the powers and remit that are necessary to provide reassurance to the public and to Parliament.

271. The ISC in the last Parliament stated in its 2009–2010 Annual Report that it was “*confident in its ability to hold the Agencies, and other bodies with an intelligence role, to account and to do so independently of Government*”. However it noted that “*Nevertheless, over the last six months, questions have been raised about the independence of the Committee*”. This led the Committee to revisit those principles, policies and procedures which govern the work, status, remit and responsibility of the Committee and under which the Committee operates. It believed that corporate knowledge of the Committee's procedures within government had been lost over time and that this had led “*in some cases to misunderstandings as to the statutory independence of the Committee and its work and the nature of the relationship between the Committee and the Prime Minister*”. In reviewing its procedures, the Committee was clear that it was no longer appropriate for it to be hosted by the Cabinet Office if there was to be confidence in the independence of the Committee. The Committee said that “*As a matter of principle, no matter what the circumstances, it clearly is not right to be hosted by an organisation that you have some role in overseeing and there is a danger that boundaries might not be respected*”. It concluded that the *status quo* was unsustainable.

272. This Committee agrees with its predecessor that it is essential that it is able to provide credible reassurance both to the public and to Parliament that, consistent with necessary secrecy and security, the Agencies operate in the public interest. We have therefore made it a priority this year to conduct a root-and-branch review of the Committee's role, structure, remit and powers. We took the 1994 legislation that established the ISC as our starting point, and examined whether it reflected how the Committee's work has evolved over the past 16 years and whether it provided the greater openness and transparency that is now necessary.

273. We concluded that the current arrangements are significantly out of date. The Committee's remit and powers have evolved beyond the *de minimis* position set out in the 1994 Act: the Committee today takes evidence from other parts of the intelligence community rather than just the three Agencies, and has retrospectively reviewed specific operations as well as the administration, policy, and expenditure that the Act makes provision for. The legislation also contains safeguards that – whilst they were thought necessary in 1994 – are now outdated, including the limited power of the ISC to request, rather than require, information from the Agencies. The 1994 Act therefore requires updating.

274. The Government's Green Paper on the protection of intelligence material in the courts provides an excellent opportunity for legislative change. Indeed if the Government is to recommend changes in the powers of the courts, then it is essential that oversight of the Agencies is strengthened. We have produced radical proposals for change, designed to increase accountability, transparency and capacity for oversight of the intelligence community. Our detailed proposals – which we believe should form the basis for the relevant parts of the Green Paper – were put to the National Security Adviser on 31 March 2011.

**II. The Intelligence and Security Committee was established under the Intelligence Services Act 1994, and has now been in existence for over 16 years. We therefore considered that it was right to review whether the structure, remit and powers of the Committee were still sufficient in the context of the current intelligence machinery. It is clear that the current provisions are outdated and that the *status quo* is unsustainable. We have therefore submitted radical proposals for change that will ensure strengthened, more credible oversight of the UK intelligence and security Agencies and provide greater assurance to the public and to Parliament. We recommend that these form the basis for the proposals for reform of the ISC in the forthcoming Green Paper on the handling of intelligence material in judicial proceedings.**

**JJ. Our proposals to the National Security Council are based on the following key principles:**

- **the Intelligence and Security Committee should become a Committee of Parliament, with the necessary safeguards, reporting both to Parliament and the Prime Minister;**
- **the remit of the Committee must reflect the fact that the ISC has for some years taken evidence from, and made recommendations regarding, the wider intelligence community, and not just SIS, GCHQ and the Security Service;**
- **the Committee's remit must reflect the fact that the Committee is not limited to examining policy, administration and finances, but encompasses all the work of the Agencies;**
- **the Committee must have the power to require information to be provided. Any power to withhold information should be held at Secretary of State level, and not by the heads of the Agencies; and**
- **the Committee should have greater investigative and research resources at its disposal.**