



# INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



## PRESS RELEASE: ANNUAL REPORT 2021-2022

The Intelligence and Security Committee of Parliament (ISC) published its Annual Report for 2021-2022 today. The report covers the period up to March 2022. The Chairman of the Committee, the Rt Hon. Dr Julian Lewis MP, said:

*“This Report sets out the work of the Intelligence and Security Committee of Parliament for the period from August 2021 to March 2022 in carrying out its oversight of the UK Intelligence Community. I am grateful to the members of the Committee for their contribution, including the Rt Hon. Dame Diana Johnson DBE MP and the Rt Hon. Mark Pritchard who stepped down from the Committee in January, and new members Maria Eagle MP and the Rt Hon. Sir Jeremy Wright KC MP. There have been some notable successes during this time, and the Committee recognises the good work being done by the Intelligence Community.*

*However, the Committee is deeply disappointed and concerned that the Government is still refusing to update this Committee’s remit. The only avenue for effective parliamentary oversight of security and intelligence matters is the ISC. Each piece of new legislation devolving such matters away from the bodies already overseen by this Committee should therefore come with a commensurate expansion to this Committee’s remit. Otherwise the effective scrutiny by Parliament of national security issues across Government is being actively avoided. This is genuinely troubling.”*

### **The Committee’s Key Findings, from August 2021 to March 2022**

- During the period August 2021 to March this year, the Committee published its 2019-21 Annual Report, completed its report on Extreme Right Wing Terrorism (publication was delayed due to an exceptional breach of procedure by the Government), issued a statement on the Economic Crime (Transparency and Enforcement) Act, and progressed four Inquiries on International Partnerships, China, Cloud Technologies, and Iran.
- The Committee contributed collectively to a number of pieces of national security legislation: the Telecommunications (Security) Act 2021, the Economic Crime (Transparency and Enforcement) Act 2022, the Online Safety Bill, and the Elections Act 2022.
- In relation to the Telecommunications (Security) Act, the Committee made clear that while it supported the legislation - which is the first step towards addressing concerns raised in the Committee’s 2020 Russia Report - it must be accompanied by the appropriate financial support. This is essential if the authorities – and in particular the National Crime Agency which leads on this effort – are to have the necessary clout and greater powers required to ensure the UK is no longer a safe haven for the oligarchs and their enablers.
- The Report also details two constitutional matters which have a direct impact on the confidence Parliament and the public can have that the UK Intelligence Community is acting appropriately, and that all security matters across Government are being scrutinised.

### ***The provision of evidence***

- This Committee has been severely hampered over the past year by the failure of the UK Intelligence Community to provide responses to the Committee in accordance with the deadlines set. In the Committee's 2019-21 Annual Report, we attributed this to their reduced resources during the pandemic and their need to focus on immediate national security threats. However this is no longer a credible explanation.
- This is a serious issue, as it prevents the Committee from effectively performing its statutory oversight role. Moreover, as the National Security Advisor said, "*the Intelligence Community's licence to operate is dependent on credible oversight*". If the ISC's oversight is being frustrated then the ISC cannot provide any assurance to the public or Parliament that the intelligence Agencies are acting appropriately. The Committee has therefore called on the Heads of the seven organisations it oversees to account for these failures, and to provide assurances on a suitable way forward.
- Since this Report was completed, the Committee is reassured that the Community Heads appear to have recognised the need to address this situation and trusts that they will now take action to improve their responses to the Committee.

### ***Erosion of oversight***

- In our 2019-21 Annual Report, we highlighted that the current Memorandum of Understanding (MOU) - which sits under the Justice and Security Act 2013 (JSA) and outlines this Committee's powers - no longer covers all intelligence and security activities across Government. It therefore requires updating.
- The Government gave a clear undertaking to Parliament during the passage of the JSA that "*the ISC should have oversight of substantively all of central Government's intelligence and security activities to be realised now and in the future*". However, as intelligence and security activities are increasingly being devolved to units within policy departments, those departments are not being added to this Committee's MOU, as Parliament would expect, and therefore oversight is being eroded.
- Those departmental units whose work contains classified aspects which can only be effectively scrutinised by the ISC, but which the Government have failed to add to the ISC's remit, are: the Investment Security Unit in BEIS; the Telecoms Security and Resilience Team in DCMS; the Office of Communications in DCMS; the Counter Disinformation Unit in DCMS; the Transport Security, Resilience and Response Group in DfT; the Intelligence Policy Department in FCDO; and the Joint Biosecurity Unit in DHSC.
- The House of Lords made its expectations known during the passage of the National Security and Investment Act last year, when it repeatedly amended the Bill to extend ISC oversight to security activity being undertaken by BEIS - only for this to be overturned by the Government in the House of Commons.
- The National Security Adviser informed the Committee in January this year that the Government did not consider itself to be bound by the statements made during the passage of the Justice and Security Act and the assurances given to Parliament at that time. We are deeply disappointed that the Government has taken this view: the current absence of proper scrutiny - which can only be carried out by the ISC - is genuinely troubling.
- The only avenue for effective parliamentary scrutiny of security and intelligence matters is

this Committee. Each piece of new legislation devolving security work away from those bodies already overseen by this Committee should come with a commensurate expansion to this Committee's MOU - if there is to be effective scrutiny of national security, as Parliament and the public would expect.

- The existing MOU, and the draft new MOU showing the changes which need to be made to enable the ISC to oversee all of the intelligence and security activities across Government, are included in this Report at Annex C and Annex D respectively.

## NOTES TO EDITORS

1. The Intelligence and Security Committee of Parliament (ISC) is a statutory committee of Parliament that has responsibility for oversight of the UK Intelligence Community. The Committee was originally established by the Intelligence Services Act 1994, and was reformed, and its powers reinforced, by the Justice and Security Act 2013.
2. The Committee oversees the intelligence and security activities of the UK, including the policies, expenditure, administration and operations of M15, M16 (the Secret Intelligence Service or SIS) and the Government Communications Headquarters (GCHQ), and the work of the other parts of the Intelligence Community, including the Joint Intelligence Organisation and the National Security Secretariat in the Cabinet Office; Defence Intelligence in the Ministry of Defence; and Homeland Security Group in the Home Office.
3. The Committee consists of nine members drawn from both Houses of Parliament, and appointed by Parliament. The Chair is elected by its Members. The Members of the Committee are subject to Section I(1)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties.
4. This Report reflects the work of the current Committee who are:
  - The Rt Hon. Dr Julian Lewis MP (Chairman)
  - The Rt Hon. Sir John Hayes CBE MP
  - The Rt Hon. Stewart Hosie MP
  - The Rt Hon. Sir Jeremy Wright KC MP
  - The Rt Hon. Kevan Jones MP
  - Maria Eagle MP
  - Colonel The Rt Hon. Bob Stewart DSO MP
  - Admiral The Rt Hon. Lord West of Spithead GCB DSC PC
  - The Rt Hon. Theresa Villiers MP
5. The Committee sets its own agenda and work programme. It takes evidence from Government Ministers, the Heads of the intelligence and security Agencies, officials from across the UK Intelligence Community, and other witnesses as required. The Committee makes an Annual Report on the discharge of its functions and also produces Reports on specific issues.
6. The Committee's dedicated Press Officer can be reached at:  
Wayne.Bontoft@cabinetoffice.gov.uk or 07858 923590.