



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



PRESS NOTICE: ANNUAL REPORT 2022-2023

The Intelligence and Security Committee of Parliament (ISC) published its Annual Report for 2022-2023 today.

The Chairman of the Committee, the Rt Hon. Sir Julian Lewis MP, said:

“The Intelligence and Security Committee of Parliament (ISC) is the only body that has regular access to protectively marked information that is sensitive for national security reasons, such that it is in a position to scrutinise effectively the work of the security and intelligence Agencies and of those parts of Departments whose work is directly concerned with intelligence and security matters. The Committee's scrutiny is an essential part of the UK democratic system, providing a vital check and balance to ensure that secret organisations and their activities are accountable to Parliament and the public for the action being taken in their name. This Report summarises the work of the Intelligence and Security Committee of Parliament (ISC) for the period from April 2022 to March 2023 in carrying out its oversight of the Intelligence Community.

The term ‘Intelligence Community’ currently refers to the three intelligence Agencies (MI5, SIS and GCHQ) and some of the parts of those policy departments which deal with intelligence and security matters (Ministry of Defence, Cabinet Office and Home Office). The current lack of oversight of those parts of other policy departments engaged in security and intelligence activities – and the impact on the assurances that can currently be provided to Parliament and the public regarding those activities - is a matter of serious concern. However the Government has thus far failed to update the Committee’s remit to include those parts of policy departments to which intelligence and security responsibilities have been devolved. It is deeply disappointing that effective scrutiny of national security issues is being prevented, in direct contravention of commitments given to Parliament. We question whether the Government has really thought through the consequences of its current position.”

The Committee’s Key Findings

- Between August 2022 and March 2023, the Committee published its 2021-22 Annual Report, completed its International Partnerships Report (also published today), and progressed Inquiries on China (since published, in July 2023), Cloud Technologies, and Iran.

- The ISC brought its experience of national security issues to bear on five pieces of legislation – in particular, the National Security Act where the Committee ensured a better balance between the necessary protection for intelligence officers and sufficient accountability and oversight. This is a good example of the benefits of an effective oversight Committee, which is used to scrutinising classified information on behalf of Parliament and the public, and understands the context within which such information is used.
- The Committee was however disappointed that the National Security Act introduced such a complex and inconsistent Foreign Influence Registration Scheme. This was an important opportunity which has been broadly missed. The Committee has therefore recommended that the Government keep the effectiveness of the Scheme under review and report to Parliament on its operation within the next two years.
- The Committee is also disappointed that the National Security Act did not reform the Official Secrets Act 1989: this fundamental omission means that the current problems – which have already been acknowledged by the Government – will persist.

Erosion of oversight

- For the past three years, the Committee has continued to highlight the erosion of effective Parliamentary oversight of intelligence and security matters, which has resulted from the Government's failure to update the Memorandum of Understanding (MOU) between the ISC and the Prime Minister, to include those parts of policy departments to which intelligence and security responsibilities have been devolved since 2013.
- This runs counter to the clear undertaking given by the Government to Parliament during the passage of the Justice and Security Act 2013 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*". It also fails adequately to reflect the recognition in the MOU itself, agreed with the Prime Minister in 2013, that "*only the ISC is in a position to scrutinise effectively the work of the Agencies and of those parts of Departments whose work is directly concerned with intelligence and security matters*".
- The Committee is therefore seeking to ensure that its remit covers those parts of policy departments which have been given security responsibilities since 2013 – for example, the Investment Security Unit in the Cabinet Office; the Telecoms Security and Resilience Team in DSIT; the Counter Disinformation Unit in DSIT; the Office of Communications in DCMS; the Transport Security, Resilience and Response Group in DfT; and the Intelligence Policy Department in FCDO. The Committee's

remit can be updated by way of an exchange of letters between the Prime Minister and the Committee.

- The House of Lords has made its expectations on this issue known during the passage of successive pieces of national security legislation as has the Opposition, tabling amendments to require the Government to update the MOU. However, the Government has opposed all attempts to ensure effective scrutiny by Parliament, despite undertakings given to Parliament.
- The ISC is the only body that has regular access to protectively marked information that is sensitive for national security reasons, such that it is in a position to scrutinise effectively the work of the security and intelligence Agencies and of those parts of Departments whose work is directly concerned with intelligence and security matters. We again, therefore, urge the Prime Minister to meet the commitments made to Parliament and to the public, and not to hide security matters from proper oversight.

Meeting with the Prime Minister

- Since its establishment in 1994, and for 20 years thereafter, the Committee met annually with the Prime Minister to discuss its work, report on key issues, and raise any concerns. However the Committee has not had a meeting with a Prime Minister since December 2014. This is unacceptable and reflects the disengagement from the ISC of successive Prime Ministers. The Committee urges the Prime Minister to meet with it as a matter of priority: there are matters of significant constitutional importance at stake.

The provision of evidence

- The Committee has previously noted that it had been “*severely hampered*” by the failure of the UK Intelligence Community to meet standard deadlines as part of the ISC inquiry process. If the ISC’s oversight is being frustrated, then it cannot provide any assurance to the public or Parliament that the intelligence Agencies are acting appropriately and therefore that they merit the licence to operate that Parliament has given them through their statutory powers. As the National Security Adviser himself acknowledged, “*the Intelligence Community’s licence to operate is dependent on credible oversight*”.
- The Committee was reassured therefore that, when challenged by the ISC, the Heads of the Intelligence Community recognised the need to address the situation. The Chief of SIS particularly underlined the importance of the Committee’s role in ensuring that the Agencies retain their licence to operate and for his staff to retain confidence in the democratic legitimacy of their activities. The Committee welcomed

this positive and constructive approach: the new arrangements will be kept under close review.

Additional matters of concern

- Further thought and scrutiny is needed with regard to the obligations, including contractual obligations, of former senior members of the Intelligence Community – particularly when they seek to build a career in the private sector, or as commentators on security issues, using the knowledge they have gained.
- Recent incidents have raised questions regarding GCHQ's security culture and systems. The Committee intends to scrutinise the approach taken to recruitment and vetting and the stringency of protocols in place.

NOTES TO EDITORS

1. The Intelligence and Security Committee of Parliament (ISC) is a statutory committee of Parliament.
2. The Committee consists of nine Members drawn from both Houses of Parliament, and appointed by Parliament. The Chair is elected by its Members.
3. The Committee oversees the intelligence and security activities 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.
4. Its remit includes oversight of 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.
5. The Members of the Committee are subject to Section I(l)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties. This Report reflects the work of the following Members of the Committee:

The Rt Hon. Sir Julian Lewis MP (Chairman)
The Rt Hon. Maria Eagle MP (until 8 September 2023)
The Rt Hon. Sir John Hayes CBE MP
The Rt Hon. Stewart Hosie MP (until 14 December 2022)
The Rt Hon. Kevan Jones MP
Colonel The Rt Hon. Bob Stewart DSO MP
Owen Thompson MP (joined 7 February 2023)
The Rt Hon. Theresa Villiers MP
Admiral The Rt Hon. Lord West of Spithead GCB DSC PC
The Rt Hon. Sir Jeremy Wright KC MP

6. 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.
7. The Committee's dedicated Press Officer can be reached at:

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