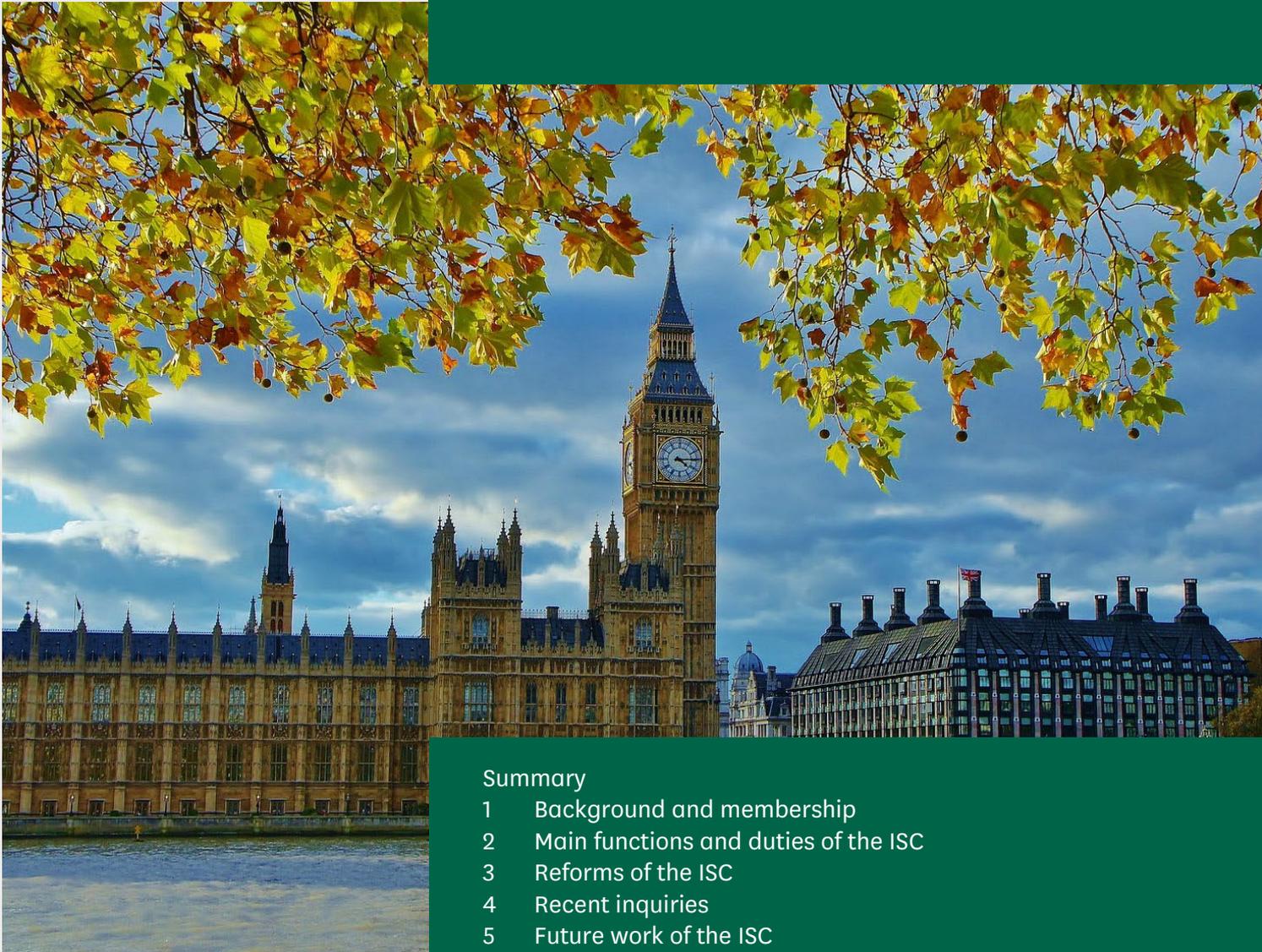


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7 October 2022

The Intelligence and Security Committee



Summary

- 1 Background and membership
- 2 Main functions and duties of the ISC
- 3 Reforms of the ISC
- 4 Recent inquiries
- 5 Future work of the ISC
- 6 Reform of ISC procedures?

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Contents

1	Background and membership	6
2	Main functions and duties of the ISC	8
2.1	What the ISC does	8
2.2	Reporting	8
2.3	Access to information	10
2.4	Procedure at the end of a parliament	10
3	Reforms of the ISC	11
3.1	Justice and Security Green Paper	11
3.2	Justice and Security Act 2013	12
4	Recent inquiries	13
4.1	Lethal Drone Strikes	13
4.2	Detainee Mistreatment and Rendition	14
4.3	Diversity and Inclusion in the UK Intelligence Community	16
4.4	2017 Terrorist Attacks	17
4.5	Russia	17
4.6	Northern Ireland-related terrorism	19
4.7	GCHQ accommodation procurement: a case study	19
4.8	Extreme Right-Wing Terrorism	20
5	Future work of the ISC	21
5.1	Current Inquiries	21
6	Reform of ISC procedures?	22

Summary

The Intelligence and Security Committee (ISC) is a Committee of Parliament appointed by statute to scrutinise the UK's three main intelligence and security agencies and other intelligence-related activities.

Statutory underpinning

Originally established by the [Intelligence Services Act 1994](#), the ISC was reformed by the [Justice and Security Act 2013](#) (JSA) following criticism that it was opaque and insufficiently independent.

These reforms made the ISC a Committee of Parliament; provided greater powers to receive information; and widened its remit, to include oversight of operational activity and the wider intelligence and security activities of Government. The reforms also removed a veto power previously held by the heads of the agencies, requiring that they must disclose any information requested by the ISC unless vetoed by the Secretary of State.

How the ISC works

The ISC is not a select committee. It is made up of members of both Houses and its functions and procedures are set out in the JSA. Members are nominated by the Prime Minister and appointed by their respective Houses. They are subject to the [Official Secrets Act 1989](#) and have access to highly classified material in carrying out their duties.

The ISC reports directly to Parliament. However, reports must be cleared by the Prime Minister in consultation with the agencies before they can be published. It may also report directly to the Prime Minister where necessary for reasons of national security. Under the JSA, the ISC must redact anything from a report that the Prime Minister considers would be prejudicial to the continued discharge of the functions of the agencies prior to publication. This procedure, required because of the need to report on classified information, is unique to the ISC.

In addition to its annual reports, the ISC publishes special reports. Recent reports have covered the UK's lethal drone strikes in Syria; two reports on Detention and Rendition; a report examining the 2017 terrorist attacks; Russia; Northern Ireland-related terrorism; GCHQ accommodation procurement; and Extreme Right-Wing Terrorism.

Relationship with Government

The Government's refusal to clear the Russia report prior to the 2019 General Election caused considerable controversy given its perceived pertinence to the integrity of the democratic process, as did the time taken to reconstitute the Committee subsequently. It has been inferred that the Government may be deliberately obstructing or marginalising the Committee, by refusing access to witnesses, or delaying publication of its work.

More recently, similar tensions were inferred during the appointment of Lord Lebedev to the House of Lords. In a [statement](#) made to the House of Commons on May 12 2022, Michael Ellis, the then Minister for the Cabinet Office and HM Paymaster General, stated that the Government had, 'provided a response to the Intelligence and Security Committee' on the circumstances surrounding Lord Lebedev's appointment. The ISC released a [press release](#) on the same day detailing its surprise at the announcement, as it believed its information request, 'should have remained a private - and classified - matter of oversight'.

1

Background and membership

The Intelligence and Security Committee of Parliament (ISC) was first established by the [Intelligence Services Act 1994](#) to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service (SIS), and the Government Communications Headquarters (GCHQ).¹

The [Justice and Security Act 2013](#) (JSA) reformed the ISC:

- Making it a Committee of Parliament;
- Providing greater powers; and
- Increasing its remit to include oversight of operational activity and the wider intelligence and security activities of Government.²

Other than the three intelligence and security agencies, the ISC examines the intelligence-related work of:

- The Joint Intelligence Committee (JIC) (Cabinet Office);
- The Assessments Staff (Cabinet Office);
- The National Security Secretariat (Cabinet Office);
- Defence Intelligence (Ministry of Defence);
- Office for Security and Counter-Terrorism (Home Office).

Although the ISC is a committee of Parliament, it differs in certain respects from parliamentary select committees. Members of the ISC are appointed by Parliament and the Committee reports directly to Parliament. However, members must be nominated by the Prime Minister, following consultation with the Leader of the Opposition. The Committee does not meet in Parliament, and is staffed by Cabinet Office, rather than parliamentary, officials. It may also report directly to the Prime Minister on matters which are national security sensitive.

Members are subject to [Section 1\(1\)\(b\) of the Official Secrets Act 1989](#) and have access to highly classified material in carrying out their duties.³

[Section 1](#) of the JSA sets out how the members should be appointed:

- The ISC has nine members drawn from both Houses of Parliament
- Members are appointed by their respective Houses of Parliament
- Members must be nominated by the Prime Minister, following consultation with the Leader of the Opposition

¹ [Intelligence Services Act 1994](#)

² [Justice and Security Act 2013](#)

³ [Official Secrets Act 1989](#)

- Members must not be Ministers of the Crown
- The Chair of the ISC is chosen by its members.

Five members of the Committee either lost their seat or stood down at the 2019 general election. The new members were approved by both Houses seven months later in July 2020.⁴ On February 9 2022, Dame Diana Johnson and Mark Pritchard were replaced on the Committee by Maria Eagle and Jeremy Wright.⁵ The current members are listed on the [ISC's website](#).

The previous Committee met for the first time five months after the 2017 General Election, in November 2017.⁶

The time taken to reconstitute the Committee after the 2017 election caused some concern, as noted in the 2017-18 Annual Report:

It took an exceptionally long time after the General Election for the Committee to be reconstituted – the effective and robust oversight of the intelligence community, entrusted to us, is too important to have been left in a vacuum for so many months.⁷

The reasons for the delay are not clear, but it has been suggested that the process for appointing members to the ISC results in it taking much longer than other parliamentary committees, and that it is “deeply unsatisfactory” to be without a legislative oversight body for significant periods of time.⁸

The reappointment of the Committee attracted particular interest following the 2019 General Election, in part due to the controversy surrounding publication of the Russia report. The issue was raised in Parliament on a number of occasions.⁹ The then Prime Minister, Boris Johnson, said in answer to a PQ on 3 February 2020 that “The Committee is being formed in the normal way and in line with practice in previous Parliaments”.¹⁰

⁴ [HC Deb 13 July 2020](#); [HL Deb 14 July 2020](#). Chris Grayling subsequently resigned and was replaced by Bob Stewart

⁵ [HC Deb 9 February 2022 \[Intelligence and Security Committee of Parliament\]](#)

⁶ Press release, [Intelligence and Security Committee of Parliament](#), 23 November 2017

⁷ Intelligence and Security Committee of Parliament, [Annual Report 2017-2018](#), HC 1692, 22 November 2018, para 3

⁸ A Defty, ‘Coming in from the cold: bringing the Intelligence and Security Committee into Parliament’, 2019, *Intelligence and National Security*, 34(1)

⁹ Eg [WQ HI 274](#), 16 January 2020; [WQ 7665](#), 29 January 2020

¹⁰ [WQ 9144, 3 February 2020](#)

2 Main functions and duties of the ISC

2.1 What the ISC does

[Section 2 of the JSA](#) sets out the main functions of the ISC:

- To examine or otherwise oversee the expenditure, administration, policy and operations of the Security Service, the Secret Intelligence Service, and the Government Communications Headquarters.
- To examine or oversee any other activities of the Government in intelligence and security matters that are set out in a memorandum of understanding agreed between the Prime Minister and the ISC.

The second function enables the ISC to provide oversight of the intelligence and security community beyond the security agencies. These functions are contained in a memorandum of understanding, which enables changes to be made to the ISC's remit, in response to changes to the structure and work of the wider intelligence community, by the agreement of the ISC and the Government.

The ISC is only able to consider operational matters where:

- They do not relate to ongoing operations and it is in the national interest;
- Where requested to do so by the Prime Minister; or
- Where consideration is limited to information voluntarily provided by the Agencies or a government department.

2.2 Reporting

Duties

[Section 3 of the Act](#) requires the ISC to make an annual report to Parliament on the discharge of its functions and enables it to make any other reports as it considers appropriate concerning any aspects of its functions. This differs from the position prior to the JSA reforms, when the ISC made its reports only to the Prime Minister.

Redaction of sensitive material

Section 3 also provides that the ISC should redact any information that the Prime Minister considers would be prejudicial to the continued discharge of the functions of the agencies or other bodies. Reports should make clear to Parliament whether any information has been excluded on this basis, and a report on these matters may be made to the Prime Minister.

A 2014 Memorandum of Understanding (MoU) between the Prime Minister and the ISC sets out the overarching principles which govern the relationship between the ISC and the Government. With respect to reporting, the MoU states:

37. Whilst the Act provides that information must be redacted from a report if the Prime Minister considers its inclusion would be prejudicial to the continued discharge of the functions of the Agencies or of the wider intelligence and security community, HMG will work constructively with the ISC to ensure that as much of its reports that can be published, is published. HMG and the ISC will work together to apply a reasonable process for identifying, in consultation with the ISC, sensitive material that must be removed from ISC reports prior to publication.

38. HMG will aim to respond substantively to any report by the ISC within 60 days.¹¹

The ISC's website provides further details of the process for publishing reports. It explains that the Committee initially circulates a draft report around the UK Intelligence Community (UKIC) to ensure it is factually accurate. Once the content is finalised the report is recirculated to enable UKIC the opportunity to request redactions of material that they consider would harm their capabilities. If the Committee disagree with a request for redaction, the Head of the organisation concerned would meet with them to explain the need for the redaction and agree on the final text.¹²

The report would then be sent to the Prime Minister, who is required by the JSA to confirm that there is no material that would prejudice the discharge of the functions of the Agencies before it can be laid before Parliament. The ISC website states that as a matter of convention, the Committee requests that the Prime Minister gives this confirmation within ten working days.

¹¹ Intelligence and Security Committee of Parliament, [Annual Report 2013-2014](#), HC 794, 25 November 2015. Annex A

¹² isc.independent.gov.uk/how-the-committee-works

2.3 Access to information

Under [Schedule 1](#) of the JSA, if the ISC ask the heads of any of the three main intelligence and security agencies (the Security Service, SIS or GCHQ) to disclose information, they must make it available, or inform the ISC that it cannot be disclosed because the Secretary of State has vetoed disclosure.¹³ This represents a change from the position in the 1994 Act, under which the Director-General of the Security Services, the Chief of the Intelligence Services or the Director of the Government Communications Headquarters were also able to veto the release of information. The same applies to requests for information from Government departments.¹⁴

The Secretary of State may only veto disclosure of information on two grounds:

- 1 That it is sensitive and should not be disclosed to the ISC in the interests of national security; or
- 2 That it is information of such a nature that, if the Secretary of State were requested to produce it before a Departmental Select Committee of the House of Commons, the Secretary of State would consider (on grounds not limited to national security) it proper not to do so.¹⁵

In deciding whether it would be proper not to disclose on the latter basis, the Minister must have regard to governmental guidance concerning the provision of evidence by civil servants to Select Committees. This would mean in particular that the Minister would have to have regard to the Cabinet Office Guidance [Departmental Evidence and responses to Select Committees](#).

The [Investigatory Powers Act 2016](#) provides that the ISC will be provided with access to the results of investigations carried out by the Investigatory Powers Commissioner (IPC) on the basis of a referral from the ISC, in so far as they relate to the Committee's functions.¹⁶

2.4 Procedure at the end of a parliament

Schedule 1 of the JSA provides that the ISC in a new parliament will inherit the documents, and will be able to continue the work, of its predecessor in the preceding Parliament.

Schedule 3 provides that a new ISC will have access to documents or other information belonging to a previous ISC.

¹³ [Justice and Security Act 2013](#), Schedule 1, section 4

¹⁴ *Ibid.*

¹⁵ [Justice and Security Act 2013](#), Schedule 1, section 4(4)

¹⁶ [Investigatory Powers Act 2016](#), section 234

3 Reforms of the ISC

3.1 Justice and Security Green Paper

In October 2011 the Ministry of Justice published the [Justice and Security Green Paper](#).¹⁷ The paper acknowledged that criticism of the ISC continued, notwithstanding previous reforms. In particular, these criticisms were that:

- The ISC was separate and different from other parliamentary committees;
- It answered to the Prime Minister;
- It was insufficiently independent;
- It did not have sufficient knowledge of the operational work of the agencies; and
- The process by which the ISC was appointed, operated and reported was insufficiently transparent.

The ISC itself developed and put forward proposals for reform and communicated these proposals to the Government in advance of the *Green Paper*. The principles on which these proposals were based were summarised in the [ISC's 2010-11 Annual report](#).¹⁸

- 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;

¹⁷ [Justice and Security Green Paper](#), Cm 8194, October 2011

¹⁸ [ISC's 2010-11 Annual report](#), Cm 8114, July 2011, p82

- The Committee should have greater investigative and research resources at its disposal.

The Green Paper sought views on these proposals, asking consultees to consider what changes to the ISC could best improve the effectiveness and credibility of the Committee in overseeing the Government’s intelligence activities.

3.2 Justice and Security Act 2013

This consultation led to the measures brought forward as Part I of the JSA. Part I attracted little scrutiny relative to the far more controversial proposals contained in Part 2 of the Bill seeking to extend the use of “Closed Material Procedures” in civil court proceedings.

In the Second Reading debate on the Bill, the Minister set out the aims of the reforms:

- To develop stronger parliamentary oversight as well as to more accountability in the courts
- To put the ISC on a much stronger footing
- To enhance the ISC’s independence
- To modernise the statutory arrangements for oversight to reflect the changes to the increase in the ISC’s profile, budget and operational demands
- To give the ISC greater teeth to ensure the public have confidence in those who oversee the agencies on their behalf.¹⁹

¹⁹ [HC Deb 18 Dec 2012 cc727-728](#)

4 Recent inquiries

4.1 Lethal Drone Strikes

On 26 April 2017, the Committee published its [Report on the UK Lethal Drone Strikes in Syria](#).²⁰ This followed the announcement by the Prime Minister on 7 September 2015, that three UK nationals in Syria had been killed by two separate targeted drone strikes:

- Reyaad Khan (UK national) and two Daesh associates (one of whom was a British national) were killed in the vicinity of Raqqa in Syria on 21 August 2015 by a targeted RAF strike;
- Junaid Hussain (UK national) was killed in a US air strike in Raqqa on 24 August 2015.

Further, on 13 November 2015, UK national Mohammed Emwazi ('Jihadi John') was killed in a US air strike in Raqqa.

The Prime Minister agreed to provide the Committee with evidence on the Khan strike only, distinguishing the other strikes as US conduct.

The ISC report focused on the intelligence on Reyaad Khan and the resulting assessment of the threat he posed. The report considered the Government's grounds for individual and collective self-defence under Article 51 of the UN Charter: there must be a sufficiently severe threat that constitutes an *armed attack* which is *imminent* and the military action in response must be *necessary* and *proportionate*. The report came to the following conclusions:

- **Armed attack:** Reyaad Khan posed a very serious threat to the UK. However, there are questions as to whether the actions of Khan and his associates amounted to an 'armed attack'. The ISC was denied sight of the Ministerial submissions and was, therefore, precluded from scrutinising the Ministerial decision-making process.²¹
- **Imminence:** The intelligence reports show there was a very short timescale between Khan contacting, recruiting and providing targets to an operative. However, without access to the Ministerial

²⁰ Intelligence and Security Committee of Parliament, [Report on the UK Lethal Drone Strikes in Syria](#), HC 1152, 27 April 2017

²¹ *Ibid.*, pp10-11

submissions, the ISC was unable to comment on the consideration given to the question of imminence.²²

- **Necessity:** The Government had to tackle the threat at source and disrupt Khan. Alternative disruption options were considered, but it was concluded that Khan was highly unlikely to travel outside of ISIL-controlled territory. The threat was ongoing and there was no realistic prospect of it diminishing.²³
- **Proportionality:** The ISC was prevented from proper consideration of this issue, as the Government considered the strike to be part of a military operation and therefore limited the ISC's access to relevant information. Based on the information available to the ISC, questions were raised regarding the assessment of collateral damage, which would benefit from greater scrutiny.²⁴

The report concluded that the inquiry revealed wider policy issues relating to the Ministerial decision-making process and the assessment of collateral damage. The ISC suggested that the Government should be more transparent in order to allow for proper scrutiny.²⁵

4.2

Detainee Mistreatment and Rendition

On 28 June 2018, the ISC published two reports: *Detainee Mistreatment and Rendition: 2001-2010*²⁶ and *Detainee Mistreatment and Rendition: Current Issues*.²⁷

In the accompanying press releases, the ISC stated that it had been denied access to officers involved at the time by the Government, as a result of which it had decided to draw the Inquiry to a close.²⁸

The Committee decided nonetheless to place its findings in to the public domain. It reached a number of key findings, including:

- There was no evidence of UK personnel carrying out physical mistreatment of detainees. However, there was some evidence of verbal threats, and two cases in which UK personnel were party to mistreatment by others. One of these cases had not been fully investigated.

²² *Ibid.*, pp14-15

²³ *Ibid.*, pp17-18

²⁴ *Ibid.*, pp19-20

²⁵ Intelligence and Security Committee of Parliament, [Press Release](#), 27 April 2017

²⁶ [Detainee Mistreatment and Rendition: 2001-2010](#), Intelligence and Security Committee of Parliament, HC 1113, 28 June 2018

²⁷ [Detainee Mistreatment and Rendition: Current Issues](#), Intelligence and Security Committee of Parliament, HC 1114, 28 June 2018

²⁸ [Detainee Mistreatment and Rendition: 2001-2010, Press Release](#)

- There were a number of cases in which UK personnel witnessed or were informed of mistreatment. Some of these cases were investigated but this was not consistent.
- There were numerous cases in which UK personnel continued to supply questions or intelligence to, or receive intelligence from, foreign intelligence services, where mistreatment was known or suspected to have taken place.
- There was no clear policy as to how incidents of rendition should be treated by UK Agencies. It was clear that the UK did not conduct rendition operations itself, but there were instances in which Agencies funded operations, described by the ISC as “completely unacceptable”.²⁹
- On a number of occasions, the Agencies suggested, planned or agreed to rendition operations by others, or provided intelligence to enable operations, or failed to take action to prevent them.

With regard to the “Current Issues” stream of the inquiry, the ISC concluded that there should be a full review of the Consolidated Guidance,³⁰ in consultation with interested NGOs, and set out a number of matters which require substantive change. It also formally requested that the Government should publish its policy on rendition within three months.

Following publication of the reports, the Prime Minister made a written statement setting out the Government’s initial response:

The Government will give further consideration to the ISC’s conclusions and recommendations, noting that it has expressed a number of concerns about the Consolidated Guidance, but has said that these should be read in the spirit of continuous improvement. Formal oversight responsibility for the Consolidated Guidance rests with the Investigatory Powers Commissioner, following my direction to him under section 230 of the Investigatory Powers Act 2016, with effect from 1 September 2017. I am therefore inviting Sir Adrian to make proposals to the Government about how the Guidance could be improved, taking account of the ISC’s views and those of civil society.

The Government will consider the reports in full and respond formally in due course.³¹

In July 2018, Ken Clarke tabled an urgent question on whether the Government would now reinstate the judge-led inquiry promised by the

²⁹ Page 3

³⁰ The [Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees](#) is a document published by the Coalition Government in 2010, which “sets out the principles, consistent with UK domestic law and international law obligations, which govern the interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees”.

³¹ [HCWS808](#)

former Government. In response, Foreign Office Minister Sir Alan Duncan stated that the Government would “give careful consideration to the calls for another judge-led inquiry and will update the House within 60 days of publication of the reports.”³²

The Government responded to the Committee in November 2018.³³ In July 2019 the Government published new guidance entitled “The principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees”³⁴ to replace the Consolidated Guidance. This followed a review by the Investigatory Powers Commissioner.

The Government also confirmed that there would not be a further judge-led inquiry.³⁵

Dominic Grieve responded on behalf the ISC, welcoming the new “Principles”. He also noted that a judge-led inquiry might have enabled examination of the issues that the ISC was unable to address due to the Government’s refusal to grant access to relevant officials.³⁶

4.3 Diversity and Inclusion in the UK Intelligence Community

On 18 July 2018 the ISC published a report on Diversity and Inclusion in the UK Intelligence Community.³⁷ The report found that there had been significant progress in recent years in improving diversity and inclusion in the agencies. However, at senior level, the intelligence community is not gender balanced and does not fully reflect the ethnic makeup of modern Britain. In particular, the ISC found that there was a “glaring lack” of Black, Asian and Minority Ethnic staff at Senior Civil Service levels across the community. It recommended that the agencies’ recruitment campaigns should seek to challenge outdated stereotypes and attract a more diverse range of applicants, and that mechanisms should be in place to develop talent from under-represented groups.

The [Government](#) response was published in September 2018.

³² [HC Deb 2 July 2018, c26](#)

³³ [Government response to the Intelligence and Security Committee of Parliament Reports into Detainee Mistreatment and Rendition](#), Cm 9724, November 2018

³⁴ [HC Deb 18 July 2019, c973](#)

³⁵ *Ibid* c 974

³⁶ ISC, [Statement in relation Detention and Rendition](#), 18 July 2019

³⁷ [Diversity and Inclusion in the UK Intelligence Community](#), Intelligence and Security Committee of Parliament, HC 1297, 18 July 2018

4.4 2017 Terrorist Attacks

In November 2018 the ISC published a report on *The 2017 Attacks: what needs to change?*, regarding the terrorist attacks that took place at Westminster, Manchester, London Bridge, Finsbury Park and Parsons Green in 2017.³⁸

The Inquiry looked at whether mistakes were made by MI5 or Counter Terrorism Policing prior to the attacks, and whether all changes and improvements required were identified in internal reviews. It concluded that a number of mistakes had been made in Salman Abedi's case (the Manchester Arena attack) which led to potential opportunities to prevent it being missed.

The [Government](#) response was published in January 2019.

4.5 Russia

In its first meeting in November 2017 the previous ISC agreed to begin an inquiry into Russian activity against the UK. The 2017-2018 Annual Report suggested that this was prompted by various hostile activities on the part of Russia since the invasion of Crimea in 2014, including concerns that Russia had sought to influence the 2016 US presidential election and the UK's EU referendum in 2016.³⁹

On 17 October 2019 the Committee announced that it had sent the report to the Prime Minister for confirmation that there were no classified issues remaining.

On 31 October Dominic Grieve raised a point of order with respect to the report. He suggested that, as it had already been carefully looked at by the Cabinet Office, confirmation should have been received at that point, which would have enabled publication before the House dissolved for the forthcoming General Election. He noted the importance of Parliament and the public having access to the report which "comments directly on what has been perceived as a threat to our democratic processes."⁴⁰

On 4 November 2019 Lord Anderson, the former Independent Reviewer of Terrorism Legislation, tabled a question in the House of Lords:

To ask Her Majesty's Government why the Prime Minister has not provided confirmation within the usual 10 days that the Intelligence and Security Committee of Parliament's Special Report on Russia may be published, and whether that confirmation will be provided

³⁸ ISC, [The 2017 Attacks: What needs to change?](#), HC 1694, November 2018

³⁹ Intelligence and Security Committee of Parliament, [Annual Report 2017-2018](#), HC 1692, 22 November 2018, section 1

⁴⁰ [HC Deb 31 October 2019](#), c 507

today so that the report can be laid before Parliament in advance of Dissolution.⁴¹

Earl Howe, responding for the Government, suggested that ISC reports have to go through “a number of processes” prior to publication, and that the Prime Minister would respond once these processes had been completed.⁴²

Lord Anderson suggested that the failure to give confirmation within 10 days was an “irregular state of affairs”. He also questioned the explanation given, on the basis that the report had already been through the full redaction process with the agencies and the Cabinet Office. Further, he questioned the suggestion that the Government needed time to respond to the report, noting that the Government does not normally respond at the point a report is published, but within 60 days (as noted above at section 2.2).

On 5 November Dominic Grieve tabled an urgent question asking the Prime Minister if he would make a statement on his refusal to give clearance to the report. He explained that the report had been completed in March 2019, at which point the process of correction and redaction began, involving the agencies and the Cabinet Office, and was completed by early October. The agencies and national security secretariat had then indicated that they were content that the report would not damage any operational capabilities of the agencies.⁴³

He stated that it was a long-standing agreement that the Prime Minister would endeavour to respond within 10 days, and that it was unprecedented for the Committee to have received no response at all explaining any delay where that was not possible.⁴⁴

Responding for the Government, the then Foreign and Commonwealth Office Minister, Christopher Pincher suggested that it was not unusual for the Government to take this length of time to respond. He stated that it took an average of six weeks for an ISC report to be published after being sent to the Prime Minister, and three to four weeks for the Government to respond to the Committee. He pointed to the reports of the Detainee Inquiry and into the 2017 terrorist attacks to illustrate this point.

The day after the election the Prime Minister wrote to the ISC to confirm that the Russia report could be published once the new Committee was appointed.⁴⁵

⁴¹ [HL Deb 4 November 2019](#), c 1097

⁴² Ibid

⁴³ [HC Deb 5 November 2019](#)

⁴⁴ Following the General Election, details of this process were published on the ISC website, as described above at 2.2

⁴⁵ independent.isc.gov.uk/news-archive

It was eventually published when the Committee was reconstituted in July 2020. The accompanying press release expressed concern at the way the report had been handled in relation to the 2019 election.

This Report is the result of an extensive Inquiry by the previous Committee. We would like to take this opportunity to thank the Chair of that Committee, Dominic Grieve QC, and the former members of the ISC for all their work: it is a matter of great regret that it was not published last November, ahead of the General Election. The following press notice is that written by the previous Committee.⁴⁶

The report reached a number of conclusions, including that:⁴⁷

- Successive Governments had welcomed Russian oligarchs and their money, meaning that Russian influence had become the norm in the UK;
- The UK is clearly a target for Russian disinformation, and the threat of a hostile state seeking to influence the democratic process should be taken seriously, with clarity as to which organisation leads on countering that threat; and
- Social media companies should take action to remove covert hostile state material

The [Government's response](#) was published at the same time.

4.6 Northern Ireland-related terrorism

The current Committee published a report on Northern Ireland-related terrorism in October 2020, resulting from an Inquiry conducted by the previous Committee. It concluded that the main Dissident Republican groups are resilient and retain the intent and capability to cause serious damage. The threat requires sustained pressure and MI5 and police resources need to be maintained, it concluded.⁴⁸

The [Government's response](#) was published in February 2021.

4.7 GCHQ accommodation procurement: a case study

In November 2020 the current Committee published the final report of the enquiries conducted by the previous Committee. In 2016 it was announced a

⁴⁶ [ISC Press Notice](#), 20 July 2020

⁴⁷ [Russia](#), ISC, 20 July 2020

⁴⁸ [Northern Ireland-related terrorism](#), ISC, October 2020

new National Cyber Security Centre (NCSC) would be established as part of GCHQ. The Committee sought to investigate how the accommodation for NCSC was procured. It concluded that the cost of Nova South, the chosen NCSC location, exceeded its funding allocation, so GCHQ now pays for the building through its main budget. The selection criteria used to select Nova South were faulty. Excessive emphasis was put on the look and quality of the accommodation, it concluded.⁴⁹

The [Government's](#) response was published in July 2021.

4.8 Extreme Right-Wing Terrorism

In July 2022 the current Committee published a report on Extreme Right-Wing Terrorism (ERWT). MI5 had taken full primacy for ERWT investigations in April 2020. The Committee decided to assess how the transition in responsibility from Counter Terrorism Policing (CTP) to MI5 had worked, and what MI5 was now doing to tackle ERWT related threats. It concluded that ERWT investigations, disruptions, and Self-Initiated Terrorist referrals have all increased steadily since 2017. The individuals engaged in ERWT activities tend to be a technologically aware demographic of predominantly young men. The report highlighted two broad, and interlinked, components that have created a complex threat environment:

- **The growth of Self-Initiated Terrorists (S-ITs).** S-ITs are individuals who are inspired or incited to threaten or use violence, rather than directly supported by terrorist organisations. S-ITs are harder to identify, and more individualistic in their motivations. This makes monitoring and detection more difficult for CTP or MI5.
- **The use of the online space.** Violent discourse is prevalent in the ERWT online environment. This creates a particular challenge in determining ERWT activity online which could translate into real-world terrorist activity. Freedom of speech concerns and the use of secure messaging apps (SMAs), make ERWT material harder to tackle than other forms of terrorist propaganda.

The report found that MI5 has taken on responsibility for ERWT without the commensurate resources. MI5 needs additional funding to tackle ERWT cases without other areas of its work suffering as a consequence, it concluded.⁵⁰

[The Government's](#) response has not yet been published.⁵¹

⁴⁹ [GCHQ accommodation procurement: a case study](#), ISC, November 2020

⁵⁰ [Extreme Right-Wing Terrorism](#), ISC, July 2022

⁵¹ [HCWS200, 13 July 2022](#)

5 Future work of the ISC

5.1 Current Inquiries

The Committee is currently conducting Inquiries into:

- national security issues relating to China;
- International Partnerships;
- Cloud technologies; and
- national security issues relating to Iran.

6

Reform of ISC procedures?

Controversy over publication of the Russia report, as well as interruptions to the ISC's work caused by elections, and frustration at perceived obstruction on the part of the Government, have led to suggestions that further reform may be required if the Committee is to continue to provide effective oversight.

The previous Committee had committed to considering steps to strengthen its ability to do its work,⁵² and in his final remarks as Chair, Dominic Grieve suggested that the next Committee would want to rewrite its procedures.⁵³

The Committee was evidently frustrated at being denied access to officials during its Detainee Inquiry, leading it to “reluctantly” draw the Inquiry to a close.⁵⁴

In a debate on the work of the ISC in September 2019, Lord Anderson noted that this had prevented the ISC from conducting an authoritative inquiry or producing a credible report on the issue. He suggested that if the ISC were to be “hobbled by such a restrictive interpretation of its powers” it might be better suited to focusing on policy-heavy subjects, leaving investigations of such a forensic nature to a judge in the future (although he hoped this would not be the case).⁵⁵

Dr Andrew Defty has suggested that there is some evidence of the Committee becoming marginalised by the Government, pointing to delays in reappointment and in responding to ISC reports. He further noted that an ISC request for material was denied during its Inquiry into lethal drone strikes, placing it in a “highly unusual position” and calling into question its capacity to carry out its core function of providing oversight and scrutiny. He concluded that the Committee “has yet to fully transition into a parliamentary committee and remains in a number of areas significantly under the control of the executive”.⁵⁶

⁵² Press release, [Intelligence and Security Committee of Parliament](#), 23 November 2017

⁵³ See above at 4.5

⁵⁴ [Detainee Mistreatment and Rendition: 2001-2010, Press Release](#)

⁵⁵ [HL Deb 9 September 2019 cc 81-106GC](#)

⁵⁶ A Defty, ‘Coming in from the cold: bringing the Intelligence and Security Committee into Parliament’, 2019, *Intelligence and National Security*, 34(1)

Dr Defty subsequently described the situation concerning the Russia report as a “new low point in relations” between the ISC and the Government, and part of a “worrying pattern of government obstructions and delay”.⁵⁷

On 23 November 2021 the Committee published the following statement on its website, in relation to the publication of its 2019-2021 Annual Report:

In accordance with the Justice and Security Act 2013, the Prime Minister must consider whether there is any information in the report which, if published, would be prejudicial to the continued discharge of the functions of the security and intelligence agencies. By convention the Committee requests that the Prime Minister responds within ten working days. This period expired on Monday 8 November. The Committee is still hopeful that the Prime Minister will provide notification by 26 November - the last possible day if the Report (which has already been delayed for six months by late returns by the Government) is to be published before the House rises for Christmas Recess.⁵⁸

A further statement was added the following day:

Further to the notification on this website yesterday that confirmation had not yet been received from the Prime Minister in relation to its Annual Report, the Committee received that confirmation this afternoon.

The Annual Report will therefore be laid before Parliament before the House rises for recess.⁵⁹

On 29 March 2022, Angela Rayner presented a humble Address motion that called for the following documents to be laid before the house:

- Documents containing advice from the House of Lords Appointments Commission concerning the appointment of Lord Lebedev.
- Minutes relating to any meeting within the Cabinet Office or the Prime Minister’s Office at which the appointment of Lord Lebedev was discussed.⁶⁰

Michael Ellis, the then Minister for the Cabinet Office and HM Paymaster General, laid the relevant documents in front of the house on May 12 2022. In his statement he said that, at times, transparency is secondary to ‘competing public interest’.⁶¹ As a result, the Government had applied Freedom of

⁵⁷ A Defty, ‘[The government’s refusal to release the Intelligence and Security Committee’s report into Russian activities against the UK is part of a worrying pattern of obstruction and delay](#)’, Democratic Audit, November 2019

⁵⁸ isc.independent.gov.uk

⁵⁹ Ibid

⁶⁰ [HC Deb 29 March 2022 \[Appointment of Lord Lebedev\]](#)

⁶¹ [HCWS22, 12 May 2022](#)

Information principles when assessing which documents to release into the public domain. He also confirmed that the:

Government has provided a response to the Intelligence and Security Committee, following a separate request from them for information relating to any national security matters arising. This has been provided in accordance with the Committee's statutory remit, as set out in the Justice and Security Act 2013 and the accompanying Memorandum of Understanding.

Whilst separate to the formal Humble Address response, I believe this sharing of information illustrates the government is acting in good faith in responding to Parliament's request for information. It also reflects a request made by the Shadow Home Secretary to the Prime Minister.⁶²

The ISC released a statement the same day that raised multiple concerns with Michael Ellis' statement:

- Its request for information relating to the appointment of Lord Lebedev was classified.
- Its request was independent of the humble Address motion.
- The Government had failed to provide the information by the 28th April deadline.⁶³

Media commentators suggested that this statement was the ISC rebuking the Government.⁶⁴

Neither the ISC nor the Government have made any additional statements on the matter.

⁶² As above

⁶³ [ISC Press Notice](#), 12 May 2022

⁶⁴ "[Watchdog investigates amid cover-up allegation over Lebedev peerage details](#)", The Independent [online], 12 May 2022

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