

Independent review of the operational case for bulk powers: Terms of Reference

Aim

1. The review will examine the operational case for the investigatory powers contained in Parts 6 and 7 of the Investigatory Powers Bill, including the 'Operational Case for Bulk Powers' document which was published alongside the Bill at Introduction on 1 March. The review will report to the Prime Minister, with a copy sent to the Intelligence and Security Committee of Parliament (ISC). It will build on the previous reviews by the ISC, David Anderson QC and the Surveillance Panel convened by the Royal United Services Institute. The review will inform Parliament's consideration of the need for the bulk powers in the Bill.
2. The review shall consider the operational case for:
 - i. Bulk Interception
 - ii. Bulk Equipment Interference
 - iii. Bulk Acquisition (Communications Data)
 - iv. Bulk Personal Datasets

Process

3. The review will be undertaken by David Anderson QC, supported by a security-cleared barrister, technical expert and a person with experience of covert investigations.
4. The Government and the Security and Intelligence Agencies will provide all necessary information, access and assistance as is needed for David Anderson QC to undertake his review effectively.
5. David Anderson QC will report to the Prime Minister on the findings of his review in time for those findings to inform Lords Committee consideration of Parts 6 and 7 of the Bill. A copy of the report should also be provided to the ISC at this time. The Prime Minister will make the final decision as to whether the report, or parts of it, can be published without prejudicing the ability of the Security and Intelligence Agencies to discharge their statutory functions. There may be a classified annex that should also be submitted to the Prime Minister and copied to the ISC.