

Telephone tapping and mail-opening figures 1937-2003 (updated 26 July 2004, compiled by *Statewatch*)

The chart below gives the figures for the number of warrants issued for telephone tapping and mail-opening issued for the period 1937-2003 in England and Wales; the warrants issued by the Secretary of State for Scotland between 1967-2003 (and the number issued by the Foreign Secretary between 1980-1984).

The figures for 2003 given in the "[Report of the Interception of Communications Commissioner's Report](#)" (HC 883, 22.7.04) show::

1. The 2003 total figures for telephone-tapping at 1,983 (England, Wales and Scotland) was a rise on 2002 when the figure of 1,605 - a 19% increase in the issuing of initial warrants (1,983 is less than the record year of 1998 when it was 2,031 - but these figures are not calculated on the same basis - see next point below).
2. However, the recording of figures changed in 1998 with the figures for "modifications" (change of telephone number, adding addresses etc) being presented separately (previously every change needed a new warrant to be issued). The combining of warrants issued with "modifications" is the only way to present historically comparable figures. The comparable figures for 2003 show that initial interception warrants were 1,983 plus 2,844 "modifications" making a total of 4,827 a rise of 22%.
3. As in previous years these figures only cover warrants issued by the Home Secretary and the First Minister in Scotland. They do not include warrants issued by the Foreign Office to GCHQ and MI6 nor those issued by the Northern Ireland Secretary of State.
4. In 1997 when the Labour government came to power there were 1,712 warrants (including "modifications") in 2003 the comparable figure was 4,827 - more than two and a half times the 1997 figure.

For an explanation of how "modifications" affect the overall figures and of other changes, eg: warrants are now also issued for longer periods which means that fewer rather than more warrants should be issued: see [Statewatch analysis: How changes in procedure disguise true surveillance figures](#)

Some general observations on the history of interception can be made on the figures for England and Wales.

- 1) 1955 was the first year that the number of warrants issued for telephone-tapping was greater than those for mail-opening;
- 2) The record number of warrants issued in 1940 a total of 1,682 was exceeded for the first time in 1997 with 1,712 warrants being issued.
- 3) The high number of warrants between 1939-1941 is clearly attributable to the beginning of the Second World War; the rise in 1948 to the beginning of the Cold War and strikes, the post-war low point of 238 total warrants was in 1958 with the rise between 1971-1975 being due to industrial action combined with Cold War paranoia.
- 4) The total number of warrants was pretty steady in the 400's from 1976 until 1991.
- 5) A major change was introduced in 1998 and further changes in the recording methods with the introduction of the Regulation of Investigatory Powers Act 2000 (RIPA) on 2 October 2000. A major change in July 1998 stripped out the number of warrants which are "modified" (ie: a new address or phone number is needed) which previously required a new warrant to be issued. Thus in order to present historically comparative figures the number of "modifications" needs to be added to the number of initial warrants issued. The new charts below bring together the total figures for England, Wales and Scotland to reflect these changes. No figures have

ever been issued for Northern Ireland.

In future we will list the following:

- 1) The overall figures for England, Wales and Scotland (warrants plus "modifications") - Table 1
- 2) The number of warrants issued for England and Wales (*excluding* "modifications") - Table 2
- 3) The number of warrants issued for Scotland (including "modifications") - Table 3

Table 1: England, Wales and Scotland - Year	Interception warrants	Modifications	Total
1990	581	-	518
1991	815	-	815
1992	966	-	966
1993	1,120	-	1,120
1994	1,047	-	1,047
1995	1,135	-	1,135
1996	1,370	-	1,370
1997	1,712	-	1,712
1998	2,031	172	2,203
1999	2,022	565	2,587
2000	1,900	722	2,622
2001	1,445	1,982	3,427
2002	1,605	2,143	3,748
2003	1,983	2,844	4,827

Table 2: England & Wales	Telephone tapping warrants	Mail opening warrants	Total
1937	17	556	573
1938	20	710	730
1939	29	973	1,002
1940	125	1,557	1,682
1941	180	862	1,042
1942	164	514	678
1943	126	329	455
1944	102	213	315
1945	56	90	146
1946	73	139	212
1947	110	190	300
1948	103	870	973
1949	133	641	774
1950	179	356	535
1951	177	486	663

1952	173	462	635
1953	202	459	661
1954	222	227	449
1955	241	205	446
1956	159	183	342
1957	n/a	n/a	n/a
1958	129	109	238
1959	159	101	260
1960	195	110	305
1961	183	75	258
1962	242	96	338
1963	270	128	398
1964	253	120	373
1965	299	93	392 [1]
1966	318	139	457
1967	307	92	399
1968	333	83	416
1969	377	93	470
1970	395	104	499
1971	418	86	504
1972	413	95	508
1973	424	73	497
1974	436	93	529
1975	468	93	561
1976	410	62	472
1977	407	84	491
1978	428	44	472
1979	411	52	463
1980	414	39	453 [2]
1981	402	46	448
1982	379	54	433
1983	372	53	415
1984	352	39	391
1985	403	40	443
1986	573	95	668 [3]
1987	438	34	472
1988	412	48	460
1989	427	31	458
1990	473	42	515

1991	670	62	732
1992	756	118	874
1993	893	105	998
1994	871	76	947
1995	910	87	997
1996	1,073	69	1,142
1997	1,391	65	1,456
1998	1,646	117	1,763
1999	1,645	89	1,734
2000	1,559	49	1,608
2001	1,314 [4]	-	1,314
2002	1,466 [4]	-	1,466
2003	1,878 [4]	-	1,878

[1] This figure is wrongly given as 382 in Cmnd. 7873

[2] Cmnd 9438 states in the figures between 1980-1984 excludes warrants issued under the 1920 Official Secrets Act.

[3] The Report of the Commissioner for 1998 states in para.6 that the high figure for this year "is explained by the need to replace all the outstanding non-statutory warrants when the new Act came into force".

[4] From 2001 no separate figures for mail-opening warrants are to be issued.

Table 3: Scotland	Telephone tapping warrants	Mail-opening warrants then "modifications" from 2001	Total warrants issued for year
1967	3	-	3
1968	10	-	10
1969	8	-	8
1970	14	-	14
1971	10	2	12
1972	15	-	15
1973	20	-	20
1974	33	5	38
1975	41	-	41
1976	41	-	41
1977	52	3	55

1978	42	-	42
1979	56	-	56
1980	50	-	50
1981	49	-	49
1982	79	2	81
1983	53	1	54
1984	71	4	75
1985	59	9	68
1986	84	4	88 [1]
1987	54	3	57
1988	54	5	59
1989	63	1	64
1990	66	2	66
1991	81	1	82
1992	87	5	92
1993	112	10	122
1994	90	10	100
1995	137	1	138
1996	228	0	228
1997	256	0	256
1998	267	1	268
1999	288	-	288
2000	292	-	292
2001	131	194 [3]	325
2002	139	258	397
2003	105	319	424

[1] The Report of the Commissioner for 1998 states in para.6 that the high figure for this year "is explained by the need to replace all the outstanding non-statutory warrants when the new Act came into force".

[2] It is noticeable that several of the rises in Scotland, especially for warrants to open letters, occurs during years when strikes played an important role, e.g. 1971, 1974, 1977, 1984 and 1985. It is also apparent that the overall figures for Scotland rose significantly during the 1980s (over the 1970s).

[3] From 2001 no separate figures are given for mail-opening warrants. But for the first time in 2001 there were an additional 194 "modifications". This the total for 2001 is 325, not 131.

Foreign Secretary:Year [1][2]	Telephone tapping warrants	Mail-opening warrants	Total
1980	136	-	136
1981	101	-	101
1982	92	-	92
1983	109	-	109
1984	115	-	115

[1] Figures for warrants issued by the Foreign Secretary have not been issued since 1984.

[2] The Report of the Commissioner for 1990 it states that it would be against the public interest to publish the number of warrants issued by the Foreign Secretary and the Secretary of State for Northern Ireland.

UK: Changes in telephone-tapping warrant procedures disguises true figures

- since 1997 the surveillance of telecommunications has risen more than two and a half times

From July 1998 a major change in the interpretation of the 1985 Interception of Communications Act (IOCA) meant that where previously any change to the initial warrant (eg: a person moved or changed phone numbers), known as a "modification", led to a new warrant being issued - now these changes are recorded separately as "modifications".

Three other changes following the introduction of the Regulation of Investigatory Powers Act (RIPA) on 2 October 2000 mean that the increase in surveillance is much greater.

The first change, as noted by the Commissioner in the report for 2001, is that warrants are now issued against named individuals rather than as an order placed on a communications provider. This means that a warrant against an individual can state that all their mail, phone-calls, mobile calls, e-mails and internet usage are to be placed under surveillance. Or put another way round, now one warrant against an individual is used in place of up to five separate warrants (served potentially on five different service providers) previously.

Warrants used to be issued simply to the Post Office (mail) and British Telecom (phone), under Section 2 of the IOCA 1985. But the growth of privatisation and diverse means of communication has changed the demands of the agencies.

Now a single warrant for the surveillance of an individual or premises has to be renewed. Whereas before: "Under IOCA, warrants for intercepts with different CSPs" (communications service providers) had to be renewed separately thus adding to the total number of warrants issued.

Thus a warrant is now issued to the requesting agency (eg: MI5, MI6, GCHQ, NCIS etc) which includes "schedules" that list addresses, numbers, "apparatus or other factors, or combination of factors" (eg: the location of a mobile phone users at a particular point in time). The agencies then place an interception order on any service provider.

There is little doubt that this change should, in theory, result in fewer applications for warrants or put another way, if the overall number of warrants issued stays the same then more people are being placed under surveillance. It is not possible to determine the numerical increase in warrants due to this factor.

The second major change under RIPA 2000, as distinct from the IOCA 1985, is the periods for which warrants are issued.

Under RIPA 2000 warrants can be issued on four grounds (Section 5.3) the fourth of which is new:

- (a) in the interest of national security
- (b) for the purpose of preventing or detecting serious crime
- (c) for the purpose of safeguarding the economic well-being of the UK
- (d) to give implement "any international mutual assistance agreement" concerning para.b above (ie: serious crime).

Under the IOCA 1985 warrants covering the then three different purposes were all for two months. Renewals, were for six months for categories (a) and (c) and one month for (b) serious crime, the most numerous category. RIPA 2000 greatly extended these periods. Initial warrants for categories (a) and (c) is now six months with renewals for another six months and for category (b), serious crime, an initial three months with renewals for three months. Put simply, the periods covered by warrants has in effect been doubled. For example, for serious crime an initial warrant plus one extension used to cover three months, now it is six months. For national security (a) and "economic well-being" (b)a warrant used to cover eight months and now it is twelve months.

Again it takes little imagination to see that if, for the administrative convenience of the Home Office and the agencies (ie: a lot less work), the periods have been extended in this way there should either be significantly fewer warrants issued, or if the same or a greater number are issued then the rise in warrants requires explanation and quantification.

Overall, the figure for the number of initial warrants issued in 2003, 1,983 (England, Wales and Scotland), disguises the fact that i) 2,844 previously included "modifications" are excluded; ii) that the periods for warrants in the most numerous category, serious crime, have increased by 50% (initial warrant) and 100% (renewals); iii) where previously between one and five warrants were issued to communications service providers now only one is issued to cover a person or premises (which also has a knock-on effect on the number of renewals).

The effect of these changes are alluded to in the Commissioner's report in 2001. On the Metropolitan Police Special Branch (MPSB) he writes that:

"Statistically, MPSB warrants are now held for longer than in the past - typically over a period of several months rather than days"

The example given by the National Criminal Intelligence Service (NCIS) to the Commissioner shows that in the last year of the IOCA 1985 they had "just over 600

warranted target addresses" (individuals and premises). Whereas as in the first year of RIPA 2000 they had 800 target addresses "deriving from only just over 400 warrants". While the number of warrants dropped by a third (from 600 to 400) the number of target addresses rose by a third (from 600 to 800).

Taken alone the overall rise in warrants issued (including "modifications") shows that since 1997 the surveillance of telecommunications has risen more than two and a half times. The additional, unquantified, issuing of single warrants to agencies where previously between one and five may have been issued to CSPs and the extended periods of the warrants means that this is a gross under-estimate of the growth in surveillance since the Labour government came to power.

Sources: See Statewatch, vol 7 nos 1 & 4 & 5; vol 8 nos 5 & 6; vol 10 no 6; vol 11 nos 1 & 2; vol 12 nos 1 & 3/4; vol 13 no 5.

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