

Draft Investigatory Powers Bill

12.39 pm

The Secretary of State for the Home Department (Mrs Theresa May): With permission, Mr Speaker, I would like to make a statement about the draft Investigatory Powers Bill and our commitment to providing a new law consolidating and updating our investigatory powers, strengthening the safeguards, and establishing a world-leading oversight regime.

We live in a digital age. Technology is having a profound effect on society. Computers are central to our everyday lives. Big data is reshaping the way we live and work. The internet has brought us tremendous opportunities to prosper and interact with others. But a digital society also presents us with challenges. The same benefits enjoyed by us all are being exploited by serious and organised criminals, online fraudsters, and terrorists. The threat is clear. In the past 12 months alone, six significant terrorist plots have been disrupted here in the UK, as well as a number of further plots overseas. The frequency and cost of cyber-attacks is increasing, with 90% of large organisations suffering an information security breach last year. The Child Exploitation and Online Protection Centre estimates that there are 50,000 people in this country downloading indecent images of children.

The task of law enforcement and the security and intelligence agencies has become vastly more demanding in this digital age. It is right, therefore, that those who are charged with protecting us should have the powers they need to do so, but it is the role of Government and Parliament to ensure that there are limits to those powers. Let me be clear: the draft Bill we are publishing today is not a return to the draft communications data Bill of 2012. It will not include powers to force UK companies to capture and retain third party internet traffic from companies based overseas; it will not compel overseas communications service providers to meet our domestic retention obligations for communications data; and it will not ban encryption or do anything to undermine the security of people's data. The substance of all of the recommendations by the Joint Scrutiny Committee which examined that draft Bill have been accepted.

So today's Bill represents a significant departure from the proposals of the past. Today we are setting out a modern legal framework that brings together current powers in a clear and comprehensible way, with a new Bill that provides some of the strongest protections and safeguards anywhere in the democratic world, and an approach that sets new standards for openness, transparency and oversight. This new legislation will underpin the work of law enforcement and the security and intelligence agencies for years to come. It is their licence to operate, with the democratic approval of Parliament, to protect our national security and the public's safety.

This Bill responds to three independent reviews published earlier this year: the first from the Intelligence and Security Committee; the second from David Anderson QC, the independent reviewer of terrorism legislation; and the third from the independent surveillance review convened by the Royal United Services Institute. All three reviews made it clear that the use of investigatory powers is vital to protecting the public. They all endorsed the current powers available to the police and law

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enforcement agencies as both necessary and proportionate, and they all agreed that the legal framework governing those powers needed updating. While considering those reviews, we have engaged with technical experts, academics, civil liberties groups and communications service providers in the UK and overseas. I also met charities supporting people affected by the crimes that these powers are used to investigate.

Copies of the draft Bill will be available in the Vote Office. Our proposals will now be subject to further consultation and pre-legislative scrutiny by a Joint Committee of Parliament. A revised Bill will then be introduced to Parliament in the spring, when it will receive careful parliamentary scrutiny. As the House knows, the Data Retention and Investigatory Powers Act 2014 contains a sunset clause which means that legislation will cease to have effect from 31 December 2016. It is our intention to pass a new law before that date.

This Bill will govern all the powers available to law enforcement, the security and intelligence agencies and the armed forces to acquire the content of communications or communications data. These include the ability to retain and acquire communications data to be used as evidence in court and to advance investigations; the ability to intercept the contents of communications in order to acquire sensitive intelligence to tackle terrorist plots and serious and organised crimes; the use of equipment interference powers to obtain data covertly from computers; and the use of these powers by the security and intelligence agencies in bulk to identify the most serious threats to the UK from overseas and to rapidly establish links between suspects in the UK.

It cannot be right that today the police could find an abducted child if the suspects were using mobile phones to co-ordinate their crime, but if they were using social media or communications apps they would be out of reach. Such an approach defies all logic and ignores the realities of today's digital age, so this Bill will also allow the police to identify which communications services a person or device has connected to—so-called internet connection records.

Some have characterised that power as law enforcement having access to people's full web browsing histories. Let me be clear—that is simply wrong. An internet connection record is a record of the communications service that a person has used, not a record of every web page they have accessed. If someone has visited a social media website, an internet connection record will only show that they accessed that site, not the particular pages they looked at, who they communicated with, or what they said. It is simply the modern equivalent of an itemised phone bill.

Law enforcement agencies would not be able to make a request for the purpose of determining, for example, whether someone had visited a mental health website, a medical website or even a news website. They would only be able to make a request for the purpose of determining whether someone had accessed a communications website or an illegal website, or to resolve an internet protocol address where it is necessary and proportionate to do so in the course of a specific investigation. Strict limits will apply to when and how those data can be accessed—over and above those

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safeguards that apply to other forms of communications data—and we will ban local authorities from accessing such data.

I have announced today our intention to ensure that the powers available to law enforcement and the agencies are clear for everyone to understand. The transparency report I am publishing today will help, and copies of that report will be available in the Vote Office. There remain, however, some powers that successive Governments have considered too sensitive to disclose, for fear of revealing capabilities to those who mean us harm. I am clear that we must now reconcile that with our ambition to deliver greater openness and transparency.

The Bill will make explicit provision for all of the powers available to the security and intelligence agencies to acquire data in bulk. That will include not only bulk interception provided under the Regulation of Investigatory Powers Act 2000 and which is vital to the work of GCHQ, but the acquisition of bulk communications data, both relating to the UK and overseas.

That is not a new power. It will replace the power under Section 94 of the Telecommunications Act 1984, under which successive Governments have approved the security and intelligence agencies' access to such communications data from communication service providers.

That has allowed them to thwart a number of attacks here in the UK. In 2010, when a group of terrorists were plotting attacks in the UK, including on the London stock exchange, the use of bulk communications data played a key role in MI5's investigation. It allowed investigators to uncover the terrorist network and to understand their plans. That led to the disruption of their activities and successful convictions against all of the group's members.

I have also published the agencies' handling arrangements relating to that power, which set out the existing robust safeguards and independent oversight. These make it clear that the data do not include the content of communications or internet connection records. The Bill will put that power on a more explicit footing and it will be subject to the same robust safeguards that apply to other bulk powers.

The House will know that the powers I have described today are currently overseen by the interception of communications commissioner, the intelligence services commissioner and the chief surveillance commissioner, all of whom are serving or former senior judges.

That regime worked in the past, but I am clear that we need a significantly strengthened regime to govern how these powers are authorised and overseen, so we will replace the existing oversight with a powerful and independent investigatory powers commissioner. This will be a senior judge, supported by a team of expert inspectors with the authority and resources to effectively, and visibly, hold the intelligence agencies and law enforcement to account. These will be world-leading oversight arrangements.

Finally, I want to turn to authorisation. Authorising warrants is one of the most important means by which I and other Secretaries of State hold the security and intelligence agencies to account for their actions. In turn, we are accountable to this House and, through its elected representatives, to the public. As the House

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knows, the first duty of Government is the protection of the public, and that is a responsibility this Government take extremely seriously.

Although there was a good deal of agreement in the three independent reviews I have referenced, all three reached different conclusions on the question of who should authorise interception warrants. The Intelligence and Security Committee supported authorisation by a Secretary of State; David Anderson said judges should carry out the authorisation; and RUSI said that the authorisation of warrants should have a judicial element, but also recognised the important role of the Secretary of State. I have considered the very good arguments that were put forward by the three reviews. My response is one that I hope the House agrees will provide the reassurance of both democratic accountability and judicial accountability.

As now, the Secretary of State will need to be satisfied that an activity is necessary and proportionate before a warrant can be issued. However, in future, the warrant will not come into force until it has been formally approved by a judge. That will place a double lock on the authorisation of our most intrusive investigatory powers. There will be democratic accountability, through the Secretary of State, to ensure that our intelligence agencies operate in the interests of the citizens of this country, and the public reassurance of independent, judicial authorisation. This will be one of the strongest authorisation regimes anywhere in the world.

For parliamentarians, we will go even further. The Bill will, for the first time, put into law the Prime Minister's commitment that in any case where it is proposed to intercept the communications of a parliamentarian, including Members of this House, Members of the House of Lords, UK MEPs and Members of the devolved legislatures, the Prime Minister will also be consulted.

The legislation that we are proposing today is unprecedented. It will provide unparalleled openness and transparency about our investigatory powers; it will provide the strongest safeguards and world-leading oversight arrangements; and it will give the men and women of our security and intelligence agencies and our law enforcement agencies, who do so much to keep us safe and secure, the powers they need to protect our country. I commend this statement to the House.

12.51 pm

Andy Burnham (Leigh) (Lab): I welcome the Home Secretary's comprehensive and detailed statement, and the advance notice that she provided.

Huge changes in technology have clearly left our laws outdated and made the job of the police and security services harder. In a world where the threats we face, internationally and domestically, are growing, Parliament cannot sit on its hands and leave blind spots where the authorities cannot see. This debate will be seen through the prism of extremism and terrorism, but, as the Home Secretary said, it is about much more. It is about child sexual exploitation, serious online fraud and other important functions, such as the location of missing people.

We support the Government in their attempt to update the law in this important and sensitive area. We share the Government's goal of creating a world-class framework.

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The Opposition's position is clear: strong powers must be balanced by strong safeguards for the public to protect privacy and long-held liberties. From what the Home Secretary has said today, it is clear to me that she and the Government have listened carefully to the concerns that were expressed about the draft Bill that was presented in the last Parliament. She has brought forward much stronger safeguards, particularly in the crucial area of judicial authorisation. It would help the future conduct of this important public debate if the House sent out the unified message today that this is neither a snooper's charter, nor a plan for mass surveillance. [Hon. Members: "Hear, hear."]

On behalf of the Opposition, I echo the Home Secretary's thanks to the Intelligence and Security Committee, RUSI and, in particular, David Anderson, QC, who has done the House and the country a huge service by setting out the basis for a new consensus on these important matters. Will the Home Secretary tell us whether David Anderson has expressed a view on her draft Bill, whether he supports the measures within it and whether he is satisfied with the checks and balances on powers and safeguards?

The House will want reassurance that the Bill carries forward the safeguards from previous legislation, particularly the Regulation of Investigatory Powers Act 2000, such as the threshold for the use of the most intrusive powers. Will the Home Secretary assure the House that the far-reaching powers of content interception will be used for only the most serious crimes, as was the case under the original legislation?

We welcome what the Home Secretary said about internet connection records and local authorities, but the House will have been listening carefully to what she said about data retention and bulk storage. Will she say more about what kind of data will be stored by the authorities, for how long it will be stored and whether the information will be held in anonymised form? That is important because public concern will have risen following the attack on data held by TalkTalk. People will have heard her say at the beginning of her statement that 90% of commercial organisations have experienced a data breach. What lessons has she drawn from the TalkTalk attack? Does she believe that there is a need to enhance the security of bulk storage arrangements in both public and private bodies?

On encryption, the Prime Minister spoke some months ago about the possibility of introducing a ban. Clearly, that is not the policy that the Home Secretary has just outlined. Will she explain the reason for the change in approach? Alongside the proposals on encryption, it is clear that the Bill will place a range of new legal duties on communications providers. Will she tell the House whether all the major providers support her proposals, including those who are based overseas? I listened carefully to what she said on that point. She implied that the measures in the Bill would not apply to organisations that are based overseas. That suggests that there is a large hole that the legislation will not cover. Will she say more about that and reassure us on whether there will be voluntary arrangements in that area?

Will the Home Secretary say whether the measures will apply to individuals? There is rapid change in the development of online applications, so we need to know whether individuals might be liable.

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The whole House will welcome what the Home Secretary had to say about the Wilson doctrine, but she did not mention journalistic sources. Will she say whether the legislation will provide protection in such cases?

My predecessor made a key demand in the crucial area of authorisation, which I have reiterated. We are pleased that the Home Secretary has listened. The two-stage process that she advocates seems to have the merits of both arguments: it will provide public and political accountability, and the independence that is needed to build trust in the system. There may be a worry that it will build in delays. Will she say more about how the two-stage process will work in practice and how delays will be avoided? Will judges sign off warrants in all cases? If the Secretary of State and the judge come to different conclusions, who will have the final say?

Finally, as well as looking at the specific proposals in the Bill, it is important to look at the wider context in which they are being introduced. The Home Secretary will know that there are fears in some communities, particularly the Muslim community, that the powers will be used against them disproportionately. We have seen in the past how police powers have been wrongly used against trade unionists.

David Anderson rightly laid great emphasis on the need to build trust in the new framework. It does not help to create the right context when the Prime Minister suggests that the entire Muslim community quietly condones extremism, nor does it build confidence in the new Bill when, at the same time, the Government are legislating in the Trade Union Bill to impose new requirements on trade unionists in respect of the use of social media and on the monitoring of it by the police. As the right hon. Member for Haltemprice and Howden (Mr Davis) said, "This isn't Franco's Britain". Can the Home Secretary see that to continue to build on the trust she has created and the good start that she has made today, the Government should drop some of its more divisive rhetoric and measures, starting with the measures in the Trade Union Bill?

In conclusion, the issues the proposed legislation seeks to tackle go way beyond party politics. Any Government will face a difficult task in balancing the security of the nation with the privacy and liberties of individual citizens. As someone who was in the Home Office on 7/7, I know that that challenge has got harder in recent years. We will examine carefully the detail of the draft Bill and seek to improve the safeguards to build trust. Having listened carefully to what the Home Secretary has said today, I believe that she has responded to legitimate concerns and broadly got that difficult balance right.

Mrs May: I thank the right hon. Gentleman for the tone that he adopted for most of his response to my statement. I thank him for his willingness to understand and accept the importance of this legislation and for his clear comment that this is not mass surveillance. As he says, the message should go out very clearly from this House today that these are important powers that are necessary to keep us safe and secure, but that we must have the right safeguards.

The right hon. Gentleman asked a lot of questions. I will attempt to answer as many of them as possible, but if I miss any particular points I will respond to them in writing.

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Before I come to the specific questions, I want to address the reference that he made to the Prime Minister at the end of his speech. I have to say to him that it was not justified by the tone that he adopted for the rest of his speech. What the Prime Minister has said, and what we are saying in our counter-extremism strategy—the strategy deals with extremism of all sorts, including Islamist extremism and neo-Nazi extremism—is that we want to work with people in communities and encourage mainstream voices. We want to work to ensure that, when people are in isolated communities, we identify the barriers that cause that isolation. That is why Louise Casey is doing the very important work she is doing. The characterisation of the Prime Minister that the right hon. Gentleman puts to the House is not one that I recognise.

The right hon. Gentleman asked about David Anderson's view. I have had a private meeting with him on the matter and discussed it with him. We have taken virtually everything that he requested on board, but I do not think it is appropriate for me to say what his view is. That is for him to say separately. It was a private meeting and I just do not think it is appropriate for me to use it in that way.

The right hon. Gentleman referred to serious crimes. Yes, the measure will cover only the most serious crimes, as currently defined in RIPA. That definition will be brought into the legislation.

On the retention of communications data, it will be possible to require the intercept communications records to be retained for up to 12 months. That refers only to the front page of the website. As I have said, it is not exactly which pages within a website that people have been looking at, but just the fact of access to a website or communications device.

The right hon. Gentleman asked about recent cyber-attacks. The message we take from those is very simple: as criminals are moving into more online crime, we need to ensure that our law enforcement agencies have the power to deal with that cybercrime and work in that online space, which is precisely what today is about.

On encryption, the current requirement, which is in secondary legislation, that those companies issued with a warrant should take reasonable steps to respond to it in unencrypted form, is being put on the face of the legislation, but we are not banning encryption. We recognise that encryption plays an important part in keeping people's details secure.

The right hon. Gentleman asked about providers. There may be a slight misunderstanding about requirements on overseas providers. There are some elements that we are not now requiring of overseas providers, but we retain the extra-territorial jurisdiction of our warrantry. It is still our view that we should be able to exercise against an overseas provider a warrant issued here in the UK. The work of Nigel Sheinwald, of which hon. Members will be aware, suggested that there was scope for a greater form of international agreement in this area. The Government will continue to look at that.

On journalistic sources, I did not mention it, but we will include in the legislation what we included in the Police and Criminal Evidence Act 1984 code earlier this year: access to communications data to identify a journalist's source will require judicial authorisation.

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The point of the double lock is that both parties have to authorise the warrant for it to go ahead. The right hon. Gentleman mentioned the time delays. There will be an urgent process, so it will be possible for a Secretary of State to sign an urgent warrant that will come immediately into effect. There will then be a period of time within which the judge will have to review it and make a decision on whether it should continue. We will look to ensure that, in that urgent process, the time delay is as little as possible between those two parts of the process. As I have said, the purpose of a double lock is that, in most circumstances, we will have that double authorisation.

Mr David Davis (Haltemprice and Howden) (Con): In view of the size of the Bill, I will confine myself solely to the judicial authorisation aspects of it. Will the Secretary of State tell the House whether the measure will replace all 66 statutory approval mechanisms for intercept and use of communications data? Will the judiciary involved in the authorisation procedures be appointed by the Judicial Appointments Commission or by the Prime Minister? Will Members of Parliament get the same protections on communications data, to which she referred, that are being extended to journalists? My understanding is that that is not the case.

Mrs May: In relation to the warrantry that will be subject to the double lock and the process of interception, where the process currently requires a warrant signed just by the Secretary of State, it will in future have the double lock. Additional processes will be introduced in relation to some of the bulk capabilities to which I referred. Obviously, we have to appoint the investigatory powers commissioner. There will then be a process to determine who should be under the commissioner and the areas of expertise they should have. I have said to the Justice Secretary in Scotland and the Minister of Justice in Northern Ireland that we would expect to ensure that Scottish and Northern Ireland expertise is available to the commissioner.

Mr Nick Clegg (Sheffield, Hallam) (LD): I thank the Home Secretary for her statement. Her last Bill on this fraught but important subject hit the buffers. The current Bill is a much improved model, although I have the feeling that, under the bonnet, it retains some of the flaws of its predecessor. The Home Office has clearly put in a lot of work, which I welcome, as I do the dropping of some of the key provisions on third-party data and encryption. I am a little confused by the advance briefings on the Bill: some suggest that it is a radical departure from its predecessor, and others suggest that much of it is the same. It cannot be both, and the devil will be in the detail.

On judicial authorisation, the Home Secretary has set out a somewhat complex double lock compromise that may incur stop-start delays. I heard what she said earlier, but I wonder whether it would not be simpler and faster to provide for direct judicial authorisation. I should like to understand from her why she has not decided to do that.

On web browsing, I strongly welcome what looks at first like a significantly more proportionate and targeted approach, but will the Home Secretary explain why it is still necessary to hold such large amounts of data retrospectively for a considerable period of time?

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Finally, will the Home Secretary tell the House why she has not acted on the commitment she made in the last Parliament to establish a proper US-style privacy and civil liberties board to provide reasoned scrutiny on such Bills in future?

Mrs May: The right hon. Gentleman says that there was some confused briefing. Different reports appeared in newspapers, but that is not necessarily the result of briefing. The situation on the Bill is what I have set out today in my statement—*[Interruption.]* The hon. Member for West Ham (Lyn Brown) says that I went on TV. I said on TV exactly what I am about to say to the House in relation to the difference between the Bill and the draft Communications Data Bill, which is that some of the more contentious elements are not in the current Bill. For example, the requirement for UK communications service providers to retain and access third-party data from overseas providers is not in the Bill, nor is the web browsing provision, to which the right hon. Gentleman referred, and nor is the provision that would have placed on US and overseas providers the same data retention requirements and obligations that apply to UK service providers.

On judicial authorisation, the double lock provides both judicial independence, but also, crucially, public accountability. That is what we get through membership of the House.

The right hon. Gentleman mentioned retrospective data. I put to him the case of the abducted child. We want to see who that child or young person was in contact with before they were abducted. We can do that through telephone records, but we cannot do it if they were using a social media app. That is what the intercept communications records enable us to do.

Mr Dominic Grieve (Beaconsfield) (Con): I welcome the Home Secretary's statement. The Intelligence and Security Committee will, working in co-operation with the Joint Committee, provide scrutiny for the proposed legislation. In that context, my right hon. Friend referred to the earlier report of the ISC in March, in which there were 54 specific recommendations. While I appreciate that, in part, the draft Bill may be seen as a response to those recommendations, there is a duty on the Government to provide a specific response to the ISC report. May I urge her that, in the course of the next few weeks and while the debate takes place, the Government should provide such a response—it can be in a quite short form—to those 54 recommendations, because that will enable the House and the public to identify those areas that need to be looked at in the course of the debate, and to identify what has been taken on board and what, perfectly properly, has been rejected by the Government? I seek an assurance from her today that that will happen.

Mrs May: Of course, the ISC report went wider than investigatory powers, but I can reassure my right hon. and learned Friend that, in relation to those aspects that dealt with such powers, in a sense the new Bill is a response to the report. As he knows, we have been considering very carefully the full set of recommendations from the previous ISC and will respond to him and his Committee in a timely fashion.

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Joanna Cherry (Edinburgh South West) (SNP): I thank the Home Secretary for her statement, its tone and the care taken to address many of the concerns raised. I also thank her for the conversations I have had with her and her Ministers in advance of the publication of the draft Bill and for having confirmed to me that a Member of the Scottish National party will serve on the Joint Committee that will scrutinise it. I would be grateful if she could confirm that she will continue her open-door policy.

We have our political differences, and I am sure there will be some over the content of the draft Bill—as the right hon. Member for Sheffield, Hallam (Mr Clegg) said, the devil is in the

detail, so we will have to scrutinise it carefully—but I think we all agree that we have a responsibility to protect the rights of our fellow citizens while being realistic about the threats we face. We live in dangerous times, with threats of asymmetric conflict and an accelerating pace of technological change that unfortunately is often first embraced by those who mean us harm. It is only right when we discuss these issues that we put on the record our appreciation of those charged with keeping us safe—the police and the intelligence services—but we should also thank campaigning groups such as Liberty, Justice and Amnesty that remind us daily why it is important to protect our civil liberties, which were won and protected at the cost of the lives of the many people we will be remembering this Remembrance Sunday.

As David Anderson said in his report, the law in this area needs a thorough overhaul. We need a modern and comprehensive law that can cope with the challenges of modern technology while taking account of human rights and civil liberties, particularly the right to privacy. Only time and careful scrutiny will tell whether the draft Bill fulfils the aims he underlined, but I would be interested to hear if the Home Secretary thinks that the Bill meets his key recommendations.

Other countries are watching what we do, and it is important we get it right. SNP Members believe that access to private communications must always be necessary, targeted and proportionate, and I would be grateful if the Home Secretary could confirm that she agrees with us. Safeguards are crucial, and there is a debate about the oversight of access to communications, particularly about who authorises warrants. In common with many Members on both sides of the House, we hold that judicial oversight and authorisation might largely be the answer to the concerns, but we are concerned that a hybrid system—involving both political and judicial authorisation—might add an unnecessary layer of bureaucracy and lead to error and delay in urgent situations. Can she give us any comfort in that regard?

Several hon. Members *rose*—

Joanna Cherry: I am nearly finished.

I welcome the Home Secretary's indication that protection of all parliamentarians' communications will be put on a statutory footing, but will that protection extend to people communicating with parliamentarians, such as our constituents, whistleblowers and campaigners, and will there be not just oversight by the Prime Minister, but judicial oversight?

Finally, and briefly but importantly, the Bill concerns not only issues of national security but the investigation of serious crime, and accordingly it will impinge on

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areas devolved to the Scottish Parliament. Will the Home Secretary confirm that she is aware of this and that a legislative consent motion will be required in due course, and that she has engaged, and will continue to engage, with the Scottish Government?

Mrs May: On the hon. and learned Lady's point about an open door, I have already spoke to Michael Matheson about the Bill, and my officials have been, and will continue to be, in touch with Scottish Government officials. I am well aware that it impinges on matters devolved to the Scottish Government—the operation of Police Scotland and the signature of

warrantry relating to law enforcement powers—and we will work with them. There is a question about whether a legislative consent motion is necessary, but officials are working through that and considering whether it would be appropriate.

I recognise that the Scottish Government have raised the timing of warrantry. We have every confidence that the process will not add greater bureaucracy, but will add the necessary independent judicial authorisation. In emergency warrant cases, the Secretary of State will be able to authorise a warrant immediately, but that will be followed by a speedy review by the judge to ensure there is still authorisation.

The hon. and learned Lady asked if David Anderson's recommendations, particularly about the Bill's being comprehensive, had been met. I genuinely believe that this is a clearer and more comprehensible and comprehensive Bill, although given its length, some Members might wonder how I can say that. It is an important Bill that will set out much more clearly the different powers available to the authorities. She asked about necessity and proportionality. Of course, warrants will still be judged on whether they are necessary and proportionate—that will still be the test applied by the Secretary of State to any warrants signed. On the issue of liberty versus security, some people think it is a zero-sum game—that if we increase one, we reduce the other—but I am clear that we cannot enjoy our liberty until we have our security.

Mr Owen Paterson (North Shropshire) (Con): Our success in preventing numerous attacks on the public, to which the Home Secretary rightly paid tribute, is down not just to the professionalism and skill of our security services, but to the rapid decision-making process for warrants. As she and I know acutely, this is a very serious responsibility, but I strongly believe that these decisions should be made by an elected Member of the House, accountable to the House and Committees such as the ISC. I am concerned that involving a decision maker from the judiciary, who might not have particular skills in this area, will bring delay and complication. As Secretary of State, I was often approached at short notice and at difficult times of the day—early morning, for example—for a decision, and in making such decisions, I was fully aware that I would be held to account later. Will she explain further how this system will work? How many hours after an early-morning decision by a Secretary of State will there be scrutiny by the judge? Will the Secretary of State be able to discuss the areas of concern, and will the intelligence services, which prepare the material—I always found it to be punctilious, correct and professionally drafted—have an opportunity to return with a further application with further detail, if the Secretary of State has understood the judge's grounds for throwing out an application?

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Mrs May: As he said, in his former role as Secretary of State for Northern Ireland, my right hon. Friend did indeed witness the process of warrant approval. I am conscious of the need to ensure that warrants can be put in place within a reasonable timeframe. There are already agreements between the Home Office and the Security Service about the time needed for a Secretary of State to deal with a warrant and for officials to process the warrantry, and we would expect to come to similar agreements with the judicial commissioners in order to make clear the time in which a warrant needs to be considered.

The judicial commissioners, in considering the warrants under the powers they will be given, will apply the same principle as applied by a court on an application for judicial review, but

in an emergency a Secretary of State will be able to authorise a warrant immediately. In normal circumstances, the double lock will be required for a warrant to be exercised, but in an emergency it will be possible to exercise it purely on the Secretary of State's authorisation. The Bill makes it clear that the judicial commissioners should review that decision within five days and decide whether the warrant can continue or should be stopped, and if it is stopped, whether the material gained from it should be kept in certain circumstances or destroyed.

Keith Vaz (Leicester East) (Lab): Today the Home Secretary has ripped up RIPA—a piece of legislation that has been unfit for purpose. I particularly welcome the ban on local authorities accessing information about their own citizens. Although I welcome the additional judicial scrutiny, I have some concerns. Who will train the judges to deal with this very complex area? We shall need a panel of judges and a lot of expertise. Will she continue working with the internet providers to ensure that we track people of interest? I know that the Home Secretary said that the information is equivalent to an itemised bill, but there is a lot of information in an itemised bill. If I were to look at her itemised telephone bill and she were to look at mine, we might be surprised at who we were telephoning. *[Interruption.]*

Mrs May: I think that in their sedentary suggestion my hon. Friends made the right response to that particular point: “Speak for yourself!” There is an issue with the judicial panel, and a number of judges will need to be brought together. It is not the first time that changes have been made in matters relating to national security, where judges have to deal with them in different circumstances from which they have dealt with them previously. Judges are used to making independent decisions on a judicial review basis and on the basis of the law as they know it. Of course, a Secretary of State who, like me, has been in the position for some time will have seen a history of national security operations, for example, that provides a level of experience that would not be there the first time a judge looked at this. Ensuring that the judges are aware of that national security background will, I am sure, be part of the process. I have more faith in the judiciary and its ability to work independently than the right hon. Gentleman perhaps does.

Robert Neill (Bromley and Chislehurst) (Con): I agree with the Home Secretary about the importance of putting faith in the ability of the judiciary. What consultation will she have with the Lord Chief Justice on the selection

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of members of the panel that will be appropriately security vetted? Can she ensure, for example, that an appropriate senior judge is available to be on call on a 24-hour basis, as is perfectly common in other types of judicial review proceedings so that delay is minimised? Will she also provide more detail on how the appointment of the judicial commissioners will take place and who will be responsible for it? Finally, will she give an undertaking that the ambition to introduce the Bill by the spring will in no way truncate the pre-legislative scrutiny of the Joint Committee?

Mrs May: On the last point, we will be talking to the Chairman of the Joint Scrutiny Committee, when appointed, about the appropriate timetable. Although we have the deadline of December 2016, we want to ensure that the process of scrutiny by the Joint Committee is a proper one, and the timetable will reflect that. On the judicial commissioners and the investigatory powers commissioner, we have already had some discussions at official level

with the judiciary, as my hon. Friend might imagine. We would not be putting these provisions into legislation unless we had spoken to the judiciary about the requirements. Discussions about the precise elements that my hon. Friend and others have raised about the choice and number of judicial commissioners will be ongoing.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The police and the agencies will agree with what the Home Secretary and the shadow Home Secretary have said about the need both for powers to deal with serious threats and for safeguards that are needed in a democracy. I welcome the Home Secretary's agreement to judicial authorisation and her significant points about transparency, both of which issues reflect the David Anderson report.

I want to ask particularly about the investigatory powers commissioner. It sounds like something we have called for, but will that commissioner be accountable to the Executive and to the Prime Minister, which has limited the operation of some of the existing commissioners, or will he be accountable instead to Parliament or to the ISC? How will this interact with the existing counter-terror reviewer? I think David Anderson has done an extremely good job in that role.

Mrs May: On the right hon. Lady's last point, there is no intention to change the role of the independent reviewer of terrorism legislation. As she will know, we have made some adaptations to that role in respect of what it covers and the reporting requirements, but there is no intention to change that role. Indeed, we are having discussions with David Anderson, ensuring that he has extra support for the role he is required to carry out.

I apologise to my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) and others who have raised this issue. The appointment of the investigatory powers commission will be a prime ministerial one, and the Prime Minister will appoint such members of other judicial commissioners as are considered necessary. The Bill will set out the relevant qualifications that judicial commissioners will need to have to undertake their role.

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As the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) will know, the existing commissioners report annually on the work they undertake. It is a great pity that that part of our process of oversight has never really been seen by the public, precisely because the reports usually show that the agencies are doing a very good job, so do not hit the headlines in the way that different sorts of reports would. We expect the independent investigatory powers commissioner to ensure that recommendations are made and to make public any views on the processes that emerge.

Several hon. Members *rose*—

Mr Speaker: Order. More than three dozen hon. and right hon. Members are still seeking to catch my eye. If I am to have any realistic chance of accommodating them without intruding excessively on subsequent business, brevity is now required.

Alex Chalk (Cheltenham) (Con): Constituents of mine who work at GCHQ are some of the most talented and dedicated public servants anywhere in our country, but they are also conscientious and scrupulous about acting within the law. Does the Secretary of State agree that these measures contain a clear authorisation and oversight framework, including a

welcome judicial element, which can command public confidence and, crucially, allow GCHQ employees to do their vital work with professionalism and pride?

Mrs May: My hon. Friend does well in speaking for his constituents who work at GCHQ, and indeed for all who work at GCHQ. Obviously, I have met and dealt with a number of them, and with our other security agencies such as the Secret Intelligence Service and MI5. I can confirm what my hon. Friend says—these people act with extreme professionalism in the work they do, and take extreme care with the powers they exercise. They are very conscious of the powers they hold and they are very careful in the exercise of them. As my hon. Friend says, the Bill provides the important strong oversight arrangements that will enable the people at GCHQ and our other agencies to get on with the job they do so well, day in and day out.

Mr David Winnick (Walsall North) (Lab): However much we all agree that action is necessary to combat terrorism and other forms of criminality, I remain concerned, even if I am one of only a few who do, about the excessive powers that will be given to the security authorities in addition to what they already have, although judicial involvement is better than no judicial involvement. I hope the Home Secretary will bear in mind the fact that there is a good deal of concern outside this House. I certainly believe that if this measure were to be passed without substantial amendment, it would be unfortunate and a bitter blow for civil liberties.

Mrs May: The hon. Gentleman says that he thinks there are substantial new powers in the Bill, but I have to tell him that there are not. What the Bill primarily does is to bring together the powers that are spread across a number of pieces of legislation—mainly RIPA, but others too—into one single piece of legislation in a much clearer and more comprehensible form than has

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previously been the case. There is a new power in respect of the retention of the internet connection—with limited access to internet connection records—but the other powers in the Bill already exist. What it will do is strengthen safeguards and strengthen authorisation systems.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): I welcome the Home Secretary's careful and thoughtful approach to this sensitive area, which is so important for all our safety, and I particularly welcome the new provisions on judicial oversight. If my right hon. Friend anticipates that additional specialist training will be required by members of the judiciary to fulfil the widened remit she has outlined today, will it be possible to ensure that there is no delay in putting the necessary training in place? Will she be able to carry it out in advance and in anticipation of the legislation passing through the House?

Mrs May: I thank my right hon. Friend, who is absolutely right. We shall take every step to ensure that as soon as the legislation is in place, the new processes and structures will be brought into operation. That means ensuring that those appointed as the investigatory powers commissioner and additional commissioners have the necessary training to enable them to undertake the role we are giving them.

Ian Paisley (North Antrim) (DUP): The Secretary of State will be aware that when in the past she has sought support from the DUP on national security issues, it has always been willingly given. Sometimes, however, we find it hard to take when the Government do not tackle serious and organised crime on the ground in Northern Ireland. Ministers could take immediate measures with statutory instruments to address serious and organised fuel crime, and they should do that urgently. More directly, does the Secretary of State recognise that some of the major godfathers of serious and organised crime will be in direct communication with some political representatives in Northern Ireland? To avoid the debacle that we had over the National Crime Agency, she should avoid a legislative consent motion for Northern Ireland.

Mrs May: I, and others in the House, worked hard to ensure that the National Crime Agency was able to operate in Northern Ireland, and it is now tackling serious and organised crime there just as in the rest of the United Kingdom. I am not aware that a legislative consent motion would be necessary in Northern Ireland, but we will be talking to the Northern Ireland Executive about such matters, just as we will be talking to the Scottish Government.

Mr Andrew Mitchell (Sutton Coldfield) (Con): I thank my right hon. Friend for coming to the House today and setting out such a comprehensive approach to these issues. She is right to do so because they affect fundamentally the civil liberties and rights of every citizen in the country. Parliament will need to look precisely at the words in the Bill, not least because—she alluded to this—there has been a certain amount of spin in the papers recently and we must be clear about what is suggested. On warrantry, from time to time I deputised for the Home Secretary and for my right hon. Friend the Member for North Shropshire (Mr Paterson), and I am inclined to agree that the dual key is the right way to proceed. Does she accept that the judges appointed

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must not be those who work too closely with the police and security services—for example the Special Immigration Appeals Commission—because their independence will not be trusted or accepted by the general public if they are given such a role?

Mrs May: I thank my right hon. Friend for his work—as he said, he sometimes signed warrants on my behalf and that of other Secretaries of State. Those appointed as judicial commissioners must have held high judicial office—we are setting a high threshold for those appointed to this role. Because such extra, strengthened oversight is an important part of the Bill, those who are appointed must be seen by members of the public to have the independence that is required to give extra confidence in the whole process of warrantry.

Mr Geoffrey Robinson (Coventry North West) (Lab): The Home Secretary must be aware that there is wide acceptance of her statement in the House, and Members will consider the details of the legislation in due course. One question from Members of this House and the other UK legislatures is whether she is happy that the combination of the triple lock, as she described it, is the best way to ensure that extra safeguarding is provided?

Mrs May: Yes I am, and I apologise because I think one or two Members have already raised that issue. It is important to introduce the extra element—the third element—of consultation with the Prime Minister, so that everybody in the House will be clear about requests to intercept the communications of a Member of this House, the House of Lords, or the other

legislatures. We will discuss with the Scottish Government the process that will be introduced for warrants that are currently signed by Scottish Ministers. That third lock is the right way to go, and I hope that will give people confidence in the process.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my right hon. Friend on her statement, and the right hon. Member for Leigh (Andy Burnham) on his remarks about the snoopers charter misnomer. The difficulty we often face is when the use and abuse of intelligence leads to poor policy decisions—I am thinking particularly of the September 2002 dodgy dossier from which I am afraid the reputation of the intelligence services has yet to fully recover. What can be done further to improve public understanding of the work that the intelligence services do on their behalf? I pay tribute to my right hon. Friend for her remarks about the double lock and the investigatory powers commissioner, and for the fact that her statement draws on the three reports to which she referred. That is a good first step although I am sure she feels that more could be done. What more can we do as the Bill passes through the House?

Mrs May: My hon. Friend raises an important point about highlighting to members of the public the nature of the work being done by the agencies and the way they do it. A number of steps have already been taken, and I am sure we will build on them to ensure that the public have that confidence. Recently, the agencies have been more willing to come forward and explain what they do to members of the public—the director general of MI5 gave a live interview on the “Today” programme,

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and that is the first time any of our agency heads have given such an interview. Anybody who has read

The Times

over the past couple of weeks will have seen a considerable amount of reporting on the operations of GCHQ. Such things are important because they help the public to understand what our agencies are doing.

Hywel Williams (Arfon) (PC): A large number of constituents have contacted me about this matter. Does the Secretary of State accept that concerns about her proposals go well beyond what is sometimes wrongly dismissed as the civil liberties lobby?

Mrs May: It is important that Members of the House make clear to people exactly what the Government are proposing, and the strength and safeguards in the Bill. I refer the hon. Gentleman to the review by David Anderson on these matters, in which he cited polling that showed that the majority of members of the public wanted the authorities and agencies to have the powers they need to keep us safe.

Mary Robinson (Cheadle) (Con): We often hear about the rights of criminals not to have their privacy intruded on. Will the Home Secretary inform the House about the perspective she has heard from the victims of crime?

Mrs May: My hon. Friend makes an important point. I met representatives from groups who support and campaign for victims of crime, including child sexual abuse, rape and stalking.

They made it very clear that the Government must ensure that the police and others are able to use the powers necessary to bring the perpetrators of these terrible crimes to justice.

Alex Salmond (Gordon) (SNP): A few weeks ago at the Investigatory Powers Tribunal, the Government's QC, Mr James Eadie, seemed to argue—on the Home Secretary's behalf and at public expense—that modern technology had rendered the Wilson doctrine impractical, and that it was not up to much anyway. Now that the doctrine has been reborn in the Home Secretary's statement, will she say what has happened to modern technology over the past few weeks that has now made practical what was impractical? How will that protection extend to journalists, campaigners and whistleblowers who may be contacting their MP or MSP?

Mrs May: I am not sure that I recognise the right hon. Gentleman's description of references to modern technology. I was clear in the statement that I gave to the House less than two weeks ago that the Wilson doctrine still exists. We are putting the third lock of consultation with the Prime Minister in the legislation. Over time a mythology has grown up around what the Wilson doctrine meant. Many Members of the House felt that it meant that no communication by MPs would ever be intercepted, but that is not what the doctrine said.

Simon Hoare (North Dorset) (Con): If the first duty of the Government is the protection of the realm, their second duty is to ensure that those protections are fit for purpose—my right hon. Friend the Secretary and the Minister for Security have passed that test with flying colours and are to be congratulated. The Home Secretary mentioned in passing the benefits that her

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proposals will bring when clamping down on paedophiles and child sexual exploitation, and as a father of three young children I welcome that, as do all my constituents. Will she flesh out a little further what benefits she sees for the services that are involved in clamping down on such pernicious activity? What benefits will her proposals actually deliver?

Mrs May: My hon. Friend has raised an important issue. Let me give him just one example. Following a recent survey of more than 6,000 cases, the Child Exploitation and Online Protection Centre determined that more than 860 paedophiles could not be identified precisely because it did not have the internet connection records power that we are introducing in the Bill. With that power, it would have been able to identify them.

Diana Johnson (Kingston upon Hull North) (Lab): Under Operation Notarise, more than 30,000 individuals were identified as engaging in online child abuse, but, if I recall correctly, only 1,000 of those cases were followed up. Will the new powers be matched by resources to ensure that prosecutions and safeguarding interventions can take place as well?

Mrs May: As I said a moment ago to my hon. Friend the Member for North Dorset (Simon Hoare), the increased power relating to internet connection records will increase the ability of CEOP—and, indeed, others—to identify the paedophiles who are committing these horrific crimes. The National Crime Agency has made very clear that it continues to investigate those who are looking at online images of child abuse, and continues to take action against them.

Oliver Dowden (Hertsmere) (Con): I welcome the fact that the proposed powers update the existing investigatory powers to reflect the existence of new technologies such as Facebook Messenger, which were not even thought of a decade ago, but what reassurance can the Home Secretary give the House that the Bill will be future-proofed so that we do not have to return to the issue very rapidly?

Mrs May: I have every confidence, because we have taken every care to draft the legislation in such a way that it will last for a good many years and will take account of the fact that new technologies develop. The draft Communications Data Bill was drawn so widely that there was great concern about what the authorities might have been able to do as a result, so we have had to balance the requirements very carefully, but we are obviously very conscious of the need to ensure that the Bill enables us to move forward as technology develops.

Tom Elliott (Fermanagh and South Tyrone) (UUP): I welcome the statement, but it appears that every application to the Secretary of State and the judge will involve limited provision for investigative accessibility. Will applicants have to go back to the Secretary of State and the judge to make a secondary, or further, application every time something is found during an investigative process?

Mrs May: The requirement for a double lock relates to the most intrusive powers, mainly those relating to the interception of communications. Access to

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communications data will continue to take place according to the current process, which does not involve warrant from the Secretary of State. Not everything in the Bill involves the warrant; it is involved only in those most intrusive powers.

Damian Green (Ashford) (Con): My right hon. Friend is to be congratulated particularly on the introduction of independent judicial oversight, which, as she will know, many Members in all parts of the House regard as an essential step towards ensuring that she can promote both the security of the people and their civil liberties. As she says, security and civil liberties are not a zero-sum game; they go together.

In relation to the double lock, has my right hon. Friend considered any kind of reconciliation mechanism to enable the judge and the Home Secretary to resolve the position—presumably over some time—if they reach different decisions, or will the intelligence services be able to come back again so that warrants are not simply lost?

Mrs May: That is an important point. I think that it was touched on in a previous question, and I apologise for not responding to it then.

Under the current system, if the Secretary of State expresses the view that a warrant should not be issued, it is open to the agency concerned to go away, reconsider, and then come back with more information about necessity and proportionality, or to abandon the warrant, or to consider applying for a different warrant. That process will continue to be possible under the new system.

Andy Slaughter (Hammersmith) (Lab): As the Home Secretary has acknowledged, David Anderson called for prior judicial authorisation. He also said that the new law should comply

with international human rights standards. Given the uncertainty over the future of the Human Rights Act, will the Home Secretary confirm that the Bill will comply with that Act, and with the European convention on human rights?

Mrs May: As the hon. Gentleman will know, Ministers have to take account of the human rights issue in relation to any legislation that they present to the House. That has indeed happened, and I have every confidence that this legislation will comply with human rights requirements.

Nick Herbert (Arundel and South Downs) (Con): I welcome the Home Secretary's balanced approach. Is it not important for us to continue to reassure the public that this is not a proposal for mass surveillance, and to restate the essential need for the Bill? There is a new form of technology that is effectively shielded from the law enforcement and intelligence agencies simply because the law has not kept up with technological development, and it is therefore necessary to update the law with essential safeguards in order to ensure that the public are safe.

Mrs May: My right hon. Friend has hit the nail on the head. Technology has moved on, but the law has not. We need to update the law so that our law enforcement and security agencies have the powers that they need to continue to keep us safe.

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Mark Durkan (Foyle) (SDLP): May we have some idea of any benchmarks that may have informed the Home Secretary's declaration that these will be world-leading oversight arrangements?

Mrs May: As I think was mentioned by the hon. and learned Member for Edinburgh South West (Joanna Cherry), other countries look to this legislation precisely because they feel that we are forging a path ahead. They will be looking very closely at what we do in the Bill, and, indeed, may wish to adopt some elements of it in their own legislation.

Nusrat Ghani (Wealden) (Con): Will the Home Secretary comment on what was said recently by Lord Carlile, the former independent reviewer of terrorism legislation? He said:

“Judges are, of course, very good quality men and women”,

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“if judges are going to authenticate these issues, they have to learn about national security”.

We have heard about three reports that had influenced the Government's thinking. Will the Home Secretary tell us who else they consulted when they were drafting the Bill? I am thinking particularly of communications companies and internet providers.

Mrs May: My hon. Friend has quoted Lord Carlile, who, as she said, is a former independent reviewer of terrorism legislation. It will, of course, be necessary for any judicial commissioners who undertake the warrantry to be aware of the context in which they make decisions in relation to national security in particular. There have been a great many meetings with internet service providers from both the United Kingdom and overseas. The Security Minister and I have held round tables with United States internet service providers, and I met some when I was in the United States in September. We have also held round tables with United Kingdom providers, civil liberties groups, and charities representing victims of these serious crimes.

Steve McCabe (Birmingham, Selly Oak) (Lab): I welcome the tone and nature of the statement, but may I ask the Home Secretary what in particular led her to decide that 12 months was the right maximum period for the police and security agencies to benefit from data retention?

Mrs May: It is the period that is currently in legislation that we reinforced in the Data Retention and Investigatory Powers Act 2014. We looked at it again following the Digital Rights Ireland decision by the European Court of Justice. It had previously been possible to hold data for up to 24 months, but we felt that, given the need for a balance between not holding data for too long and holding data for a sufficient period to do the job required by the authorities, up to 12 months was the right and appropriate time frame.

James Cartlidge (South Suffolk) (Con): I, too, welcome my right hon. Friend's statement.. When we talk about nefarious online activity, we should bear in mind that cyber-bullying is a very worrying activity which often involves young, vulnerable people and, in the most serious cases, has led to suicides. In those most serious cases, could the new powers be used to put the perpetrators behind bars?

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Mrs May: My hon. Friend is right to raise the issue of cyber-bullying, which affects the lives of too many young people—sometimes, as he said, with tragic consequences. The Bill will include a definition of serious crime, which is one of the areas in which it is possible for the agencies to apply for the most intrusive powers, such as interception warrantry. I would expect cyber-bullying, at the most serious end, to come within the definition, but I will check that point and write to my hon. Friend.

Yasmin Qureshi (Bolton South East) (Lab): Does the Bill deal with the process of applying to go through browsing history—the directory to which the Home Secretary referred? If there are no such regulatory procedures in the Bill at the moment, might the Home Secretary think about a system whereby somebody at the rank of chief superintendent, for example, would give initial permission under RIPA criteria?

Mrs May: It will not be possible for law enforcement agencies to access browsing history; they will just be able to access the first device or social media site that the individual device accessed, for the limited purposes I have set out—IP resolution, to see whether somebody is looking at an illegal website or to find out the communications services accessed. The arrangements for authorisation are those in existence for communications data in telephony, which were looked at by the Joint Committee on the draft Communications Data Bill. It felt that that was the right process to lead to serious and proper consideration of access—albeit

not the browsing history—and that the right measures were already being taken in that authorisation process.

Several hon. Members *rose*—

Mr Speaker: Order. I do not wish to embarrass any individual hon. Member, but may I just gently point out that a Member who was not here at the start of the statement or who has gone in and out of the Chamber during the course of it should not be standing and expecting to be called? We have a very long-established practice that a Member must be present at the start of a statement and remain present throughout the exchanges, and I think on the whole the House will think that is a very proper courtesy.

Richard Graham (Gloucester) (Con): I welcome the statement, which will help make the country safer and prevent local authorities from accessing communications data. The Home Secretary rightly condemned the extraordinary claim by the shadow Home Secretary in an otherwise positive response that the Prime Minister had said that the entire Muslim population condoned extremism. Will she confirm that in his speech on 7 October the Prime Minister specifically recognised the value of religious teaching across all religions, but said that the teaching of intolerance or separatism was not acceptable? Does the Home Secretary also agree that many of us know good examples of Islamic teaching in our constituencies and the message today is very clear: we should unite against extremism using all modern tools appropriately, and if there is nothing to hide, there is nothing to fear?

Mrs May: My hon. Friend is absolutely right. In the speech to which he refers, the Prime Minister welcomed and recognised the important role that faith teaching

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plays in our society. We all wish to see an end to intolerance, separatism and division among those who would seek to divide our communities. That is why our counter-extremism strategy is so important.

Gavin Robinson (Belfast East) (DUP): As the home affairs spokesman for my party, I commend the Secretary of State for the reassurances given in her statement and her statements over the weekend about what is in the Bill, and perhaps more importantly, about what is not in it. We are grateful for those indications. There was an exchange earlier about the composition of the Joint Committee. May I encourage the Home Secretary to consider making sure that its composition reflects this House and more importantly the regions of this United Kingdom—that Northern Ireland’s voice can be present in those discussions to ensure that the legislation is drafted in full cognisance of the effects and impacts in Northern Ireland?

Mrs May: As the hon. Gentleman may recognise, decisions about the composition of Committees are taken by the business managers in the House, but I can assure him that it is my intention, as I indicated to David Ford when I spoke to him yesterday, that my officials will continue to work with Northern Ireland officials. Ministers will be available to speak to Ministers in Northern Ireland about these matters to ensure that we take into account the considerations in relation to Northern Ireland as this Bill goes through its scrutiny and through this House.

Mrs Anne Main (St Albans) (Con): I welcome the Secretary of State's comments that local authorities will be banned from accessing these sort of data. Can she give a little more information about the extension of the life of a warrant for any period and about data-sharing among those who are able to access those warrants—or will each authority have to access their own separate warrant?

Mrs May: Any agency that wishes to intercept and use these intrusive powers would need to have a warrant to do so. The current position, which it is intended will be replicated in the Bill, is that a warrant applied for by the security and intelligence agencies is normally in place for six months, and a warrant applied for by law enforcement is normally in place for three months. There is a much shorter period of time when an emergency warrant is signed; it normally must be reconsidered within five days.

Wendy Morton (Aldridge-Brownhills) (Con): I, too, welcome the Home Secretary's statement. Does she agree that it is important that the public feel reassured by these proposals and that, therefore, while it is clear that the police and security services need the very important powers set out today, where they are most intrusive it is right that they are authorised by Secretaries of State, who are, after all, accountable to the public?

Mrs May: I absolutely agree with my hon. Friend. That is why the double-lock is important. Many people have called for the involvement of the independence of the judiciary, but I think it is important not to abandon the public accountability of Secretaries of State. It is the Secretary of State who can stand in this House and who is accountable for the actions of the agencies, and that is why it is important that they continue to sign.

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Mr Alan Mak (Havant) (Con): I thank the Home Secretary for her statement. She will know that the debate about the use of investigatory powers often focuses on prevention of terrorism. Does she agree that the proposed powers are also important in keeping the public safe from financial cyber-criminals and organised crime?

Mrs May: Yes. My hon. Friend is absolutely right and is right to mention financial cyber-crime. It is one of those new forms of crime; as crime becomes more online it is important that our law enforcement and agencies have the online powers to be able to deal with it.

Kevin Foster (Torbay) (Con): I welcome my right hon. Friend's statement. Does she agree that the double lock will mean judicial oversight to ensure that the measures are legal and proportionate, and that the Secretary of State can ensure that the public interest test is satisfied by any warrant being issued?

Mrs May: Yes I do agree; it is important that we retain that double lock in these matters. It will give the public extra confidence in the process undertaken, ensuring that these very intrusive powers for the authorities are used only when it is necessary and proportionate.

Johnny Mercer (Plymouth, Moor View) (Con): I welcome my right hon. Friend's statement, which again shows why she is held in such high regard by those who operate in these teams. Does she agree that one of our great privileges in this country is the relative safety and security that we enjoy in a desperately unstable world, and that sometimes these

privileges require a price, which in my experience the vast majority in this country are willing to pay so long as they are safe?

Mrs May: My hon. Friend, who of course has put himself on the line to maintain our security and defend this country, makes a very important point. Most members of the public want to know that the authorities have the powers they need to keep them safe, but they also want to ensure that those powers are exercised properly, and that is where the safeguards that we have put in this Bill are so important.

Mims Davies (Eastleigh) (Con): I, too, welcome the statement. I have also been alarmed by the terming of the so-called snoopers charter and, unsurprisingly, have had correspondence from concerned constituents, but as a forward-looking Government, doing nothing is not an option. We should listen to the police chiefs and give them those essential tools. Does the Home Secretary agree?

Mrs May: Yes, that is important. The police have been very clear that they need these tools if they are going to be able to continue to do the job we want them to do in relation to serious and organised criminals and particularly in relation to paedophiles. On the first point my hon. Friend made, that is why I particularly welcome the comment made by the right hon. Member

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for Leigh (Andy Burnham): across this House we can send out a message today that this Bill is not about mass surveillance.

Suella Fernandes (Fareham) (Con): I congratulate the Home Secretary and her team on introducing into what has been an incomprehensible regime much-needed transparency and coherence, informed deeply by three independent reports and, importantly, enabling our intelligence, security and law enforcement agencies to have the powers they need to deal with the unprecedented scale and character of the threat this country faces. On warranting, does my right hon. Friend agree that the judiciary are well placed to deal with their new involvement? As a barrister, I made urgent applications on the phone late at night on an emergency basis to senior judges, so they are experienced in these matters. Can my right hon. Friend confirm that the double lock strikes the right balance of public accountability and appropriate checks and balances?

Mrs May: I thank my hon. Friend, particularly for her reference to her own experience. Sometimes people have a vision of judges taking a very long time to do all this, but as she says, there are many occasions on which they have to react very quickly to requests, and they have to be available to do so. I expect that they will do that in these circumstances as well. I believe that this Bill will strike the right balance between public accountability and the independence of the judiciary, which will give the public that extra confidence.

Kit Malthouse (North West Hampshire) (Con): The House has generally welcomed the Home Secretary's balanced approach, as do I, but may I urge her to be much more aggressive in one regard? In her statement, she referred to equipment interference powers. May I encourage her to frame those powers in such a way that they could be used to disrupt or even destroy servers distributing child abuse images or other criminal material?

Mrs May: My hon. Friend raises an interesting point. We do everything we can to take action against those who distribute child abuse material, and a lot of work is being done with the industry in relation to taking down such material in order to protect children online.

Byron Davies (Gower) (Con): Lord Carlile, the former terrorism laws watchdog, has said that there has been a lot of demonisation of the police and security services over their intentions regarding this information. He also said:

“I think it’s absurd to suggest that the police and the security services have a kind of casual desire to intrude on the privacy of the innocent.”

Does my right hon. Friend support that view?

Mrs May: Absolutely. The heads of agencies have also made it clear that they have no intention of intruding on everybody’s lives. That is why the message that this is not about mass surveillance is so important. This is about targeting those who are seeking to do us harm and ensuring that any action that is taken is always necessary and proportionate.