

## Recent events at the Intelligence and Security Committee make it increasingly difficult to justify the current arrangements for scrutinising the security services

By Democratic Audit

*The Intelligence and Security Committee is the only parliamentary body tasked with overseeing the work of Britain's intelligence services, and has come under sustained criticism following revelations about the scale of surveillance that these bodies carry out. **Andrew Defty** argues that an alleged recent 'leak' from the committee could make it difficult to sustain the argument that the ISC should maintain its unique and special status as the only parliamentary Committee which can be trusted to oversee issues related to intelligence and national security.*



Sir Malcolm Rifkind, the Chair of the JISC, speaking in Parliament (Credit: UK Parliament, CC BY SA 2.0)

It is often claimed, not least by members of the Committee itself, that the [Intelligence and Security Committee](#) (ISC) differs from other parliamentary committees in that it does not leak. Members of the ISC, who operate 'within the ring of secrecy' have extensive access to intelligence documents and staff, and its ability to handle sensitive information has been central to establishing a relationship of trust with the intelligence and security agencies. The non-leaky nature of the Committee is often attributed to the kind of individuals appointed to serve on the Committee. All ISC members, including the current Committee, have been hand-picked by the Prime Minister in consultation with Opposition leaders. Members tend to be senior parliamentarians, with a high proportion of former Ministers, who it is claimed, have experience of handling sensitive information and can be trusted not to reveal secrets.

Although reforms included in last year's [Justice and Security Act](#) reconstituted the ISC as a committee of parliament, and gave parliament the power to approve its membership, members must still be nominated by the Prime Minister in consultation with Opposition leaders. Moreover, the need to maintain the secrecy of the Committee has been central to arguments against further reform of the ISC, and against suggestions that the other select committees should be allowed similar access to intelligence agencies, documents or staff.

However, a recent edition of [The Sunday Times](#) included a detailed report regarding the content of the forthcoming ISC report on the murder of the soldier, Lee Rigby. It claimed that the, as yet unpublished, ISC report

will reveal that although MI5 had earlier identified the killers as a potential threat, they were not under surveillance at the time of the attack and opportunities to intervene had been missed. In particular, *The Sunday Times* claims, the ISC report will indicate that there were 'a number of incidents' in which one of the killers, Michael Adebolajo, signalled his intentions through social media but that these were missed by the agency.

The source, or sources, for *The Sunday Times* article are not clear but it does refer to MI5's evidence to the ISC and includes a quote from at least one individual who it claims 'has seen the report.' The article implies that the leak could have come from a fairly wide circle by claiming that a draft of the ISC's report 'is now circulating in Whitehall'. However, this somewhat overplays the secrecy which surrounds ISC reports prior to publication. The ISC meets in secure premises in Westminster. Members, who now see a greater number of intelligence documents than in the past, are required to read everything on the premises and are not allowed to take any papers out of the building.

At the stage at which reports are being reviewed for publication the report will only have been seen by members of the Committee and its staff, the Prime Minister, senior members of the intelligence agencies, and a small number of security cleared officials in the Cabinet Office. The report certainly won't be the subject of any general or wide circulation around Whitehall. Although members of the Committee will no doubt claim that the leak did not come from them, and may point the finger elsewhere, this may be damaging for the operation of the Committee. Relations between the ISC and the Cabinet Office have been fractious in the recent past, and while members claim that relations are now good, a leak may generate renewed distrust.

However, contrary to assertions that the ISC does not leak, this is not the first time that details of its reports have leaked prior to publication. In 2006, on the day before the ISC report on the 7/7 bombings was published, details of the report were splashed across the front page of *The Times*, and a detailed summary of the ISC's findings were provided within. Although ISC members have claimed that this was a one-off, in 2009 details of the Committee's follow-up report on the 7/7 bombing, appeared in *The Observer* prior to publication. Moreover, in interviews conducted as part of an ongoing project on parliament and the intelligence services by the University of Lincoln, several former ISC members claimed that shortly after the committee was established in 1994, one member of the committee was rebuked for speaking publicly about the role of MI5 in the miners' strike based on evidence provided to the Committee.

It is not clear what the source for the leaks of ISC reports have been, and it would be wrong to point the finger directly at members of the Committee. Moreover, none of the leaks have been damaging to national security, and in most cases have involved early revelations about the content of ISC reports. Nevertheless, these apparent leaks do rather undermine the argument that the ISC is qualitatively different from other parliamentary committees. Parliamentary select committees most certainly do leak, as their members will readily admit. However, as with the ISC, most of those leaks involve providing advanced access to committee findings and conclusions, often to gain political advantage.

While the ISC may not leak as much as other committees, it does leak and in a similar way to the select committees. At a time when the ISC is conducting an inquiry into the activities of the whistle-blower, Edward Snowden, and when the intelligence agencies are under renewed pressure to engage with other parliamentary committees, this most recent leak will make it difficult to sustain the argument that the ISC should maintain its unique and special status as the only parliamentary Committee which can be trusted to oversee issues related to intelligence and national security.

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