



Joint Committee on Human Rights

House of Commons · 7 Millbank · London · SW1P 3JA

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From Dr Hywel Francis MP, Chair

The Rt Hon Theresa May MP,
Secretary of State for the Home Department,
Home Office,
2 Marsham Street,
London, SW1P 4DF

Wednesday 16 July 2014

Dear Theresa,

Data Retention and Investigatory Powers Bill

Thank you for the ECHR Memorandum on this emergency Bill which your officials provided to my Committee the night before the Bill passed through all its stages in the Commons.

It will not of course be possible for my Committee to report on the Bill before it completes its passage through both Houses, but I would be grateful for your response to the following questions which will help to inform the Committee's ongoing consideration of the issues covered by the Bill.

The Government's analysis of how UK law meets requirements of CJEU

The Committee welcomes your clear indication that it is the Government's intention to bring the UK's legal regime for retention of communications data into line with the requirements set out in the judgment of the Court of Justice of the European Union ("CJEU") in the *Digital Rights Ireland* case. However, it notes that the ECHR Memorandum does not set out in full exactly how each of the requirements set out in the judgment are satisfied by UK law, or will be satisfied when the Bill and the Regulations made under it are in force.

Q1: I would therefore be grateful if you could provide the Committee with a further detailed memorandum setting out in full the Government's analysis of precisely how UK law satisfies, or will satisfy, each of the requirements set out in paras 54 to 68 of the CJEU's judgment. Please identify, in relation to each requirement, the precise provisions of RIPA 2000, the Data Retention and Investigatory Powers Bill, or the draft Data Retention Regulations 2014 which satisfy the particular requirement.

The abolition of the Independent Reviewer of Terrorism Legislation

The Committee is concerned to see that, in the proposed terms of reference for the Privacy and Civil Liberties Board, the post of Independent Reviewer of Terrorism Legislation is to be replaced by the proposed Board. It notes that this proposal has been made without any prior consultation.

Q2: Will you agree to hold a public consultation on the proposed abolition of the post of Independent Reviewer of Terrorism Legislation and its replacement by a Privacy and Civil Liberties Board, before bringing forward legislation to give effect to the proposal?

Q3: Is it proposed that members of the Privacy and Civil Liberties Board will have the same access to sensitive material as has been accorded to the Independent Reviewers of Terrorism Legislation?

It would be helpful if we could receive your reply by 31 July 2014. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication. I look forward to hearing from you.

A handwritten signature in black ink, appearing to read 'Yours Hywel'.

Dr Hywel Francis
Chair