



Home Office

Home Secretary

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Sir Brian Leveson
Investigatory Powers Commissioner's Office
PO Box 29105
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19 December 2019

Dear Brian,

Oversight of the National Crime Agency and SO15

Following the publication on 18 July 2019 of 'The Principles Relating to the Detention and Interviewing of Detainees Overseas and the Passing and Receipt of Intelligence Relating to Detainees', I am writing to ask you to expand your remit to oversee the compliance of the National Crime Agency and SO15 Metropolitan Police Service with this guidance. I am confident that the behaviour of personnel from both organisations will meet your high standards, and ensure that the United Kingdom continues to lead the field internationally by sharing intelligence in a manner that protects human rights.

You are aware that both organisations have observed, and continue to observe, the principles embedded in the Consolidated Guidance (which preceded this new publication), but in line with their formal inclusion from 1 January 2020, I would be grateful for you to take on this role from that date with regard to decisions following this change in status. I would be grateful for a reasonable period of notification of all inspections to be given to the relevant organisation, in line with your existing practice, to allow for the appropriate preparation to be done.

You will already be familiar with the often overlapping and mutually reinforcing relationship between the Principles and the Overseas Security and Justice Assistance (OSJA) Guidance, which will both apply where relevant to the specific situation by all organisations subject to them. This equally applies to the NCA and SO15. However, OSJA assessments cover a much broader range of activity, reaching far beyond the core issues associated with intelligence sharing. In accordance with your existing mandate regarding other organisations, where decisions have regard to both guidances, I expect that you will continue to solely focus on the elements explicitly covered by the Principles.

If you agree you will hold this authority on a non-statutory basis but I am content to re-evaluate that status in the future and consider if legislation is necessary to strengthen the regime and facilitate transparency. I propose we return to this question, with a decision to be taken, before 1 January 2021. During this time, I will consider your recommendations in line with existing practice, and I commit to giving each full consideration within a reasonable timeframe.

I would like to again thank your organisation, and your predecessor Sir Adrian Fulford, for the work overseeing compliance under the Consolidated Guidance, and in offering considered recommendations for how to improve the guidance we provide to UK personnel on these issues in the future.

A handwritten signature in blue ink, appearing to be 'P. Patel', with a stylized flourish at the end.

Rt Hon Priti Patel MP