

Five Eyes oversight organisations meet in London

Last week the Five Eyes intelligence oversight organisations gathered to discuss ongoing cooperation and areas of interest.

Each of the Five Eyes countries – Australia, Canada, New Zealand, the UK and the USA – has organisations responsible for examining the legality of its intelligence activities. This was the first time the UK’s Investigatory Powers Commissioner’s Office (IPCO) hosted the annual event bringing these organisations together.

Sir Adrian Fulford, the UK’s Investigatory Powers Commissioner, said:

“There are real opportunities to learn from the experiences of our Five Eyes partners. An effective and lawful oversight regime is of paramount importance to all of us.

“This conference allows us to share successes, challenges and find common ground. I look forward to seeing how the discussions had here will impact our use of oversight of investigatory powers in the future.”

Representatives gave updates on developments in their jurisdictions, changes in legislation and good practice to date. Participants explored ways of encouraging transparency and enhancing public trust while maintaining national security requirements. The importance of independence was also discussed.

Joining IPCO was the Australian Office of the Inspector-General of Intelligence and Security, both Canada’s Office of the Intelligence Commissioner and the National Security and Intelligence Review Agency, the New Zealand Office of the Inspector General of Intelligence and Security and the USA’s delegation consisting of the Inspector General of the Intelligence Community and the Inspectors General from the Department of Justice, National Security Agency, and National Geospatial-Intelligence Agency.

The next meeting of the Five Eyes oversight bodies will take place in Autumn 2020.

Mr Jake Blight, the Australian Deputy Inspector-General, said:

“The Five Eyes conference makes a valuable contribution to our ability to assure the Australian Parliament, and the public, that intelligence and security matters are open to scrutiny.

“It provides a forum to exchange views and explore matters relevant to oversight in the context of an increasingly interconnected and complex environment.”

Canada’s Intelligence Commissioner, Honourable Jean-Pierre Plouffe, and National Security Intelligence Review Agency Chair, Murray Rankin, said:

“We would like to express our appreciation for having had the opportunity to participate in this important annual event with our Five Eyes counterparts and peers.

“Through insightful exchanges with our foreign counterparts, the participation of our oversight and review bodies in this international forum benefits Canada’s ongoing efforts to enhance accountability within the national security and intelligence sector.

“The value of such exchanges, especially in our globalized world, becomes increasingly evident each year and cannot be overstated.”

Madeleine Laracy, New Zealand’s Acting Inspector-General of Intelligence and Security, said:

“It has been hugely valuable for us to meet regularly in the context of FIORC, especially given the high-level of integration between the Five Eyes’ intelligence agencies.

“For New Zealand, where the office of the Inspector-General of Intelligence and Security is very small, the opportunity to put our experience of oversight into a bigger context and to discuss common themes with our counterparts is crucial.”

The Honorable Michael Atkinson, Inspector General of the Intelligence Community, of the United States, said:

“The exchange of views and best practices among the Five Eyes continues to be an important mechanism for information sharing.

“Discussions ranging from artificial intelligence, transparency, and key issues facing intelligence oversight authorities, highlighted the collective themes facing the oversight community.”

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Notes to Editors:

- **UK oversight:** IPCO was formed in 2017 as a result of the Investigatory Powers Act 2016. It is responsible for the authorisation and oversight of investigatory powers. The Investigatory Powers Commissioner, together with a team of Inspectors and Judicial Commissioners, ensures that the powers are used in the public interest and in accordance with the law. IPCO is responsible for reviewing warrant applications and the inspection of how the powers are used by public bodies.
- **Australia oversight:** The Inspector-General of Intelligence and Security is an independent statutory office holder appointed by the Governor-General under the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act). Under the IGIS Act, the role of the Inspector-General is to assist Ministers in overseeing and reviewing the activities of the Australian intelligence agencies for legality and propriety and for consistency with human rights. The Inspector-

General discharges these responsibilities through a combination of inspections, inquiries, and investigations into complaints.

- Canada oversight: The Office of the Intelligence Commissioner was created in July 2019 with the coming into force of the *Intelligence Commissioner Act*. Two intelligence agencies, the Communications Security Establishment (CSE) and the Canadian Security Intelligence Service (CSIS), require ministerial authorizations or determinations prior to engaging in certain intelligence collection activities. These authorizations or determinations only come into effect if the Intelligence Commissioner's independent quasi-judicial review establishes that the decision-maker's conclusions, which were the basis of the issuance of the authorization or determination, were reasonable. The National Security and Intelligence Review Agency (NSIRA) was created in July 2019 with the coming into force of the National Security and Intelligence Review Agency Act. NSIRA is an independent and external review body which reports to Parliament. NSIRA reviews all Government of Canada national security and intelligence activities to ensure that they are lawful, reasonable and necessary. NSIRA also hears public complaints regarding key national security agencies and activities.
- New Zealand oversight: The New Zealand Inspector-General of Intelligence and Security has oversight jurisdiction in respect of New Zealand's two dedicated intelligence agencies, the Government Communications Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS). The Inspector-General's remit is to ensure that the intelligence agencies act lawfully and with propriety. The role of Inspector-General is an independent statutory appointment. The office of the Inspector-General is small, with approximately 7 full time staff. The Deputy Inspector-General, Madeleine Laracy, is currently in the role of Acting Inspector-General as a result of the recent appointment of the former incumbent, Cheryl Gwyn, as a High Court judge.
- USA oversight: The Office of the Inspector General of the Intelligence Community has the statutory authority to initiate and conduct independent and objective audits, inspections, investigations, and reviews of programs to promote economy, efficiency, and effectiveness across the Intelligence Community. The Inspector General of the Intelligence Community also serves as the chair of the Intelligence Community Inspectors General Forum (the Forum), which consists of the twelve statutory Inspectors General who have independent oversight responsibility for their respective elements of the Intelligence Community. Members consist of the Inspectors General of the Intelligence Community, Central Intelligence Agency, Defense Intelligence Agency, Department of Defense, Department of Energy, Department of Homeland Security, Department of Justice, Department of State, Department of the Treasury, National Geospatial-Intelligence Agency, National Reconnaissance Office, and the National Security Agency. The Forum coordinates efforts to find joint solutions to mutual challenges and concerns for improved integration among the Inspectors General.