

SCHEDULES

SCHEDULE 1

THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT

Access to information

- 4 (1) This paragraph applies to information requested by the ISC in the exercise of its functions that—
- (a) does not relate to any particular operational matter, or
 - (b) relates to a particular operational matter that the ISC is considering under section 2(3)(a) or (b).
- (2) If the Director-General of the Security Service, the Chief of the Secret Intelligence Service or the Director of the Government Communications Headquarters is asked by the ISC to disclose the information, then, as to the whole or any part of the information which is sought, that person must either—
- (a) arrange for it to be made available to the ISC subject to and in accordance with a memorandum of understanding under section 2, or
 - (b) inform the ISC that the information cannot be disclosed because the Secretary of State has decided that it should not be disclosed.
- (3) If the ISC asks a government department or any part of a government department to disclose the information, then, as to the whole or any part of the information which is sought, the relevant Minister of the Crown must either—
- (a) arrange for it to be made available to the ISC subject to and in accordance with a memorandum of understanding under section 2, or
 - (b) inform the ISC that the information cannot be disclosed because the Secretary of State has decided that it should not be disclosed.
- (4) The Secretary of State may decide under sub-paragraph (2)(b) or (3)(b) that information should not be disclosed only if the Secretary of State considers that—
- (a) it is—
 - (i) sensitive information (as defined in paragraph 5), and
 - (ii) information which, in the interests of national security, should not be disclosed to the ISC, or
 - (b) it is information of such a nature that, if the Secretary of State were requested to produce it before a Departmental Select Committee of the House of Commons, the Secretary of State would consider (on grounds which were not limited to national security) it proper not to do so.
- (5) In deciding for the purposes of sub-paragraph (4)(b) whether it would be proper not to disclose information, the Secretary of State must have regard to any guidance issued by a Minister of the Crown or a government department concerning the provision of evidence by civil servants to Select Committees.

Status: This is the original version (as it was originally enacted).

- (6) The disclosure of information to the ISC in accordance with sub-paragraph (2) is to be regarded for the purposes of the Security Service Act 1989 or the Intelligence Services Act 1994 as necessary for the proper discharge of the functions of the Security Service, the Secret Intelligence Service or (as the case may be) the Government Communications Headquarters.
- (7) In this paragraph “relevant Minister of the Crown”, in relation to a request for information, means—
- (a) such Minister of the Crown as is identified, for the purposes of requests of that description, in a memorandum of understanding under section 2, or
 - (b) if no Minister of the Crown is so identified, any Minister of the Crown.