

SCHEDULES

SCHEDULE 3

Section 10(4).

THE INTELLIGENCE AND SECURITY COMMITTEE

Tenure of office

- 1 (1) Subject to the provisions of this paragraph, a member of the Committee shall hold office for the duration of the Parliament in which he is appointed.
- (2) A member of the Committee shall vacate office—
- (a) if he ceases to be a member of the House of Commons;
 - (b) if he ceases to be a member of the House of Lords;
 - (c) if he becomes a Minister of the Crown; or
 - (d) if he is required to do so by the Prime Minister on the appointment, in accordance with section 10(3) of this Act, of another person as a member in his place.
- (3) A member of the Committee may resign at any time by notice to the Prime Minister.
- (4) Past service is no bar to appointment as a member of the Committee.

Procedure

- 2 (1) Subject to the following provisions of this Schedule, the Committee may determine their own procedure.
- (2) If on any matter there is an equality of voting among the members of the Committee, the Chairman shall have a second or casting vote.
- (3) The Chairman may appoint one of the members of the Committee to act, in his absence, as chairman at any meeting of the Committee, but sub-paragraph (2) above shall not apply to a chairman appointed under this sub-paragraph.
- (4) The quorum of the Committee shall be three.

Access to information

- 3 (1) If the Director-General of the Security Service, the Chief of the Intelligence Service or the Director of GCHQ is asked by the Committee to disclose any information, then, as to the whole or any part of the information which is sought, he shall either—
- (a) arrange for it to be made available to the Committee subject to and in accordance with arrangements approved by the Secretary of State; or
 - (b) inform the Committee that it cannot be disclosed either—
 - (i) because it is sensitive information (as defined in paragraph 4 below) which, in his opinion, should not be made available under paragraph (a) above; or

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- (ii) because the Secretary of State has determined that it should not be disclosed.
- (2) The fact that any particular information is sensitive information shall not prevent its disclosure under sub-paragraph (1)(a) above if the Director-General, the Chief or the Director (as the case may require) considers it safe to disclose it.
- (3) Information which has not been disclosed to the Committee on the ground specified in sub-paragraph (1)(b)(i) above shall be disclosed to them if the Secretary of State considers it desirable in the public interest.
- (4) The Secretary of State shall not make a determination under sub-paragraph (1)(b)(ii) above with respect to any information on the grounds of national security alone and, subject to that, he shall not make such a determination unless the information appears to him to be of such a nature that, if he were requested to produce it before a Departmental Select Committee of the House of Commons, he would think it proper not to do so.
- (5) The disclosure of information to the Committee in accordance with the preceding provisions of this paragraph shall be regarded for the purposes of the 1989 Act or, as the case may be, this Act as necessary for the proper discharge of the functions of the Security Service, the Intelligence Service or, as the case may require, GCHQ.

Sensitive information

- 4 The following information is sensitive information for the purposes of paragraph 3 above—
 - (a) information which might lead to the identification of, or provide details of, sources of information, other assistance or operational methods available to the Security Service, the Intelligence Service or GCHQ;
 - (b) information about particular operations which have been, are being or are proposed to be undertaken in pursuance of any of the functions of those bodies; and
 - (c) information provided by, or by an agency of, the Government of a territory outside the United Kingdom where that Government does not consent to the disclosure of the information.