

Surveillance Activities Conducted by State Intelligence Agencies: The Intelligence Community

The Workshop held on July 17th, 2018 focused on open discussions with various representatives of intelligence and intelligence oversight bodies. The workshop aimed to engage with operational experiences and the intelligence side of the surveillance discourse.

During the first session of the workshop, some participants presented briefly various oversight regimes applying to online intelligence collection. The oversight practices of the Investigatory Powers Commissioner's Office ([IPCO](#)) under the [Investigatory Powers Act](#) were presented, as well as the complementary oversight role of the [Investigatory Powers Tribunal](#), both as significant elements in the UK intelligence oversight regime. The participants were presented with a review of Bulk Interception and Oversight under the new Dutch [Intelligence and Security act 2017](#). The various safeguards mechanisms put in place within the Dutch SIGINT bulk collection apparatus were discussed in detail, as well as the activities of both the [CTIVD](#) (Review Committee on the Intelligence and Security Services) and the new authorization committee.

The Israeli statutory oversight regime applying to the ISA (Israel Security Agency, the 'Shabak') was presented, differentiating between surveillance activities and their respective warrant granting authorities, activity-specific oversight bodies (where such are in existence), and the general oversight bodies responsible of reviewing the ISA. The first session concluded with an overview of the Norwegian Parliamentary Oversight Committee ([EOS](#)), its purview, structure, activities and challenges.

The second session addressed various perspectives on oversight and authorization. The participants discussed the challenges of introducing an adversarial aspect to oversight mechanism, which often lack a "point of friction". Various existing adversarial and quasi adversarial elements were mentioned, such as the role of the standing counsel for the IPT, or utilizing external experts by various review bodies. Some stressed the importance of oversight mechanisms not hindering the work of intelligence services, given the time-sensitivities of warrant applications. Some aspects of SIGINT collection and analysis cannot be thoroughly review and authorized ex ante, only by an ex post review, some of which due to time and resource

constraints. The interaction between the ex ante warrant-granting bodies and the ex post supervisory bodies was addressed as a potential for enhancing the quality of review.

The final session focused on agency procedures and perspectives. The agencies' perceptions of internal oversight and compliance teams was discussed, as well as the mere effect of their existence on organizational culture. a broad range on internal oversight measures were discussed – compliance teams, quasi-official internal ombudsmen/confidants, internal training programs, and internal automated auditing systems. Automated auditing systems, however, raises certain issues regarding their control, as well as their sufficiency, as asking ethical questions in goal-driven intelligence agencies may require personal courage that goes beyond a mere technological solution.