Dear Christine,

You wrote to me over the summer about the Wilson Doctrine and how this was being applied to the Scottish Parliament.

I made a Written Ministerial Statement setting out this Government’s position on the Wilson Doctrine this afternoon. My Statement confirms that the Doctrine remains in force. It goes further by strengthening the safeguards for any targeted interception of Parliamentarians: the Prime Minister will be consulted should there ever be a proposal to target any UK Parliamentarian under a warrant issued by a Secretary of State, notwithstanding the general policy set out in the Doctrine. This applies to Members of the House of Commons, Members of the House of Lords, the Scottish Parliament, the Northern Ireland Assembly, the Welsh Assembly and UK Members of the European Parliament. It applies to all activity authorised by a warrant issued by a Secretary of State: any instance of targeted interception and, electronic surveillance and equipment interference, when undertaken by the Security and Intelligence Agencies. This is in addition to the rigorous safeguards already in the legislation itself.

This means that, going forwards, the safeguards for all Parliamentarians will be the same, with one exception: the Prime Minister will play no role should there ever be any proposal to conduct any such activity by Police Scotland, where these warrants are authorised by the Scottish Government. It would be up to the Scottish Government to decide how to handle any such case, should it ever arise. Updated Interception and Equipment Interference Codes of Practice which make this policy clear have been laid in Parliament today.
The draft Investigatory Powers Bill, published today, will update the Regulation of Investigatory Powers Act and provides for even greater safeguards. The Bill will establish Judicial Commissioners to review warrants and also puts the Prime Minister’s role on a statutory basis. This will provide for further scrutiny by an independent judge on top of Secretary of State authorisation. The independent judicial scrutiny, alongside the role of the Prime Minister, will establish a tripartite process should there ever be a proposal to target a Parliamentarian: the Secretary of State, the Prime Minister and the Judicial Commissioner.

I believe this comprehensively addresses the issues that have been raised.

Yours,

David

Ms Christine Grahame MSP