



**METROPOLITAN
POLICE**

TOTAL POLICING

Mr Peter Hain

**AC Professionalism - Public
Inquiry Team**

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Privacy

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Your ref:

Our ref:

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Dear Mr Hain,

Thank you for taking the time to meet with me on 16 April at New Scotland Yard. I greatly appreciated the opportunity to discuss in person your concerns arising from the claims made by Peter Francis that the Metropolitan Police Service Special Branch held intelligence files on serving Members of Parliament.

During our meeting, I explained that I was in the early stages of reviewing Special Branch material to inform my response to the matters you raised in the House of Commons on 26 March 2015. I was not able to disclose any material to you at that stage but sought to identify your principal concerns and understand the nature of material that would be of interest to you.

You stated that you were concerned by recent allegations that an intelligence file relating to yourself was held by the Counter Terrorism Command (CTC) (incorporating material gathered by the now disbanded Special Demonstration Squad (SDS) and Special Branch). You wished to know why such a file would be kept on a serving Member of Parliament (MP) and whether police activity had impacted the sovereignty of parliament. You expressed concerns that intelligence material may have been improperly gathered relating to your role representing your constituents. Later in our meeting you explained that you would want to know if material implied that, during your service as a MP, you had ever acted against the national interest or engaged in criminal behaviour, as you would actively seek to challenge any such suggestion. I have considered the points you made in determining my response.

As I stated in our meeting, I recognise that there is a significant public interest in relation to the claim that Special Branch , and now the Counter Terrorism Command in the MPS, have gathered intelligence on a serving MP and Cabinet Minister and retained such material. To that end I have directed a review of material held to determine if any does relate to you during the period when you were a serving MP, to assess the nature of it, and determine whether any of it has been gathered or retained inappropriately. Following our meeting on 16 April, I directed an interrogation of the Special Branch archive and material gathered by Operation Herne in relation to the SDS. I believe we have now located and reviewed all existing mentions of you in this material. Before I present further detail of what was found, it may be helpful for me to outline the extent of our checks and the nature of databases researched.

The information archive of the MPS CTC was reviewed. This includes all records generated by Special Branch until its amalgamation with the anti-terrorism unit of the MPS to form CTC in 2005. We have also searched the current digital intelligence system used by CTC. We have searched these systems using key word searches with a wide search parameter to identify any mentions of you within the paper archive and more recent digital records.

The Operation Herne investigation into the SDS has seized material generated by that unit and placed it onto a separate digital system. Some of this material can also be found in the CTC archive as the SDS generated intelligence reports that were subsequently recorded in the Special Branch Information management system. Material held by Operation Herne has been searched for all mentions of "Peter Hain". Some of this material has been generated by Operation Herne during their investigation, for example, when they have reviewed claims in the media that make mention of you.

Any search conducted has a factor of inaccuracy due to the nature of search terms and human error in factors such as spelling and indexing records. However, I am confident that we have achieved a very high level of accuracy.

No time limit was applied to searches to ensure that all relevant material was captured. Wider MPS indices including records of police protection operations, crime and generic intelligence systems have not been interrogated as potential results would be unlikely to be of direct relevance to the claims made by Mr Francis or the concerns you raised.

You stated in our meeting that due to the nature of your roles as a Government Minister you were assigned personal protection and that the protection officers were from Special Branch. I commented that the MPS may still hold material relating to the provision of this

protection. You indicated that you would not be concerned at the existence of such material. Therefore I have not reviewed the content of such records which are now held by SO1 Specialist Protection Command rather than CTC. Please let me know if you wish me to review this decision.

I feel that it is important to reiterate here the difference between reference to a 'file' and a 'mention'. A 'file' is generated in response to a protracted, specific and dedicated tasking to gather intelligence on an individual person, premises, group or organisation. Ensuing research and the material it generates will be focussed and in-depth. Conversely, a 'mention' refers to a passing comment regarding a person etc. made within the text of a report, the subject and purpose of which is not directly linked to the named individual. In this sense, the mention may be considered to be collateral intrusion to the core policing function of intelligence gathering.

The nature of intelligence material poses a challenge in relation to reviewing and disposing of intelligence material which is no longer relevant. On 4 March 2015 a Supreme Court finding (*R (Catt) v Commissioner of Police of the Metropolis and Association of Chief Police Officers*) acknowledged that it is not always possible or practical to review all material to remove mentions of individuals who are not the subjects of the report. This can lead to mentions being retained of individuals because the overall report remains relevant even if there is no requirement to retain information in relation to individuals mentioned within it.

During our meeting, you indicated that a summary of the amount, nature and type of material retained may be sufficient to allow you to determine whether the existence of such material was a matter of concern and whether you intended to take further action.

You also said that you would expect the MPS Special Branch to hold some material relating to yourself and that you were primarily concerned at the possibility that intelligence was gathered in relation to your work as an MP, the sovereignty of Parliament, the constitutional role of an MP, along with anything which placed a question mark over your integrity as a citizen.

You indicated that you would expect, and would have less concern regarding intelligence material relating to:

- * Meetings and contact with representatives of Irish Republican or Loyalist organisations in respect of your role as a government minister
- * Reports of attending and/or speaking at marches, demonstrations and rallies where these were subject of assessment of public order implications

- Threat or risk assessments relating to your personal protection as a government minister
- Material relating to targeting of you by anti-hunting activists
- Indirect or 'collateral' mentions where you have come into contact or in some way associated with someone who was a legitimate target of undercover policing.

I have consequently presented my findings in line with this position. I wish to highlight that the summary below only relates to material generated when you were a serving Member of Parliament. The information that the Data Controller will release is detailed below.

Presentation of Results

Is there a file in relation to you or has such a file ever existed?

A record has been found of an MPS Special Branch file specifically in relation to you, this was generated in 1969. The file catalogue indicates that it has been destroyed but unfortunately I am unable to ascertain when this occurred. The MPS do not therefore currently hold any file in relation to you.

Are there mentions of "Peter Hain" within other files or documents?

A number of mentions of the name Peter Hain have been identified within files relating to other individuals, groups or organisations.

What is the nature of these mentions?

Material is sub-divided into the following categories:

Category 1 - Open source material that was not generated by the police and was available to the public. These cuttings and articles have been retained in files relevant to other individuals, organisations or events, not because they mention you.

1 (a) Media material such as; newspaper cuttings, copies of newspaper articles, online newspaper articles, copies of internet blogs and extracts from published books.

1 (b) Copies of leaflets or internet articles created by organisations that were of interest to Special Branch or referring to events being assessed for public order implications.

1 (c) An internet article by an organisation naming you as an intended target of direct action protest.

Category 2 - Police generated intelligence material which only refers to information already in the public domain, for example that you were either a member of or sponsor of these organisations or spoke at these events:

2 (a) Information regarding public events naming you as a speaker at the event.

2 (b) Information referring to organisations where you are named as a member or sponsor of the organisation.

Category 3 - Potentially sensitive intelligence material held by Special Branch:

3 (a) Assessment of media articles in relation to SDS or Special Branch operations to which you contributed or were quoted.

3 (b) Material relating to your involvement with anti-fascist protest groups since becoming an MP.

3 (c) Material about an allegation of crime from you regarding hacking of your website.

3 (d) Mention of you as an 'associate' of third parties to whom the report relates.

3 (e) Intelligence or information regarding potential risks/threats against you.

3 (f) Intelligence regarding the viewpoint/opinion of a group of interest to Special Branch which makes reference to the groups view of yourself.

When reviewing material and determining what to release I have given consideration as to whether any of it relates to your key concerns or whether it meets the categories of material that you stated you would expect to exist and would pose less concern to you. On that basis I feel able to discount material within Categories 1, 2 and Category 3 (a), (c) and (e) without making further comment. In relation to the remaining categories I wish to make the following comments:

Category 3 (b) The majority of the material simply references your links to these organisations. There is nothing to suggest that your involvement with these groups led to you being targeted for intelligence gathering or surveillance while an MP.

Category 3 (d) The definition of "associate" is extremely broad and may include membership of the same organisation, attending a meeting with an individual or a claim by an individual to know you rather than any closer evidence of a relationship.

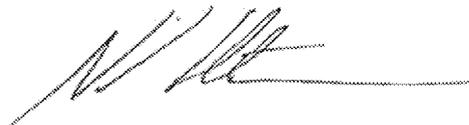
Category 3 (f) This material describes the views or comments of third parties where they have made mention of your actions or of action they wish you to take as a serving MP.

In relation to your concern regarding the sovereignty of Parliament and the constitutional role of an MP. The Regulation of Investigatory Powers Act (RIPA) contains no reference to privilege arising out of a relationship between an MP and a member of the public. However, the updated RIPA Code of Practice (2014 Ch.4) deals with this issue by extending the protection of confidentiality to "communications between a Member of Parliament and another person on constituency matters." I do not consider that any of the material reviewed indicates a breach of this confidentiality.

I understand that you may have questions around the information provided within this letter. If you would like to meet to discuss any issues in person or to speak by telephone, I would be happy to facilitate this at a mutually convenient time. Please contact my colleagues DI Penny Coombe or DI Ellie Pyemont on or at to arrange this.

Once again, I would like to thank you for affording me the opportunity to meet with you to present the position of the Metropolitan Police Service and would like to reassure you of the organisation's ongoing commitment to seeking a satisfactory resolution to this matter.

Yours sincerely



Neil Hutchison

Detective Superintendent