

Mr Phillips

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TERMS OF REFERENCE FOR SPECIAL BRANCHES

We spoke last week in connection with Privacy case about certain outstanding work on "terms of reference" for Special Branches. The existing guidance is contained in a document (flagged A) prepared by the Security Service and circulated by ACPO in June 1970. This has subsequently been supplemented by two circulars from the Security Service; one issued in May 1974 and concerned with subversive activities in industrial disputes (flagged B) and the other issued in December 1975 and concerned with subversive activities in schools (flagged C).

2. Our remit stems from a meeting held by Sir Robert Armstrong on 7 December last (flagged D), which discussed the work which Special Branches undertook for the Security Service. HMCIC had expressed the view on an earlier occasion that the Security Service sought more information from Special Branches than they really needed. And certainly, as Mr Heaton has noted, the question of how far Special Branches should go on behalf of the Security Service and who decides this are begged by the 1970 terms of reference which talk only about Special Branches collecting information about subversive and potentially subversive organisations and individuals, in consultation with the Security Service.

3. At the meeting on 7 December, Sir Robert Armstrong indicated that, although we should be in no hurry to re-open the question of the existing terms of reference, we should give consideration to putting forward a note to any new Home Secretary following a general election, which represented an agreed and up to date statement of what was feasible and acceptable to the Security Service and the police.

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4. To this end, Mr Heaton asked us in a note of 15 December to consider how far the existing guidance needed modifying , by updating or consolidation. I discussed this with Mr Angel in January and we were both, I think, unclear as to how it was envisaged we should proceed. If all that is required is consolidation, then that can be done very easily but it does not take us very far. If something more ambitious is envisaged, then we did not see how this could be undertaken in isolation, and without discussion with the police and the Security Service. Part of our (or certainly my) difficulty is that we do not see the whole picture. I am not sure that I am aware of the full range of police/Security Service activities, and while I could try to embody in any revised guidance, warnings against some of the more obvious errors by Special Branch officers that have come to our notice, it is somewhat difficult to offer sensible, current and comprehensive guidance, without the advice of those who know precisely what is being undertaken in this field and where the priorities lie.

5. The Privacy case and certain of its predecessors suggest to me that we should be thinking in terms of more detailed guidance to the police within the principles laid down. This could perhaps be drafted by a small working party representing the interested parties and promulgated either by ACPO or ourselves. A working party could also take on board the initial consideration of to what extent we can be more public and positive about the role of Special Branches.

F4 Division
2 ~~March~~^{April} 1979

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