

Justice and Security Green Paper: SOCA response to consultation
NPM material suitable for publication

1. SOCA supports the proposals which seek to ensure adequate protection of sensitive material in civil proceedings. Activity against organised crime, like that against other national security threats, involves sensitive capabilities and techniques which, if exposed, would potentially be detrimental to the delivery of the Government's Organised Crime Strategy, as well as SOCA's relationships with international partners. Organised crime is a tier 2 threat under the Government's National Security Strategy.

2. Important as the availability of Closed Material Procedures (CMPs) will be in the context of organised crime, we would continue to see Public Interest Immunity (PII) as the ordinary mechanism for protecting sensitive material from disclosure. It is only in exceptional cases where a fair trial would be impossible if a party were unable to rely on the sensitive material to defend a claim against it, that the process of a CMP would come into its own.

3. There are a range of oversight and scrutiny arrangements which SOCA is subject to. These are set out below. The application of the paper's proposals to efforts against organised crime needs to be seen in the context of these arrangements. They provide further scrutiny and reassurance that executive power is fully held to account, in addition to the points set out in the paper. Of course, SOCA's operational case work is also undertaken in an evidential environment, scrutinised through the courts.

SOCA's intelligence oversight arrangements

4. SOCA's priorities are set by the Home Secretary; she also appoints its Chair and Director General, and is able to dismiss them. Other accountability arrangements include oversight provided by a Board with a majority of non-executive members. Under the Serious and Organised Crime and Police Act 2005 (SOCPA), SOCA is required to publish an Annual Plan setting out how it intends to exercise its functions, and an Annual Report and Accounts for each year. In addition to the Office of Surveillance Commissioners, as referenced in the paper, SOCA is subject to oversight by a range of further regulatory and other bodies such as HM Inspectorate of Constabulary, Investigatory Powers Tribunal, Independent Police Complaints Commission, the Information Commissioner and the Financial Action Taskforce (on international money laundering standards), as well as the National Audit Office. All SOCA operational activity is linked to Home Office-led Threat Reduction Boards.

5. In relation to Parliamentary oversight, the primary channel for Parliamentary oversight over SOCA is the Home Affairs Select Committee. Since 01/04/2006, SOCA has given evidence to the HASC on five separate occasions. Additionally, at the behest of the Committee, SOCA provides the HASC with a six-monthly progress report.