

SUPERVISORY COMMITTEE
ON
THE INTELLIGENCE AND SECURITY SERVICES

CTIVD no. 9b

SUPERVISORY REPORT

On the investigation by the Supervisory Committee into the official messages issued by the
MIVD in the period from January 2004 until January 2006

1. Introduction

The Military Intelligence and Security Service (MIVD) conducts investigations in order to inform third parties on intelligence and security matters with a military relevance. Pursuant to section 3.3.2 of the Intelligence and Security Services Act 2002¹ the MIVD is permitted to provide externally any data of which it takes cognisance during its investigation. This may concern information of a general nature, but also data on persons and organisations may under certain conditions be used. If the recipient based on the data provided can take measures against the person or organisation whom or which the report concerns, the provision will take place by way of an official message, a document suitable for publication. The Supervisory Committee on the Intelligence and Security Services (hereinafter: the Committee) has conducted an investigation into all official messages sent by the MIVD during the period from 1 January 2004 until 1 January 2006. This investigation has been announced to the Minister of Defence (hereinafter: the Minister) and the chairmen of the Upper and Lower Houses of the States General by letter of 11 August 2005, in accordance with Article 87, paragraph 3, WIV 2002. A similar investigation has been conducted into the official messages which were issued by the General Intelligence and Security Service (AIVD). A separate report will be issued of this investigation (CTIVD no. 9a).²

2. Investigation by the Committee

The central question in the Committee's investigation was whether the official messages were in accordance with the law and came about in an appropriate and careful way (article 12, paragraph 3, WIV 2002). To this end the Committee investigated first whether the contents of the official message had been substantiated by the information that the MIVD had in its possession. In so far as underlying information was obtained through the use of a special power it was also assessed whether in the use thereof the statutory requirements had been met, including the requirements of necessity (article 18 WIV 2002), proportionality and subsidiarity (article 31 and 32 WIV 2002). The Committee also assessed whether in the coming about of the official message the various statutory requirements relating to the external provision of data ensuing from the WIV 2002 had been met. In the investigation also the internal regulations of the MIVD have been considered. In addition to an examination of the dossier the Committee interviewed one MIVD staff member.

The report is structured as follows. Section 3 gives an introduction on the subject of official messages. Attention is paid to the statutory basis for the external provision of information (section 3.1), the statutory requirements for issuing an official message (section 3.2), official

¹ Hereinafter to be referred to as: WIV 2002.

² The Committee's supervisory reports have been published on www.ctivd.nl.

messages from the MIVD (section 3.3) and the procedure for the coming about of an official message (section 3.4). Subsequently in chapter 4 the findings of the investigation will be explained. This section deals with, successively, the motivation of the official message (section 4.1), the reliability of the information included in the official message (section 4.2), the secrecy of the sources and *modus operandi* (section 4.3), the use of special powers (section 4.4), the statutory basis of the official message (section 4.5) and the obligation to adhere to the protocol (section 4.6). Section 5 contains conclusions and recommendations in connection with the investigation. The report is concluded in section 6 with an answer to the central question pertaining to the investigation.

3. Official messages

3.1 *Statutory basis for the external provision of information*

The WIV 2002 makes use of a closed system of providing information, which means that information can only be brought outside the MIVD if there exists an explicit statutory basis for this. Section 3.3.2 of the WIV 2002 deals with the external provision of information. Issuing an official message is a form of external provision of information. The term 'official message' is not embedded in the law. In the explanatory memorandum the concept has been given substance by the following consideration: "If on the basis of the information to be provided by the competent authority measures are expected to be taken against the person concerned as a result of which this person is harmed in his legitimate interests, the provision is to be made by a written (open) official message"³.

Pursuant to section 3.3.2 WIV 2002 official messages can be issued on three grounds. First, an official message can be provided on the basis of article 36, paragraph 1, WIV 2002. The article provides that the services in the context of the proper performance of their tasks are entitled to make announcements regarding, by or on behalf of the service to the Minister whom these concern (sub a), other administrative bodies whom these concern (sub b), other persons or bodies whom these concern (sub c) or eligible foreign intelligence and security services, as well as other eligible international security, liaison intelligence and intelligence bodies (sub d). Article 36 paragraph 1 WIV 2002 refers to making an announcement on 'information processed'. In the explanatory memorandum⁴ it is explained that in particular the concept of 'information processed' was opted for in order to express that it will often concern information that has been processed by the service in some way and not the information that (originally) lay at the basis of the announcement. For the provision of the original information such as a transcription of a tap or the report of a meeting with a source will often be impossible because in doing so the sources and *modus operandi* is relinquished, which is not permitted pursuant to article 15 WIV 2002.

An announcement which takes place in the context of the proper performance of tasks (article 36 WIV 2002) is made by the Minister if the nature of the announcement gives rise to this (article 36, paragraph 2, WIV 2002). According to parliamentary documents this will at any rate be the case if the announcement involves a major political risk.⁵

In addition, pursuant to article 38 WIV 2002 an official message, via the National Public Prosecutor for Counter-terrorism (hereinafter: LOvJ), can be provided to the Public

³ *Parliamentary Documents II 1997/98*, 25 877, no. 3, p. 55 (Explanatory Memorandum).

⁴ *Parliamentary Documents II 1997/98*, 25 877, no. 3, p. 56 (Explanatory Memorandum).

⁵ *Parliamentary Documents II 1997/98*, 25 877, no. 3, p. 57 (Explanatory Memorandum) and *Parliamentary Documents II 1999/2000*, 25 877, no. 8, p. 127.

Prosecutions Department in order to inform the Public Prosecutions Department of information which in the execution of its task has come to the knowledge of the MIVD and which can also be relevant in the investigation or prosecution of criminal offences, without prejudice to situations in which there is a statutory obligation to do so. Any information regarding matters which are directly related to the performance of its tasks by the service, such as espionage, can be provided to the LOvJ based on article 36. Article 38 WIV 2002 has been included in the law in order to inform the Public Prosecutions Department of the so-called side-catch. These are matters which have no common ground with the MIVD's task, but which the service comes across accidentally.

Article 38, paragraph 1, WIV 2002 provides that the announcement to the Public Prosecutions Department is made to the designated member of the Public Prosecutions Department. This role has been assigned to the LOvJ. This function is currently filled by two persons.

The power to provide information to the Public Prosecutions Department is discretionary by nature.⁶ It would stand in the way of a proper performance of the MIVD's tasks if each time it comes across a criminal offence it had to report this to the Public Prosecutions Department. For the consequences of making such an announcement is that the Public Prosecutions Department may decide to proceed to an investigation or prosecution. This would frustrate the MIVD's own investigation. Although this concerns a discretionary power, the Explanatory Memorandum⁷ states that it is self-evident that if serious crime is involved, the room for deciding not to make any announcement on this is very limited if not nil. For the sake of completeness it is noted that in the current investigation the Committee has focused on the official messages actually sent. The question whether in a specific matter an official message should have been sent while this has not happened, is a question that is answered by the Committee if in the context of one of its investigations it comes across such matter.⁸

With the addition of 'without prejudice to situations in which there is a statutory obligation to do so' article 38 paragraph 1 WIV 2002 appears to restrict the MIVD's discretionary power in certain cases. For example, public servants who in the performance of their tasks take cognisance of criminal offences in the administrative sphere, have an obligation to report this (article 162 Code of Criminal Procedure). During the parliamentary discussion on the legislative proposal WIV 2002 the question was raised whether this obligation to report was to be adjusted for the intelligence and security services. The answer was as follows:

"It is indeed possible that public servants of the AIVD or the MIVD in using special powers, but also in other ways, are confronted with crimes. The interest of the service may indeed under certain circumstances oppose that a report is made; this is in particular the case if due to the report made investigations by the service would be seriously frustrated or if for example sources or specific *modi operandi* of the service would come into the open. Whether a report is to be made is to be decided for each case individually. It is not so, however, that in each case the interest of the service will prevail over the interest involved in the investigation and prosecution of criminal offences. In case of serious crime such as murder or homicide it is difficult to imagine that the interest of the service prevails. Article 162 of the Code of Civil Procedure in our opinion does not stand in the way of the procedure described above. The obligation to report laid down in article 162 is moreover limited in the sense that it

⁶ *Parliamentary Documents II 1997/98*, 25 877, no. 3, p. 58 (Explanatory Memorandum).

⁷ See note 5.

⁸ In relation to the AIVD the Committee has answered this question for example in its supervisory report on the investigation into the legitimacy of the execution of a counter-terrorism operation of the AIVD (CTIVD no. 7), *Parliamentary Documents II 2005/06*, 29 924, no. 10 (appendix), see also www.ctivd.nl.

encompasses only a certain category of crime, namely crime in the administrative sphere as well as crimes constituting an infringement on an arrangement the execution of which is assigned to those obliged to report the crime. The crimes with which public servants of the service are confronted, will however often fall outside this category.”⁹

In the effectuation of the WIV 2002 the viewpoint was adopted that the MIVD was not obliged to make a report in the meaning of article 162 Code of Criminal Procedure if the interest of the service would oppose making such a report. The text of article 38 WIV 2002, in the Committee’s opinion, would leave no room for such a nuance. The Committee advises the Minister to study this point in more detail, in the context of which on the one hand said interests of the MIVD are to be taken into account and on the other hand the interests of an incorruptible administrative system that benefits from reports of crime in the administrative sphere.

Furthermore, the WIV 2002 in article 39 offers the possibility that on the basis of urgent and important reasons information is provided to persons and organisations involved in a public task pursuant to a governmental order. By order of 22 September 2004¹⁰ the following persons or bodies were designated in this regard: the Ministers, De Nederlandsche Bank N.V. (the Dutch Central Bank), the Stichting Autoriteit Financiële Markten (the Financial Markets Authority Foundation), the Pensioen- & Verzekeringskamer (the Pension and Insurance Board) and the mayor in so far as relating to his task to maintain public order and his task to give advice on proposals to grant royal honours.

3.2 *Statutory requirements for issuing an official message*

Providing information is a form of data processing in the meaning of article 1, sub f, WIV 2002, in which data processing is described among other things as “providing by means of forwarding, disseminating or any other form of making available”. The processing of data is subject to the general provisions of section 3.1 of the WIV 2002. This means among other things that providing information is to take place in accordance with the law and in an appropriate and careful manner (article 12, paragraph 3, WIV 2002). This requirement of carefulness in relation to providing information is also expressed by article 41, paragraph 1, WIV 2002, which states that no personal details will be provided if their accuracy cannot reasonably be established or which were processed more than ten years ago, while no new data have been processed with regard to the relevant person.

In addition, data processing can only take place with a special purpose and only if necessary, in so far as relevant here, for the proper execution of tasks laid down in the WIV 2002 (article 12, paragraph 2, WIV 2002). Furthermore, data processed on the basis of article 12, paragraph 4, WIV 2002 are to be provided with a designation regarding the extent of reliability or a reference to the document or source from which the data were derived.

Article 40 WIV 2002 provides that personal details are communicated in writing if the person or body to whom the announcement in hand is made, is entitled as a result of this announcement, to take measures. In urgent cases an announcement can be made orally. In that case the announcement is to be confirmed in writing as quickly as possible (article 40, paragraph 2, WIV 2002).

⁹ *Parliamentary Documents II 1999/2000*, 25 877, no. 8, p. 120.

¹⁰ Order of 22 September 2004 to designate people and organisations based on article 39, first paragraph, of the Intelligence and Security Services Act 2002 (Designation order 39 WIV 2002), *Bulletin of Acs and Decrees 2004*, 506.

Lastly, article 42 WIV 2002 provides that a record is kept of the provision of personal details (the so-called protocol obligation).

3.3 *Official messages from the MIVD*

In the years 2004 and 2005 the MIVD issued approximately ten official messages per year. Over the same period the AIVD sent out several hundreds of official messages per year.¹¹ The difference in tasks performed by the MIVD (Article 7 WIV 2002) and those of the AIVD (Article 6 WIV 2002) makes that the MIVD less than the AIVD comes into contact with issues relating to persons and organisations which need to be reported to executive agencies such as the Public Prosecutions Department and the Immigration and Naturalisation Service. From way back the investigations performed by the MIVD are aimed more at intelligence work abroad. The MIVD produces strategic and tactical operational analyses which the various defence departments may use in any decisions they may take. The information which the MIVD provides to third parties therefore often does not concern information on persons and organisations, but general information on the situation in certain countries. In so far as the MIVD has information pertaining to specific persons and/or organisations, this information will most of the time concern people living abroad and organisations established abroad. There is no use in providing this (incriminating) information on these persons and organisations to Dutch executive agencies because these organs are unable to take any relevant measures. The number of official messages which the MIVD issued is therefore considerably smaller than the number of official messages issued by the AIVD.

The nature of the official messages issued by the MIVD is twofold.

First, the MIVD, with the intervention of the LOvJ, has reported to the Public Prosecutions Department several times on matters which can also be relevant to the investigation or prosecution of criminal offences. One of the official messages to the LOvJ concerned relevant information for the Yugoslavia Tribunal for the investigation and prosecution of war crimes. Furthermore, in the period under investigation twice the MIVD provided an official message to commanders of branches of the armed forces with information on a defence staff member falling under the commander in hand.

3.4 *Procedure for the coming about of an official message*

The way in which data are used by the MIVD has been described in the Administrative Organisation (AO) of the MIVD. One of the process descriptions from the AO deals with the exploitation of information to the Public Prosecutions Department in the form of an official message. No separate process description has been included for issuing official messages in a broader sense, i.e. also to other recipients than the Public Prosecutions Department. The Committee has established that in these cases the procedure for the exploitation of information to the Public Prosecutions Department is applied by analogy. The Committee advises to adjust the process description relating to the external provision of information to the Public Prosecutions Department by also covering the other potential recipients of official messages under the WIV 2002.

Official messages can be issued both at the request of third parties and on the initiative of the MIVD. The MIVD's Legal Affairs Department (AJZ) plays an important role in the coming

¹¹ For the investigation which the Committee has conducted into the official messages of the AIVD we refer to the CTIVD's supervisory report number 9a, www.ctivd.nl.

about of an official message. The moment staff of the MIVD's production departments receive information which is to be exploited by means of an official message, the information is transferred to the AJZ. An external request for information from – in general – the Public Prosecutions Department is also handled by the AJZ.

The AJZ edits the official message and compiles the underlying dossier, in which the material is bundled on which the content of the official message is based. In effectuating the official message the future recipient of the official message is contacted for aligning its content to the needs of the recipient. For an official message to the Public Prosecutions Department this means that consultation will take place with the LOvJ.

The draft official message is submitted to the (deputy) Head of Production for checking and approval of the formal and substantial aspects. After this officer has agreed to issuing the official message, the official message is checked by the Director of the MIVD, after which the Director authorises the official message by signing it.

4. Findings of the Committee's investigation

4.1 Motivation of the official message

The Committee has assessed the factual accuracy of the information referred to in the report by investigating whether the contents of the official message were substantiated by the information collected by the MIVD for the underlying file compiled for the official message. The Committee has established that the contents of the official messages investigated were substantiated by the data provided by the MIVD.

4.2 Reliability of the information included in the official message

The MIVD verifies the information underlying an official message by assessing it on its degree of reliability. Information originating from technical sources (e.g. information obtained by means of signal interception) is considered reliable by the MIVD. Information obtained from human sources¹² is categorised via a method characterised by due care, in order to indicated the degree of reliability.

For the sake of completeness it is observed that to establish the reliability of the information included in the official message it is not necessary that the information is confirmed by material from other sources. Other factors may also be conducive to establishing the reliability, such as previous experiences with the source and the MIVD's general knowledge level. In the Committee's opinion sufficient safeguards are involved in establishing the reliability of the information underlying the official message.

Pursuant to article 12, paragraph 4, WIV 2002 the MIVD is to attach to information processed, including the information it provides (article 1, sub f, WIV 2002), an indication of the degree of reliability or a reference to the document or source from which the information was derived. In an internal work instruction the MIVD has detailed this statutory requirement for end products of the MIVD. Although this does not explicitly follow from the work instruction, the Committee considers this work instruction also applicable to the coming about of an official message because this also concerns an end product of the MIVD.

¹² A human source can be an informer in the meaning of article 17 WIV 2002, or an agent in accordance with article 21 WIV 2002. The main distinction is that unlike an informer an agent is steered by the MIVD. For a more detailed explanation of the difference between informers and agents reference is made to the Supervisory Committee's supervisory reports on the deployment of agents abroad by the MIVD and AIVD (CTIVD no. 8A and no. 8B).

The Committee advises to include in the process description for official messages from the AO that the work instruction relating to the reference of sources in end products is applicable.

It has been laid down in the work instruction that in the coming about of an end product it is to be known on the basis of which source information the end product has come about, and what the reliability is of the source information. A copy for filing of an end product is archived including the reference of sources. The ultimately exploited end product will not state the reference of sources. The Committee observes that if the reference of sources is removed from the end product or the official message, in accordance with article 12, paragraph 4, WIV 2002 the degree of reliability is to be stated. In the Committee's opinion it is recommended to include this explicitly in the work instruction.

In its official messages the MIVD attempts to provide as much openness as possible on the origin of the information. For example, the MIVD has occasionally mentioned the name of an informer (article 17 WIV 2002) in an official message. An informer's identity is only published if the informer has given explicit approval for this. Names of agents in the meaning of article 21 WIV 2002 are, rightly in the Committee's opinion, not included in official messages.

The Committee has established that in the official message the MIVD consequently includes the degree of reliability of the information or makes a reference to the source from which the information was obtained.

4.3 *Secrecy of sources and modus operandi in the meaning of article 15 WIV 2002*

An official message is public in the sense that the report has been drawn up in such a way that its contents can be taken cognisance of by third parties without any problems. The decision whether or not to publish the official message is taken by the recipient of the official message and not by the MIVD.¹³ For it is the recipients who have the responsibility to determine whether on the basis of the information provided they wish to take measures. The public nature of the official message makes that it may not contain any information on the sources and *modus operandi* of the service. Article 15 WIV 2002 requires that this information is kept secret. An exception to the obligation of secrecy applies to cases in which it is considered necessary, in view of the nature of the announcement and the consequences that may be connected to it, to also grant perusal in the underlying (original) information on the basis of which the official message came about. Articles 38, paragraph 3, 39, paragraph 2 and 40, paragraph 3, WIV 2002 provide the possibility of allowing the recipients perusal in the underlying dossier of an official message. For official messages sent to the LOvJ pursuant to article 38 WIV 2002 the MIVD is held to respond positively to a request for perusal (article 38, paragraph 3, WIV 2002). With regard to other recipients of official messages the MIVD from a statutory point of view is free to refuse a request for perusal.

The Committee has established that the MIVD makes a careful weighing-up as to whether sources and the *modus operandi* can be stated in the official message.

4.4 *Use of special powers*

Sometimes official messages are based on information obtained by using a special power. In the Committee's opinion the use of these powers met the statutory requirements, including

¹³ *Parliamentary Documents II 1999/2000*, 25 877, no. 8, p. 76.

the requirements of necessity (article 18 WIV 2002), subsidiarity and proportionality (articles 31 and 32 WIV 2002).

4.5 *Statutory basis of the official message*

The grounds on which the service can issue an official message have been listed restrictively in the WIV 2002, as explained in section 3.1 of this report. The Committee has established that all official messages investigated were based on a statutory ground.

The official messages which the MIVD provided to the Public Prosecutions Department are based on article 38 WIV 2002. In these official messages information was involved which could also be relevant for the investigation and prosecution of criminal offences.

The two official messages to the commanders of branches of the armed forces contained incriminating information on defence staff members which emerged during renewed security investigations into persons involved under the Security Screening Act (WVO). A security investigation serves to establish whether a person is suitable for filling a position involving confidentiality. This investigation takes place prior to the fulfilment of the position involving confidentiality and is repeated each time after five years or earlier if facts or circumstances call for this. If the person is considered suitable to (continue to) fill a position involving confidentiality, a so-called certificate of no objection (VGB) is issued or renewed in respect of this person. If in the course of the investigation it turns out that information which in itself is not serious enough to refuse a VGB, but which makes the person involved vulnerable from a security viewpoint, this information may be provided to the employer of the person involved in addition to the issue (or renewal) of the VGB.¹⁴ Given the MIVD's security promoting task this information is to be communicated to the employer in order for the latter to be able to bear responsibility for security. The Explanatory Memorandum to the WVO states that in such cases the information is only to be provided in writing stating the purpose (assisting in security) for which the information is provided. The provisions laid down in the Intelligence and Security Services Act¹⁵ are to be taken into consideration in this context.¹⁶

Conducting a security investigation belongs to the MIVD's set of tasks (article 7, paragraph 2, sub b, WIV 2002). If in the performance of this task the MIVD comes across information which on account of security aspects are to be communicated to the person concerned's employer, the MIVD can do so under article 36 WIV 2002. Article 36, paragraph 1, sub c, WIV 2002 offers the opportunity within the context of the proper performance of its tasks to provide information to 'other persons or agencies to whom these concern'. The Explanatory Memorandum to this article mentions that this concerns in particular 'the situation in which announcements are made to an employer after a security investigation relating to the fulfilment of a position involving confidentiality has taken place'.¹⁷ The official messages which the MIVD sent out to the commanders contained information which the MIVD had taken cognisance of in the performance of renewed security investigations. The MIVD considered the information obtained not serious enough to withdraw the VGB's of the persons concerned, but considered the facts of such a nature that for reasons relating to

¹⁴ *Parliamentary Documents II* 1995/96, 24 023, no. 5, p. 6.

¹⁵ In the coming about of the Security Screening Act reference was made to the previous Intelligence and Security Services Act. This act has meanwhile been replaced by the WIV 2002.

¹⁶ *Parliamentary Documents II* 1994/95, 24 023, no. 3 (Explanatory Memorandum), p. 9.

¹⁷ *Parliamentary Documents II* 1997/98, 25 877, no. 3 (Explanatory Memorandum), p. 56.

security the commanders were to be informed. In view of the above considerations the MIVD under article 36 WIV 2002 was entitled to provide this information to the commanders.

4.6 *The obligation to adhere to the protocol in the meaning of article 42 WIV 2002*

Article 42 WIV 2002 provides that the provision of personal details is recorded. This obligation to adhere to the protocol serves on the one hand to enable the Committee's supervision over the provision of personal details. On the other hand the obligation to adhere to the protocol sees to it that the AIVD can pass on corrections to information in a simple way to the persons and agencies to whom or which this information was provided.¹⁸ For this it is necessary not only to know to which persons and agencies the information was provided, but also what information was provided.¹⁹

The MIVD does not keep a special list of the official messages issued. Due to the limited number of official messages issued there is no great need for protocols. The Legal Affairs Department knows which official messages have been issued. Besides, it can be found in the administration which persons or organisations have received information from the MIVD via an official message. In the Committee's opinion with this procedure the MIVD meets the obligation to adhere to the protocol. If the number of official messages should increase in the future, the MIVD shall need to record in a more appropriate way which information has been provided to which persons and agencies. The MIVD is currently in the process of digitalising the data processing. The Committee advises to include in the system the possibility of searching for the official messages issued.

5. **Conclusions and recommendations**

- 5.1 The text of article 38 WIV 2002 in the Committee's opinion does not offer the MIVD any room where appropriate to abstain from the statutory obligation to report a criminal offence in the meaning of article 162 of the Code of Criminal Procedure. The Committee advises the Minister to study this point in more detail (section 3.1).
- 5.2 The Committee advises to adjust the process description relating to the external provision of information to the Public Prosecutions Department by also paying attention in this context to the other potential recipients of official messages under the WIV 2002 (section 3.3).
- 5.3 The Committee has established that the contents of the official messages investigated were substantiated by the information collected by the MIVD in an underlying dossier compiled in respect of the official message (section 4.1).
- 5.4 In the Committee's opinion sufficient safeguards are involved in establishing the reliability of the information underlying the official message (section 4.2).
- 5.5 The Committee advises to include in the process description for official messages from the AO that the work instruction relating to the reference of sources in end products is applicable (section 4.2).

¹⁸ *Parliamentary Documents II 1997/98*, 25 877, no. 3, p. 60.

¹⁹ *Parliamentary Documents II 1999/2000*, 25 877, no. 8, p. 75.

- 5.6 The Committee recommends to explicitly include in the work instruction relating to the reference of sources in end products, that the end product from which the reference of sources has been removed, is to state the degree of reliability (section 4.2).
- 5.7 In the course of its investigation the Committee has established that in the official message the MIVD consequently includes the degree of reliability of the information or refers to the source from which the information was derived (section 4.2).
- 5.8 The Committee has established that the MIVD makes a careful consideration whether sources and *modus operandi* can be provided in the official message (section 4.3).
- 5.9 The Committee is of the opinion that the use of special powers in obtaining underlying information on which the official message is based, meets the statutory requirements including the requirements of necessity (article 18 WIV 2002), subsidiarity and proportionality (articles 31 and 32 WIV 2002), (section 4.4).
- 5.10 The Committee has established that all official messages are based on a statutory ground (section 4.5).
- 5.11 The Committee is of the opinion that the MIVD meets the obligation to adhere to the protocol. If the number of official messages should increase, the MIVD shall need to record in a more appropriate way to whom information has been provided. The Committee advises to take this into consideration in the current digitalisation process for data processing (section 4.6).

6. Final observation

The central question in the Committee's investigation was whether the official messages issued in the period from January 2004 until 1 January 2006 were in accordance with the law and had been effected in an appropriate way and with due care (article 12, paragraph 3 WIV 2002). The above conclusions have prompted the Committee to conclude that the MIVD's official messages investigated, have been effected in an appropriate way and with due care.

Thus adopted at the meeting of the Committee of 30 August 2006.