



Appendix I: Definitions

To the review report on the deployment of
virtual agents by the AIVD and the MIVD

CTIVD no. 79

Adopted on 25 July 2024



Review Committee
on the Intelligence and
Security Services

CTIVD no. 79

APPENDIX I

To the oversight report on the deployment of virtual agents by the AIVD and the MIVD

This list explains a number of terms used in the review report. In providing the descriptions, the CTIVD's aim was not completeness, but to try to give the reader as clear a picture as possible of the terms in question.

Agent	A person deployed by the AIVD or the MIVD to gather data (Section 41 of the ISS Act 2017). Agents work under the responsibility of and are instructed by the AIVD or the MIVD and may or may not be employed by one of these intelligence and security services.
Authorization request	The document in which the request to use the special investigatory power is substantiated and which is submitted to the relevant minister for authorization.
Bulk data set	Bulk data sets are large collections of data, the vast majority of which concern organizations or people who are not the subject of investigation by the services, nor ever will be.
Dark web	The dark web refers to the part of the Internet where the IP addresses of networked computers are hidden by means of special software, such as The Onion Router (Tor).
Data processing	Any action or set of actions relating to data, including in any case the gathering, recording, organising, storing, updating, amending, requesting, consulting, using, provision by means of forwarding, dissemination or otherwise making available, collecting, connecting, shielding, erasure or destruction of data (Section 1(f) of the ISS Act 2017).
Decency	General requirement of data processing (Section 18(2) of the ISS Act 2017). Among other things, this includes a consideration of the proportionality of the data processing. Proportionality concerns a consideration of the necessity of the data processing for the intelligence investigation and the severity of the infringement of the concerned party's fundamental rights.
Deep web	The deep web is the part of the Internet that is not indexed by the usual search engines used for the standard Internet but that can still be accessed by visiting the website.

Due care	General requirement for data processing. Safeguarding the accuracy in terms of content and the correct reproduction of the data that is processed (Section 18(2) of the ISS Act 2017).
Duty of care	The legal obligation of the directors of the intelligence and security services to ensure technical, staff and organisational measures are in place and in effect that allow the employees falling under the authority of these services to perform their data processing tasks lawfully, and to monitor this continuously. The duty of care also relates to promoting the correctness and completeness of the data being processed and the quality of the data processing.
Fundamental rights	Basic rights laid down in international treaties, for example, and interpreted in case law, such as the European Convention on Human Rights (ECHR). Examples of these rights are the right to respect for privacy and family life (privacy), freedom of speech and the right to liberty and security.
General investigatory power	Investigatory powers, not being special investigatory powers, which the AIVD and the MIVD may use to perform their tasks. The use of these investigatory powers does not require authorization from the Investigatory Powers Commission (TIB).
Informant	A person or authority that the intelligence and security service can contact in order to gather information (Section 39 of the ISS Act 2017). Informants are not managed and are expected to be able to provide information based on their usual activities.
Intelligence service	A service that studies other countries in order to identify threats or potential threats to its own national security.
ISS Act 2017	Intelligence and Security Services Act 2017 (Wet op de inlichtingen- en veiligheidsdiensten 2017). This Act entered into force on 1 May 2018. The ISS Act 2017 Amendment Act (Wijzigingswet Wiv 2017) clarified or amended several parts of this Act. These amendments took effect on 15 July 2021.
Negligence	A decision of negligence indicates a shortcoming in policy, working methods or processes that paves the way or has paved the way for unlawfulness.
Performance of tasks	The performance of tasks as described in Section 8(2) of the ISS Act 2017 (AIVD) and Section 10(2) of the ISS Act 2017 (MIVD).
Personal data	Data relating to an identifiable or identified individual natural person (e.g. a name or a photograph). Section 1, preamble and (e), of the ISS Act 2017.
Record keeping	The legal obligation to keep a record of the use of an investigatory power, also referred to as reporting (Section 31 of the ISS Act 2017). This may be carried out in a number of ways.

Security service

A service that conducts investigations into persons and organizations that potentially represent a threat to the continued existence of the democratic constitutional state, or to security or other vital interests of the State, or to the security and readiness of the armed forces.

Special investigatory power

An investigatory power of the service which regulates the use of a specific method that infringes privacy and also lays down the circumstances and conditions under which the power may be exercised. Special investigatory powers are generally exercised in secret. The special investigatory powers are laid down in Sections 40 to 58 of the ISS Act 2017 (for example interception and observation). Some special investigatory powers are assessed by the Investigatory Powers Commission (TIB) on the lawfulness of the authorization granted by the minister.

Target

A person or organisation being investigated by the AIVD or the MIVD.

TIB

The Investigatory Powers Commission, a body that assesses in advance whether the use of a number of special investigatory powers by the AIVD and the MIVD is lawful. The TIB's decision is binding.

Unlawful

An assessment of the AIVD or MIVD's conduct. An 'unlawful' assessment always means that the conduct conflicts with legislation and regulations. Legislation and regulations in this case refers to the ISS Act 2017, case law and the recommendations from previous review reports adopted by ministers. The assessment takes into account the nature of the interests infringed and the extent of the infringement.

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