

Draft Order laid before Parliament under section 22(9) of the Regulation of Investigatory Powers Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

INVESTIGATORY POWERS

**The Regulation of Investigatory Powers
(Communications Data) (Amendment) Order 2015**

Made - - - -

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 22(2)(h), 25(1)(g), (3) and (4) of the Regulation of Investigatory Powers Act 2000(1).

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 22(9) of that Act.

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Communications Data) (Amendment) Order 2015 and comes into force on the day after the day on which it is made.

Additional purpose and removal of powers to acquire communications data

2.—(1) The Regulation of Investigatory Powers (Communications Data) Order 2010(2) is amended as follows.

(2) In article 2, after paragraph (b), insert—

“(c) for the purpose of exercising functions relating to the regulation of financial services and markets or to financial stability.”

(3) In Part 1 of Schedule 2—

(a) in the entry for the Financial Conduct Authority, after “Section 22(2)(b)” insert “Article 2(c)”;

(1) 2000 c.23; section 22 was amended by the Policing and Crime Act 2009 (c.26), section 7(1) and (2); the Protection of Freedoms Act 2012 (c.9), section 115(1) and Schedule 9, Part 3, paragraphs 6 and 7; the Data Retention and Investigatory Powers Act 2014 (c.27) sections 4(1), (8), (9) and (10) and 8(1) and (3); and by S.I. 2013/602. Section 25 was amended by the Serious Organised Crime and Police Act 2005 (c.15), section 59 and Schedule 4, paragraphs 131 and 135(1) and (3); the Serious Crime Act 2007 (c.27), section 88 and Schedule 12, paragraphs 5 and 8; the Crime and Courts Act 2013 (c.22), section 15(3) and Schedule 8, Part 2, paragraphs 77, and 81(1) and (2); and by S.I. 2007/1098 and 2013/602.

(2) S.I. 2010/480; relevant amending instruments are S.I. 2011/2085 and 2013/472.

- (b) in the entry for the Prudential Regulation Authority, after “Section 22(2)(b)” insert “Article 2(c)”.
- (4) In Part 1 of Schedule 2, omit the entries for—
- (a) The Civil Nuclear Constabulary;
 - (b) The force comprising the special constables appointed under section 79 of the Harbours, Docks and Piers Clauses Act 1847⁽³⁾ on the nomination of the Dover Harbour Board;
 - (c) The force comprising the constables appointed under article 3 of the Mersey Docks and Harbour (Police) Order 1975⁽⁴⁾ on the nomination of the Mersey Docks and Harbour Company;
 - (d) The Royal Mail Group Ltd, by virtue of being a Universal Service Provider within the meaning of Part 3 of the Postal Services Act 2011.
- (5) In Part 2 of Schedule 2, omit the entries for—
- (a) The Department of Agriculture and Rural Development;
 - (b) The Department for Business, Innovation and Skills;
 - (c) The Department of the Environment;
 - (d) The Department for Environment, Food and Rural Affairs;
 - (e) The Charity Commission;
 - (f) The Environment Agency;
 - (g) The Food Standards Agency;
 - (h) The Pensions Regulator;
 - (i) The Scottish Environment Protection Agency.

Date

Name
Parliamentary Under Secretary of State
Home Office

⁽³⁾ 1847 c. 27.
⁽⁴⁾ S.I. 1975/1224.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Regulation of Investigatory Powers (Communications Data) Order 2010 (“the 2010 Order”).

The 2010 Order designates additional public authorities who may grant an authorisation or give a notice in respect of the acquisition and disclosure of communications data, for the purposes of Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000. The 2010 Order also specifies the persons within those organisations (“designated persons”) who may grant an authorisation or give a notice for particular purposes, and specifies additional purposes for which communications data may be acquired.

This Order adds an additional purpose, so that the Financial Conduct Authority and Prudential Regulation Authority may obtain communications data for the purpose of exercising functions relating to the regulation of financial services and markets or to financial stability.

The Order also removes thirteen public authorities from the lists of those in the 2010 Order. These thirteen authorities will no longer have powers to acquire communications data under the Regulation of Investigatory Powers Act 2000.