



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

2 Meaning and location of “interception” etc.

(1) In this Act—

“postal service” means any service which—

- (a) consists in the following, or in any one or more of them, namely, the collection, sorting, conveyance, distribution and delivery (whether in the United Kingdom or elsewhere) of postal items; and
- (b) is offered or provided as a service the main purpose of which, or one of the main purposes of which, is to make available, or to facilitate, a means of transmission from place to place of postal items containing communications;

“private telecommunication system” means any telecommunication system which, without itself being a public telecommunication system, is a system in relation to which the following conditions are satisfied—

- (a) it is attached, directly or indirectly and whether or not for the purposes of the communication in question, to a public telecommunication system; and

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(b) there is apparatus comprised in the system which is both located in the United Kingdom and used (with or without other apparatus) for making the attachment to the public telecommunication system;

“public postal service” means any postal service which is offered or provided to, or to a substantial section of, the public in any one or more parts of the United Kingdom;

“public telecommunications service” means any telecommunications service which is offered or provided to, or to a substantial section of, the public in any one or more parts of the United Kingdom;

“public telecommunication system” means any such parts of a telecommunication system by means of which any public telecommunications service is provided as are located in the United Kingdom;

“telecommunications service” means any service that consists in the provision of access to, and of facilities for making use of, any telecommunication system (whether or not one provided by the person providing the service); and

“telecommunication system” means any system (including the apparatus comprised in it) which exists (whether wholly or partly in the United Kingdom or elsewhere) for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electromagnetic energy.

(2) For the purposes of this Act, but subject to the following provisions of this section, a person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if, he—

- (a) so modifies or interferes with the system, or its operation,
- (b) so monitors transmissions made by means of the system, or
- (c) so monitors transmissions made by wireless telegraphy to or from apparatus comprised in the system,

as to make some or all of the contents of the communication available, while being transmitted, to a person other than the sender or intended recipient of the communication.

(3) References in this Act to the interception of a communication do not include references to the interception of any communication broadcast for general reception.

(4) For the purposes of this Act the interception of a communication takes place in the United Kingdom if, and only if, the modification, interference or monitoring or, in the case of a postal item, the interception is effected by conduct within the United Kingdom and the communication is either—

- (a) intercepted in the course of its transmission by means of a public postal service or public telecommunication system; or
- (b) intercepted in the course of its transmission by means of a private telecommunication system in a case in which the sender or intended recipient of the communication is in the United Kingdom.

(5) References in this Act to the interception of a communication in the course of its transmission by means of a postal service or telecommunication system do not include references to—

- (a) any conduct that takes place in relation only to so much of the communication as consists in any traffic data comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service

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- or telecommunication system by means of which it is being or may be transmitted; or
- (b) any such conduct, in connection with conduct falling within paragraph (a), as gives a person who is neither the sender nor the intended recipient only so much access to a communication as is necessary for the purpose of identifying traffic data so comprised or attached.
- (6) For the purposes of this section references to the modification of a telecommunication system include references to the attachment of any apparatus to, or other modification of or interference with—
- (a) any part of the system; or
- (b) any wireless telegraphy apparatus used for making transmissions to or from apparatus comprised in the system.
- (7) For the purposes of this section the times while a communication is being transmitted by means of a telecommunication system shall be taken to include any time when the system by means of which the communication is being, or has been, transmitted is used for storing it in a manner that enables the intended recipient to collect it or otherwise to have access to it.
- (8) For the purposes of this section the cases in which any contents of a communication are to be taken to be made available to a person while being transmitted shall include any case in which any of the contents of the communication, while being transmitted, are diverted or recorded so as to be available to a person subsequently.
- [^{F1}(8A) For the purposes of the definition of “telecommunications service” in subsection (1), the cases in which a service is to be taken to consist in the provision of access to, and of facilities for making use of, a telecommunication system include any case where a service consists in or includes facilitating the creation, management or storage of communications transmitted, or that may be transmitted, by means of such a system.]
- (9) In this section “traffic data”, in relation to any communication, means—
- (a) any data identifying, or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted,
- (b) any data identifying or selecting, or purporting to identify or select, apparatus through which, or by means of which, the communication is or may be transmitted,
- (c) any data comprising signals for the actuation of apparatus used for the purposes of a telecommunication system for effecting (in whole or in part) the transmission of any communication, and
- (d) any data identifying the data or other data as data comprised in or attached to a particular communication,
- but that expression includes data identifying a computer file or computer program access to which is obtained, or which is run, by means of the communication to the extent only that the file or program is identified by reference to the apparatus in which it is stored.
- (10) In this section—
- (a) references, in relation to traffic data comprising signals for the actuation of apparatus, to a telecommunication system by means of which a communication is being or may be transmitted include references to any telecommunication system in which that apparatus is comprised; and

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(b) references to traffic data being attached to a communication include references to the data and the communication being logically associated with each other; and in this section “data”, in relation to a postal item, means anything written on the outside of the item.

(11) In this section “postal item” means any letter, postcard or other such thing in writing as may be used by the sender for imparting information to the recipient, or any packet or parcel.

Textual Amendments

F1 S. 2(8A) inserted (temp.) (17.7.2014) by [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#), **ss. 5, 8(1)(3)**

Modifications etc. (not altering text)

C1 S. 2(8A) continued (temp.) (30.12.2016) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 9 para. 9** (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2016/1233](#), reg. 2(p)

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