



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER II

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

22 Obtaining and disclosing communications data.

- (1) This section applies where a person designated for the purposes of this Chapter believes that it is necessary on grounds falling within subsection (2) to obtain any communications data.
- (2) It is necessary on grounds falling within this subsection to obtain communications data if it is necessary—
 - (a) in the interests of national security;
 - (b) for the purpose of preventing or detecting crime or of preventing disorder;
 - (c) in the interests of the economic well-being of the United Kingdom [^{F1}so far as those interests are also relevant to the interests of national security];
 - (d) in the interests of public safety;
 - (e) for the purpose of protecting public health;
 - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;
 - (g) for the purpose, in an emergency, of preventing death or injury or any damage to a person's physical or mental health, or of mitigating any injury or damage to a person's physical or mental health; or
 - (h) for any purpose (not falling within paragraphs (a) to (g)) which is specified for the purposes of this subsection by an order made by the Secretary of State.

Status: Point in time view as at 30/12/2016. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 22 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) Subject to subsection (5), the designated person may grant an authorisation for persons holding offices, ranks or positions with the same relevant public authority as the designated person to engage in any conduct to which this Chapter applies.

[^{F2}(3A) Subsection (3B) applies if—

- (a) a person is the designated person by reference to an office, rank or position with a police force; and
- (b) the chief officer of police of that force has made an agreement under section 23(1) of the Police Act 1996 with the chief officer of police of one or more other police forces.

(3B) The designated person may grant an authorisation for persons holding offices, ranks or positions with a collaborative force to engage in any conduct to which this Chapter applies.

(3C) For the purposes of subsection (3B) a police force is a collaborative force if—

- (a) its chief officer of police is a party to the agreement mentioned in subsection (3A)(b); and
- (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be granted authorisations by the designated person.

(3D) A reference in subsections (3A) to (3C) to a police force is to the following—

- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force; and
- (c) the City of London police force.

^{F3}(3E)

^{F3}(3F)

^{F3}(3G)

^{F3}(3H)

(3I) [^{F4}Subsection (3B) is] subject to subsection (5).]

(4) Subject to subsection (5), where it appears to the designated person that a postal or telecommunications operator is or may be in possession of, or be capable of obtaining, any communications data, the designated person may, by notice to the postal or telecommunications operator, require the operator—

- (a) if the operator is not already in possession of the data, to obtain the data; and
- (b) in any case, to disclose all of the data in his possession or subsequently obtained by him.

(5) The designated person shall not grant an authorisation under subsection (3) [^{F5}or (3B)], or give a notice under subsection (4), unless he believes that obtaining the data in question by the conduct authorised or required by the authorisation or notice is proportionate to what is sought to be achieved by so obtaining the data.

[^{F6}(5A) An authorisation under subsection (3) or (3B), or a requirement imposed in accordance with a notice under subsection (4), may relate to conduct outside the United Kingdom (and any such notice may be given to a person outside the United Kingdom).

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- (5B) Where a notice under subsection (4) is to be given to a person outside the United Kingdom, the notice may (in addition to electronic or other means of giving a notice) be given to the person in any of the following ways—
- (a) by delivering it to the person's principal office within the United Kingdom or, if the person has no such office in the United Kingdom, to any place in the United Kingdom where the person carries on business or conducts activities;
 - (b) if the person has specified an address in the United Kingdom as one at which the person, or someone on the person's behalf, will accept documents of the same description as a notice, by delivering it to that address;
 - (c) by notifying the person of the requirements imposed by the notice by such other means as the person giving the notice thinks appropriate (which may include notifying the person orally, except where the notice is one to which section 23A applies).]
- (6) It shall [^{F7}, subject to section 23A,] be the duty of the postal or telecommunications operator [^{F8}(whether or not the operator is in the United Kingdom)] to comply with the requirements of any notice given to him under subsection (4).
- (7) A person who is under a duty by virtue of subsection (6) shall not be required to do anything in pursuance of that duty which it is not reasonably practicable for him to do.
- (8) The duty imposed by subsection (6) shall be enforceable [^{F9}(including in the case of a person outside the United Kingdom)] by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the ^{M1}Court of Session Act 1988, or for any other appropriate relief.
- (9) The Secretary of State shall not make an order under subsection (2)(h) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

Textual Amendments

- F1** Words in s. 22(2)(c) inserted (temp.) (17.7.2014) by [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#), [ss. 3\(3\)\(4\)](#), [8\(1\)\(3\)](#)
- F2** S. 22(3A)-(3I) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. {7\(2\)}](#), [116](#); [S.I. 2009/3096](#), [art. 3\(b\)](#)
- F3** S. 22(3E)-(3H) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 33\(5\)\(a\)](#)
- F4** Words in s. 22(3I) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 33\(5\)\(b\)](#)
- F5** Words in s. 22(5) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 33\(5\)\(c\)](#)
- F6** S. 22(5A)(5B) inserted (temp.) (17.7.2014) by [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#), [ss. 4\(8\)](#), [8\(1\)\(3\)](#)
- F7** Words in s. 22(6) inserted (1.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [s. 120](#), [Sch. 9 para. 7](#) (with [s. 97](#)); [S.I. 2012/2075](#), [art. 4\(d\)](#)
- F8** Words in s. 22(6) inserted (temp.) (17.7.2014) by [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#), [ss. 4\(9\)](#), [8\(1\)\(3\)](#)
- F9** Words in s. 22(8) inserted (temp.) (17.7.2014) by [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#), [ss. 4\(10\)](#), [8\(1\)\(3\)](#)

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Modifications etc. (not altering text)

- C1** S. 22(2)(c) 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)
- C2** S. 22(5A)(5B) 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)
- C3** S. 22(6) 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)
- C4** S. 22(8) 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)

Marginal Citations

- M1** 1988 c. 36.

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