



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 6

BULK WARRANTS

CHAPTER 2

BULK ACQUISITION WARRANTS

Bulk acquisition warrants

158 Power to issue bulk acquisition warrants

- (1) The Secretary of State may, on an application made by or on behalf of the head of an intelligence service, issue a bulk acquisition warrant if—
 - (a) the Secretary of State considers that the warrant is necessary—
 - (i) in the interests of national security, or
 - (ii) on that ground and on any other grounds falling within subsection (2),
 - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct,
 - (c) the Secretary of State considers that—
 - (i) each of the specified operational purposes (see section 161) is a purpose for which the examination of communications data obtained under the warrant is or may be necessary, and
 - (ii) the examination of such data for each such purpose is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary,
 - (d) the Secretary of State considers that satisfactory arrangements made for the purposes of section 171 (safeguards relating to the retention and disclosure of data) are in force in relation to the warrant, and

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- (e) the decision to issue the warrant has been approved by a Judicial Commissioner.

For the meaning of “head of an intelligence service”, see section 263.

- (2) A warrant is necessary on grounds falling within this subsection if it is necessary—
 - (a) for the purpose of preventing or detecting serious crime, or
 - (b) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security (but see subsection (3)).
- (3) A warrant may be considered necessary on the ground falling within subsection (2)
 - (b) only if the communications data which it is considered necessary to obtain is communications data relating to the acts or intentions of persons outside the British Islands.
- (4) The fact that the communications data which would be obtained under a warrant relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary in the interests of national security or on that ground and a ground falling within subsection (2).
- (5) A bulk acquisition warrant is a warrant which authorises or requires the person to whom it is addressed to secure, by any conduct described in the warrant, any one or more of the activities in subsection (6).
- (6) The activities are—
 - (a) requiring a telecommunications operator specified in the warrant—
 - (i) to disclose to a person specified in the warrant any communications data which is specified in the warrant and is in the possession of the operator,
 - (ii) to obtain any communications data specified in the warrant which is not in the possession of the operator but which the operator is capable of obtaining, or
 - (iii) to disclose to a person specified in the warrant any data obtained as mentioned in sub-paragraph (ii),
 - (b) the selection for examination, in any manner described in the warrant, of communications data obtained under the warrant,
 - (c) the disclosure, in any manner described in the warrant, of communications data obtained under the warrant to the person to whom the warrant is addressed or to any person acting on that person’s behalf.
- (7) A bulk acquisition warrant also authorises the following conduct (in addition to the conduct described in the warrant)—
 - (a) any conduct which it is necessary to undertake in order to do what is expressly authorised or required by the warrant, and
 - (b) conduct by any person which is conduct in pursuance of a requirement imposed by or on behalf of the person to whom the warrant is addressed to be provided with assistance in giving effect to the warrant.
- (8) A bulk acquisition warrant may relate to data whether or not in existence at the time of the issuing of the warrant.
- (9) An application for the issue of a bulk acquisition warrant may only be made on behalf of the head of an intelligence service by a person holding office under the Crown.

159 Approval of warrants by Judicial Commissioners

- (1) In deciding whether to approve a decision to issue a warrant under section 158, a Judicial Commissioner must review the Secretary of State's conclusions as to the following matters—
 - (a) whether the warrant is necessary as mentioned in subsection (1)(a) of that section,
 - (b) whether the conduct that would be authorised by the warrant is proportionate to what is sought to be achieved by that conduct, and
 - (c) whether—
 - (i) each of the specified operational purposes (see section 161) is a purpose for which the examination of communications data obtained under the warrant is or may be necessary, and
 - (ii) the examination of such data for each such purpose is necessary as mentioned in section 158(1)(c)(ii).
- (2) In doing so, the Judicial Commissioner must—
 - (a) apply the same principles as would be applied by a court on an application for judicial review, and
 - (b) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).
- (3) Where a Judicial Commissioner refuses to approve a decision to issue a warrant under section 158, the Judicial Commissioner must give the Secretary of State written reasons for the refusal.
- (4) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a decision to issue a warrant under section 158, the Secretary of State may ask the Investigatory Powers Commissioner to decide whether to approve the decision to issue the warrant.

160 Decisions to issue warrants to be taken personally by Secretary of State

- (1) The decision to issue a bulk acquisition warrant must be taken personally by the Secretary of State.
- (2) Before a bulk acquisition warrant is issued, it must be signed by the Secretary of State.

161 Requirements that must be met by warrants

- (1) A bulk acquisition warrant must contain a provision stating that it is a bulk acquisition warrant.
- (2) A bulk acquisition warrant must be addressed to the head of the intelligence service by whom, or on whose behalf, the application for the warrant was made.
- (3) A bulk acquisition warrant must specify the operational purposes for which any communications data obtained under the warrant may be selected for examination.
- (4) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services ("the list of operational purposes"), as purposes which they consider are operational purposes for which

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communications data obtained under bulk acquisition warrants may be selected for examination.

- (5) The warrant may, in particular, specify all of the operational purposes which, at the time the warrant is issued, are specified in the list of operational purposes.
- (6) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.
- (7) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 158(1)(a) or (2).
- (8) At the end of each relevant three-month period the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
- (9) In subsection (8) “relevant three-month period” means—
 - (a) the period of three months beginning with the day on which this section comes into force, and
 - (b) each successive period of three months.
- (10) The Prime Minister must review the list of operational purposes at least once a year.
- (11) In this Chapter “the specified operational purposes”, in relation to a bulk acquisition warrant, means the operational purposes specified in the warrant in accordance with this section.