Investigatory Powers Act 2016

2016 CHAPTER 25

PART 6

BULK WARRANTS

CHAPTER 2

BULK ACQUISITION WARRANTS

Supplementary provision

174 Offence of making unauthorised disclosure

(1) It is an offence for—

(a) a telecommunications operator who is under a duty by virtue of section 170 to assist in giving effect to a bulk acquisition warrant, or

(b) any person employed or engaged for the purposes of the business of such an operator,

to disclose to any person, without reasonable excuse, the existence or contents of the warrant.

(2) For the purposes of subsection (1), it is, in particular, a reasonable excuse if the disclosure is made with the permission of the Secretary of State.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction in England and Wales—

(i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003), or

(ii) to a fine,

or to both;

(b) on summary conviction in Scotland—

(i) to imprisonment for a term not exceeding 12 months, or

(ii) to a fine not exceeding the statutory maximum,

or to both;

(c) on summary conviction in Northern Ireland—

(i) to imprisonment for a term not exceeding 6 months, or

(ii) to a fine not exceeding the statutory maximum,

or to both;

(d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

175 Chapter 2: interpretation

(1) In this Chapter—

"communications data" does not include communications data within the meaning given by section 262(3),

"senior official" means—

(a) a member of the Senior Civil Service, or

(b) a member of the Senior Management Structure of Her Majesty's Diplomatic Service,

"the specified operational purposes" has the meaning given by section 161(11).

(2) See also—

section 261 (telecommunications definitions),

section 263 (general definitions),

section 265 (index of defined expressions).