

## SCHEDULES

### SCHEDULE 9

#### TRANSITIONAL, TRANSITORY AND SAVING PROVISION

##### *Retention of communications data*

- 3 (1) A retention notice under section 1 of the Data Retention and Investigatory Powers Act 2014 which is in force immediately before the commencement day is to be treated, on or after that day, as a retention notice under section 87 of this Act; and Part 4 of this Act is to be read accordingly but as if sections 87(1)(b), (4) and (8)(e), 89, 90(1) to (12), 91, 94(4)(b), (6), (10) and (12) and 96(2)(e) were omitted.
- (2) In particular—
- (a) anything which, immediately before the commencement day, is in the process of being done by virtue of, or in relation to, a retention notice under section 1 of the Act of 2014 may be continued as if being done by virtue of, or in relation to, a retention notice under section 87 of this Act, and
  - (b) anything done by virtue of, or in relation to, a retention notice under section 1 of the Act of 2014 is, if in force or effective immediately before the commencement day, to have effect as if done by virtue of, or in relation to, a retention notice under section 87 of this Act so far as that is required for continuing its effect on or after the commencement day.
- (3) Sub-paragraphs (1) and (2) cease to apply, in relation to any retention notice under section 1 of the Act of 2014—
- (a) at the end of the period of six months beginning with the commencement day, or
  - (b) if earlier, on the revocation in full of the notice;
- but this is without prejudice to the continued operation of section 95(2) to (5) in relation to the notice.
- (4) Section 249 applies in relation to costs incurred in complying with a retention notice under section 1 of the Act of 2014 which has continued in force on or after the commencement day as it applies in relation to costs incurred in complying with retention notices under section 87 of this Act but as if section 249(7) were omitted.
- (5) The Secretary of State may revoke (whether wholly or in part) a retention notice under section 1 of the Act of 2014.
- (6) The fact that a retention notice under section 1 of the Act of 2014 has, in relation to a particular description of data and a particular operator (or description of operators), ceased to have effect or been revoked does not prevent the giving of a retention notice under section 87 of this Act in relation to the same description of data and the same operator (or description of operators).
- (7) In this paragraph “the commencement day” is the day on which section 1(1) of the Act of 2014 is repealed.