



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 6

#### BULK WARRANTS

#### CHAPTER 3

##### BULK EQUIPMENT INTERFERENCE WARRANTS

*Restrictions on use or disclosure of material obtained under warrants etc.*

#### **191 Safeguards relating to retention and disclosure of material**

- (1) The Secretary of State must ensure, in relation to every bulk equipment interference warrant, that arrangements are in force for securing—
  - (a) that the requirements of subsections (2) and (5) are met in relation to the material obtained under the warrant, and
  - (b) that the requirements of section 193 are met in relation to that material.

This is subject to subsection (8).

- (2) The requirements of this subsection are met in relation to the material obtained under the warrant if each of the following is limited to the minimum that is necessary for the authorised purposes (see subsection (3))—
  - (a) the number of persons to whom any of the material is disclosed or otherwise made available;
  - (b) the extent to which any of the material is disclosed or otherwise made available;
  - (c) the extent to which any of the material is copied;
  - (d) the number of copies that are made.
- (3) For the purposes of subsection (2) something is necessary for the authorised purposes if, and only if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) it is, or is likely to become, necessary in the interests of national security or on any other grounds falling within section 178(2),
  - (b) it is necessary for facilitating the carrying out of any functions under this Act of the Secretary of State, the Scottish Ministers or the head of the intelligence service to whom the warrant is or was addressed,
  - (c) it is necessary for facilitating the carrying out of any functions of the Judicial Commissioners or of the Investigatory Powers Tribunal under or in relation to this Act,
  - (d) it is necessary for the purpose of legal proceedings, or
  - (e) it is necessary for the performance of the functions of any person under any enactment.
- (4) The arrangements for the time being in force under this section for securing that the requirements of subsection (2) are met in relation to the material obtained under the warrant must include arrangements for securing that every copy made of any of that material is stored, for so long as it is retained, in a secure manner.
- (5) The requirements of this subsection are met in relation to the material obtained under the warrant if every copy made of any of that material (if not destroyed earlier) is destroyed as soon as there are no longer any relevant grounds for retaining it (see subsection (6)).
- (6) For the purposes of subsection (5), there are no longer any relevant grounds for retaining a copy of any material if, and only if—
- (a) its retention is not necessary, or not likely to become necessary, in the interests of national security or on any other grounds falling within section 178(2), and
  - (b) its retention is not necessary for any of the purposes mentioned in paragraphs (b) to (e) of subsection (3) above.
- (7) Subsection (8) applies if—
- (a) any material obtained under the warrant has been handed over to any overseas authorities, or
  - (b) a copy of any such material has been given to any overseas authorities.
- (8) To the extent that the requirements of subsections (2) and (5) and section 193 relate to any of the material mentioned in subsection (7)(a), or to the copy mentioned in subsection (7)(b), the arrangements made for the purpose of this section are not required to secure that those requirements are met (see instead section 192).
- (9) In this section—
- “copy”, in relation to any material obtained under a warrant, means any of the following (whether or not in documentary form)—
- (a) any copy, extract or summary of the material which identifies the material as having been obtained under the warrant, and
  - (b) any record which is a record of the identities of persons who owned, used or were in possession of the equipment which was interfered with to obtain that material,
- and “copied” is to be read accordingly;
- “overseas authorities” means authorities of a country or territory outside the United Kingdom.