



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 1

INTERCEPTION AND EXAMINATION WITH A WARRANT

Warrants under this Chapter

15 Warrants that may be issued under this Chapter

- (1) There are three kinds of warrant that may be issued under this Chapter—
 - (a) targeted interception warrants (see subsection (2)),
 - (b) targeted examination warrants (see subsection (3)), and
 - (c) mutual assistance warrants (see subsection (4)).
- (2) A targeted interception 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 following—
 - (a) the interception, in the course of their transmission by means of a postal service or telecommunication system, of communications described in the warrant;
 - (b) the obtaining of secondary data from communications transmitted by means of a postal service or telecommunication system and described in the warrant (see section 16);
 - (c) the disclosure, in any manner described in the warrant, of anything obtained under the warrant to the person to whom the warrant is addressed or to any person acting on that person's behalf.

Status: This is the original version (as it was originally enacted).

- (3) A targeted examination warrant is a warrant which authorises the person to whom it is addressed to carry out the selection of relevant content for examination, in breach of the prohibition in section 152(4) (prohibition on seeking to identify communications of individuals in the British Islands).

In this Part “relevant content”, in relation to a targeted examination warrant, means any content of communications intercepted by an interception authorised or required by a bulk interception warrant under Chapter 1 of Part 6.

- (4) A mutual assistance 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 following—
- (a) the making of a request, in accordance with an EU mutual assistance instrument or an international mutual assistance agreement, for the provision of any assistance of a kind described in the warrant in connection with, or in the form of, an interception of communications;
 - (b) the provision to the competent authorities of a country or territory outside the United Kingdom, in accordance with such an instrument or agreement, of any assistance of a kind described in the warrant in connection with, or in the form of, an interception of communications;
 - (c) the disclosure, in any manner described in the warrant, of anything obtained under the warrant to the person to whom the warrant is addressed or to any person acting on that person’s behalf.
- (5) A targeted interception warrant or mutual assistance 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, including—
 - (i) the interception of communications not described in the warrant, and
 - (ii) conduct for obtaining secondary data from such communications;
 - (b) any 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;
 - (c) any conduct for obtaining related systems data from any postal operator or telecommunications operator.
- (6) For the purposes of subsection (5)(c)—
- “related systems data”, in relation to a warrant, means systems data relating to a relevant communication or to the sender or recipient, or intended recipient, of a relevant communication (whether or not a person), and
- “relevant communication”, in relation to a warrant, means—
- (a) any communication intercepted in accordance with the warrant in the course of its transmission by means of a postal service or telecommunication system, or
 - (b) any communication from which secondary data is obtained under the warrant.
- (7) For provision enabling the combination of targeted interception warrants with certain other warrants or authorisations (including targeted examination warrants), see Schedule 8.

16 Obtaining secondary data

- (1) This section has effect for the purposes of this Part.
- (2) In relation to a communication transmitted by means of a postal service, references to obtaining secondary data from the communication are references to obtaining such data in the course of the transmission of the communication (as to which, see section 4(7)).
- (3) In relation to a communication transmitted by means of a telecommunication system, references to obtaining secondary data from the communication are references to obtaining such data—
 - (a) while the communication is being transmitted, or
 - (b) at any time when the communication is stored in or by the system (whether before or after its transmission).
- (4) “Secondary data”—
 - (a) in relation to a communication transmitted by means of a postal service, means any data falling within subsection (5);
 - (b) in relation to a communication transmitted by means of a telecommunication system, means any data falling within subsection (5) or (6).
- (5) The data falling within this subsection is systems data which is comprised in, included as part of, attached to or logically associated with the communication (whether by the sender or otherwise).
- (6) The data falling within this subsection is identifying data which—
 - (a) is comprised in, included as part of, attached to or logically associated with the communication (whether by the sender or otherwise),
 - (b) is capable of being logically separated from the remainder of the communication, and
 - (c) if it were so separated, would not reveal anything of what might reasonably be considered to be the meaning (if any) of the communication, disregarding any meaning arising from the fact of the communication or from any data relating to the transmission of the communication.
- (7) For the meaning of “systems data” and “identifying data”, see section 263.

17 Subject-matter of warrants

- (1) A warrant under this Chapter may relate to—
 - (a) a particular person or organisation, or
 - (b) a single set of premises.
- (2) In addition, a targeted interception warrant or targeted examination warrant may relate to—
 - (a) a group of persons who share a common purpose or who carry on, or may carry on, a particular activity;
 - (b) more than one person or organisation, or more than one set of premises, where the conduct authorised or required by the warrant is for the purposes of a single investigation or operation;
 - (c) testing or training activities.
- (3) In subsection (2)(c) “testing or training activities” means—

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

- (a) in relation to a targeted interception warrant—
 - (i) the testing, maintenance or development of apparatus, systems or other capabilities relating to the interception of communications in the course of their transmission by means of a telecommunication system or to the obtaining of secondary data from communications transmitted by means of such a system, or
 - (ii) the training of persons who carry out, or are likely to carry out, such interception or the obtaining of such data;
- (b) in relation to a targeted examination warrant—
 - (i) the testing, maintenance or development of apparatus, systems or other capabilities relating to the selection of relevant content for examination, or
 - (ii) the training of persons who carry out, or are likely to carry out, the selection of relevant content for examination.