

SCHEDULE 1

Amendments of the Investigatory Powers Act 2016

- 3.—(1) Section 62 (restrictions in relation to internet connection records) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) The Investigatory Powers Commissioner may not, on the application of a local authority, grant an authorisation under section 60A for the purpose of obtaining data which is, or can only be obtained by processing, an internet connection record.
- “(A2) The Investigatory Powers Commissioner may not, on the application of a relevant public authority which is not a local authority, grant an authorisation under section 60A for the purpose of obtaining data which is, or can only be obtained by processing, an internet connection record unless condition A, B or C is met.”.
- (3) Omit subsection (1).
- (4) In subsection (3)—
- (a) for “the designated senior officer” substitute “ the person with power to grant the authorisation ”;
- (b) for “section 61(7)” substitute “ section 60A(7), 61(7) or 61A(7) (as applicable) ”.
- (5) In subsection (4)—
- (a) in paragraph (a), for the words from “section 61(7)” to “crime,” substitute “ section 60A(7), 61(7) or 61A(7) (as applicable) but is not the purpose of preventing or detecting serious crime mentioned in section 60A(8)(a), 61(7A)(a) or 61A(8)(a) or the purpose of preventing or detecting crime mentioned in section 60A(8)(b), 61(7A)(b) or 61A(8)(b), ”;
- (b) in paragraph (b), for “the designated senior officer” substitute “ the person with power to grant the authorisation ”.
- (6) In subsection (5)—
- (a) for paragraph (a) substitute—
- “(a) either—
- (i) the purpose for which the data is to be obtained is the purpose of preventing or detecting serious crime mentioned in section 60A(8)(a), 61(7A)(a) or 61A(8)(a), or
- (ii) the purpose for which the data is to be obtained is the purpose of preventing or detecting crime mentioned in section 60A(8)(b), 61(7A)(b) or 61A(8)(b) and the crime to be prevented or detected is serious crime, and”;
- (b) omit paragraph (b) and the “and” following it;
- (c) in paragraph (c), for “the designated senior officer” substitute “ the person with power to grant the authorisation ”.
- (7) Omit subsection (6).

Changes to legislation:

There are currently no known outstanding effects for the The Data Retention and Acquisition Regulations 2018, Paragraph 3.