



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART III

INVESTIGATION OF ELECTRONIC DATA PROTECTED BY ENCRYPTION ETC.

Interpretation of Part III

56 Interpretation of Part III.

(1) In this Part—

“chief officer of police” means any of the following—

- (a) the chief constable of a police force maintained under or by virtue of section 2 of the ^{M1}Police Act 1996 or section 1 of the ^{M2}Police (Scotland) Act 1967;
- (b) the Commissioner of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;
- (d) the Chief Constable of the Royal Ulster Constabulary;
- (e) the Chief Constable of the Ministry of Defence Police;
- (f) the Provost Marshal of the [^{F1}Royal Navy Police] ;
- (g) the Provost Marshal of the Royal Military Police;
- (h) the Provost Marshal of the Royal Air Force Police;
- (i) the Chief Constable of the British Transport Police;
- (j) ^{F2}
- (k) ^{F2}
- ^{F3}

“electronic signature” means anything in electronic form which—

- (a) is incorporated into, or otherwise logically associated with, any electronic communication or other electronic data;

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- (b) is generated by the signatory or other source of the communication or data; and
 - (c) is used for the purpose of facilitating, by means of a link between the signatory or other source and the communication or data, the establishment of the authenticity of the communication or data, the establishment of its integrity, or both;
 - “key”, in relation to any electronic data, means any key, code, password, algorithm or other data the use of which (with or without other keys)—
 - (a) allows access to the electronic data, or
 - (b) facilitates the putting of the data into an intelligible form;
 - “the police” means—
 - (a) any constable [^{F4}(except a constable who is a member of the staff of the Serious Organised Crime Agency [^{F5}or a constable who is a member of the Scottish Crime and Drug Enforcement Agency])];
 - (b) the Commissioner of Police of the Metropolis or any Assistant Commissioner of Police of the Metropolis; or
 - (c) the Commissioner of Police for the City of London;
 - “protected information” means any electronic data which, without the key to the data—
 - (a) cannot, or cannot readily, be accessed, or
 - (b) cannot, or cannot readily, be put into an intelligible form;
 - [^{F6}“SCDEA” means the Scottish Crime and Drug Enforcement Agency;]
 - “section 49 notice” means a notice under section 49;
 - [^{F7}“SOCA” means the Serious Organised Crime Agency or any member of the staff of the Serious Organised Crime Agency;]
 - “warrant” includes any authorisation, notice or other instrument (however described) conferring a power of the same description as may, in other cases, be conferred by a warrant.
- (2) References in this Part to a person’s having information (including a key to protected information) in his possession include references—
- (a) to its being in the possession of a person who is under his control so far as that information is concerned;
 - (b) to his having an immediate right of access to it, or an immediate right to have it transmitted or otherwise supplied to him; and
 - (c) to its being, or being contained in, anything which he or a person under his control is entitled, in exercise of any statutory power and without otherwise taking possession of it, to detain, inspect or search.
- (3) References in this Part to something’s being intelligible or being put into an intelligible form include references to its being in the condition in which it was before an encryption or similar process was applied to it or, as the case may be, to its being restored to that condition.
- (4) In this section—
- (a) references to the authenticity of any communication or data are references to any one or more of the following—
 - (i) whether the communication or data comes from a particular person or other source;
 - (ii) whether it is accurately timed and dated;

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- (iii) whether it is intended to have legal effect;
- and
- (b) references to the integrity of any communication or data are references to whether there has been any tampering with or other modification of the communication or data.

Textual Amendments

- F1** S. 56(1): words in the definition of "chief officer of police" substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 174](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F2** S. 56(1): paras (j) and (k) in the definition of "chief officer of police" repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, [Sch. 4 para. 146\(a\)](#), [Sch. 17](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. paras. 10, 13\(hh\)](#) (subject to [art. 4\(2\)-\(7\)](#))
- F3** S. 56(1): definition of "the custom and excise" repealed (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 92, 94, [Sch. 12 para. 23](#), [Sch. 14](#); S.I. 2008/219, [art. 2\(d\)\(ii\)](#)
- F4** S. 56(1): words in the definition of "the police" inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 149\(b\)](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. para. 10](#) (subject to [art. 4\(2\)-\(7\)](#))
- F5** S. 56(1): words in the definition of "the police" inserted (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), arts. 1(3), 6, [Sch. para. 4\(12\)\(a\)](#)
- F6** S. 56(1): the definition of "SCDEA" inserted (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), arts. 1(3), 6, [Sch. para. 4\(12\)\(b\)](#)
- F7** S. 56(1): definition of "SOCA" inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 149\(c\)](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. para. 10](#) (subject to [art. 4\(2\)-\(7\)](#))

Marginal Citations

- M1** 1996 c. 16.
- M2** 1967 c. 77.

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