



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART I

#### COMMUNICATIONS

#### CHAPTER II

##### ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

#### **21 Lawful acquisition and disclosure of communications data**

- (1) This Chapter applies to—
  - (a) any conduct in relation to a postal service or telecommunication system for obtaining communications data, other than conduct consisting in the interception of communications in the course of their transmission by means of such a service or system; and
  - (b) the disclosure to any person of communications data.
- (2) Conduct to which this Chapter applies shall be lawful for all purposes if—
  - (a) it is conduct in which any person is authorised or required to engage by an authorisation or notice granted or given under this Chapter; and
  - (b) the conduct is in accordance with, or in pursuance of, the authorisation or requirement.
- (3) A person shall not be subject to any civil liability in respect of any conduct of his which—
  - (a) is incidental to any conduct that is lawful by virtue of subsection (2); and
  - (b) is not itself conduct an authorisation or warrant for which is capable of being granted under a relevant enactment and might reasonably have been expected to have been sought in the case in question.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In this Chapter “communications data” means any of the following—
- (a) any traffic data comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service or telecommunication system by means of which it is being or may be transmitted;
  - (b) any information which includes none of the contents of a communication (apart from any information falling within paragraph (a)) and is about the use made by any person—
    - (i) of any postal service or telecommunications service; or
    - (ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system;
  - (c) any information not falling within paragraph (a) or (b) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service.
- (5) In this section “relevant enactment” means—
- (a) an enactment contained in this Act;
  - (b) section 5 of the Intelligence Services Act 1994 (warrants for the intelligence services); or
  - (c) an enactment contained in Part III of the Police Act 1997 (powers of the police and of customs officers).
- (6) In this section “traffic data”, in relation to any communication, means—
- (a) any data identifying, or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted,
  - (b) any data identifying or selecting, or purporting to identify or select, apparatus through which, or by means of which, the communication is or may be transmitted,
  - (c) any data comprising signals for the actuation of apparatus used for the purposes of a telecommunication system for effecting (in whole or in part) the transmission of any communication, and
  - (d) any data identifying the data or other data as data comprised in or attached to a particular communication,
- but that expression includes data identifying a computer file or computer program access to which is obtained, or which is run, by means of the communication to the extent only that the file or program is identified by reference to the apparatus in which it is stored.
- (7) In this section—
- (a) references, in relation to traffic data comprising signals for the actuation of apparatus, to a telecommunication system by means of which a communication is being or may be transmitted include references to any telecommunication system in which that apparatus is comprised; and
  - (b) references to traffic data being attached to a communication include references to the data and the communication being logically associated with each other;
- and in this section “data”, in relation to a postal item, means anything written on the outside of the item.