



# Data Retention and Investigatory Powers Act 2014

## 2014 CHAPTER 27

### *Retention of relevant communications data*

#### **2 Section 1: supplementary**

(1) In this section and section 1—

“communications data” has the meaning given by section 21(4) of the Regulation of Investigatory Powers Act 2000 so far as that meaning applies in relation to telecommunications services and telecommunication systems;

“functions” includes powers and duties;

“notice” means notice in writing;

“public telecommunications operator” means a person who—

- (a) controls or provides a public telecommunication system, or
- (b) provides a public telecommunications service;

“public telecommunications service” and “public telecommunication system” have the meanings given by section 2(1) of the Regulation of Investigatory Powers Act 2000;

“relevant communications data” means communications data of the kind mentioned in the Schedule to the 2009 Regulations so far as such data is generated or processed in the United Kingdom by public telecommunications operators in the process of supplying the telecommunications services concerned;

“relevant powers” means any powers conferred by virtue of section 1(1) to (6);

“relevant requirements or restrictions” means any requirements or restrictions imposed by virtue of section 1(1) to (6);

“retention notice” has the meaning given by section 1(1);

“specify” means specify or describe (and “specified” is to be read accordingly);

“telecommunications service” and “telecommunication system” have the meanings given by section 2(1) of the Regulation of Investigatory Powers Act 2000;

“telecommunications service provider” means a person who provides a telecommunications service;

“unsuccessful call attempt” means a communication where a telephone call has been successfully connected but not answered or there has been a network management intervention;

“the 2009 Regulations” means the provisions known as the Data Retention (EC Directive) Regulations 2009 ([S.I. 2009/859](#)).

- (2) “Relevant communications data” includes (so far as it otherwise falls within the definition) communications data relating to unsuccessful call attempts that—
- (a) in the case of telephony data, is stored in the United Kingdom, or
  - (b) in the case of internet data, is logged in the United Kingdom,
- but does not include data relating to unconnected calls or data revealing the content of a communication.
- (3) Regulations under section 1(3) may specify the communications data that is of the kind mentioned in the Schedule to the 2009 Regulations and, where they do so, the reference in the definition of “relevant communications data” to communications data of that kind is to be read as a reference to communications data so specified.
- (4) Any power to make regulations under section 1—
- (a) is exercisable by statutory instrument,
  - (b) includes power to—
    - (i) confer or impose functions (including those involving the exercise of a discretion) on any person (including the Secretary of State),
    - (ii) make supplementary, incidental, consequential, transitional, transitory or saving provision,
    - (iii) make different provision for different purposes,
  - (c) may, so far as relating to provision about codes of practice, be exercised in particular by modifying the effect of sections 71 and 72 of the Regulation of Investigatory Powers Act 2000 (codes of practice in relation to certain powers and duties).
- (5) A statutory instrument containing regulations under section 1 is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.