



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 1

#### GENERAL PRIVACY PROTECTIONS

##### *Prohibition against unlawful obtaining of communications data*

#### **11 Offence of unlawfully obtaining communications data**

- (1) A relevant person who, without lawful authority, knowingly or recklessly obtains communications data from a telecommunications operator or a postal operator is guilty of an offence.
- (2) In this section “relevant person” means a person who holds an office, rank or position with a relevant public authority (within the meaning of Part 3).
- (3) Subsection (1) does not apply to a relevant person who shows that the person acted in the reasonable belief that the person had lawful authority to obtain the communications data.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales—
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003), or
    - (ii) to a fine,or to both;
  - (b) on summary conviction in Scotland—
    - (i) to imprisonment for a term not exceeding 12 months, or
    - (ii) to a fine not exceeding the statutory maximum,or to both;
  - (c) on summary conviction in Northern Ireland—
    - (i) to imprisonment for a term not exceeding 6 months, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) to a fine not exceeding the statutory maximum,  
or to both;
- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years  
or to a fine, or to both.