



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 3

AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

Additional protections

76 Use of a single point of contact

[^{F1}(A1) Before making an application for an authorisation under section 60A, the officer making the application must consult a person who is acting as a single point of contact in relation to the making of applications.]

- (1) Before granting an authorisation [^{F2}under section 61 or 61A], the designated senior officer must consult a person who is acting as a single point of contact in relation to the granting of authorisations.
- (2) But, if the [^{F3}officer or (as the case may be)] designated senior officer considers that there are exceptional circumstances which mean that [^{F4}subsection (A1) or (as the case may be) (1)] should not apply in a particular case, that subsection does not apply in that case.
- (3) Examples of exceptional circumstances include—
 - (a) an imminent threat to life or another emergency, or
 - (b) the interests of national security.
- (4) A person is acting as a single point of contact if that person—
 - (a) is an officer of a relevant public authority, and
 - (b) is responsible for advising—
 - (i) officers of the relevant public authority about applying for authorisations [^{F5}(whether under section 60A, 61 or 61A)], or
 - (ii) designated senior officers of the relevant public authority about granting authorisations.

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- (5) A person acting as a single point of contact may, in particular, advise an officer of a relevant public authority who is considering whether to apply for an authorisation about—
 - (a) the most appropriate methods for obtaining data where the data concerned is processed by more than one telecommunications operator,
 - (b) the cost, and resource implications, for—
 - (i) the relevant public authority concerned of obtaining the data, and
 - (ii) the telecommunications operator concerned of disclosing the data,
 - (c) any unintended consequences of the proposed authorisation, and
 - (d) any issues as to the lawfulness of the proposed authorisation.
- (6) A person acting as a single point of contact may, in particular, advise a designated senior officer who is considering whether to grant an authorisation about—
 - (a) whether it is reasonably practical to obtain the data sought in pursuance of the proposed authorisation,
 - (b) the cost, and resource implications, for—
 - (i) the relevant public authority concerned of obtaining the data, and
 - (ii) the telecommunications operator concerned of disclosing the data,
 - (c) any unintended consequences of the proposed authorisation, and
 - (d) any issues as to the lawfulness of the proposed authorisation.
- (7) A person acting as a single point of contact may also provide advice about—
 - (a) whether requirements imposed by virtue of an authorisation have been met,
 - (b) the use in support of operations or investigations of communications data obtained in pursuance of an authorisation, and
 - (c) any other effects of an authorisation.
- (8) Nothing in this section prevents a person acting as a single point of contact from also applying for, or being granted, an authorisation or, in the case of a designated senior officer, granting an authorisation.

Textual Amendments

- F1** S. 76(A1) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 16\(2\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F2** Words in s. 76(1) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 16\(3\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F3** Words in s. 76(2) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 16\(4\)\(a\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F4** Words in s. 76(2) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 16\(4\)\(b\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F5** Words in s. 76(4)(b)(i) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 16\(5\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))

Commencement Information

- I1** S. 76 in force at 5.2.2019 by [S.I. 2019/174](#), [reg. 2\(d\)](#)

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77 Commissioner approval for authorisations to identify or confirm journalistic sources

(1) Subsection (2) applies if—

- (a) a designated senior officer has granted an authorisation [^{F6}under section 61 or 61A] in relation to the obtaining by a relevant public authority of communications data for the purpose of identifying or confirming a source of journalistic information, and
- (b) the authorisation is not necessary because of an imminent threat to life.

[^{F7}(1A) Subsection (2) also applies if—

- (a) a person to whom functions under section 60A have been delegated under section 238(5) has granted an authorisation under that section in relation to the obtaining by a relevant public authority of communications data for the purpose of identifying or confirming a source of journalistic information, and
- (b) the authorisation is not necessary because of an imminent threat to life.]

(2) The authorisation is not to take effect until such time (if any) as a Judicial Commissioner has approved it.

(3) The relevant public authority for which the authorisation has been granted may apply to a Judicial Commissioner for approval of the authorisation.

(4) The applicant is not required to give notice of the application to—

- (a) any person to whom the authorisation relates, or
- (b) that person's legal representatives.

(5) A Judicial Commissioner may approve the authorisation if, and only if, the Judicial Commissioner considers that—

- (a) at the time of the grant, there were reasonable grounds for considering that the requirements of this Part were satisfied in relation to the authorisation, and
- (b) at the time when the Judicial Commissioner is considering the matter, there are reasonable grounds for considering that the requirements of this Part would be satisfied if an equivalent new authorisation were granted at that time.

(6) In considering whether the position is as mentioned in subsection (5)(a) and (b), the Judicial Commissioner must, in particular, have regard to—

- (a) the public interest in protecting a source of journalistic information, and
- (b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.

(7) Where, on an application under this section, the Judicial Commissioner refuses to approve the grant of the authorisation, the Judicial Commissioner may quash the authorisation.

Textual Amendments

F6 Words in s. 77(1)(a) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(4)(d)(5), [Sch. 1 para. 17\(2\)](#) (see S.I. 2019/174, reg. 2(c))

F7 S. 77(1A) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(4)(d)(5), [Sch. 1 para. 17\(3\)](#) (see S.I. 2019/174, reg. 2(c))

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Commencement Information

I2 S. 77 in force at 5.2.2019 by [S.I. 2019/174](#), **reg. 2(d)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)