



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 4

#### RETENTION OF COMMUNICATIONS DATA

##### *Further and supplementary provision*

#### **96 Application of Part 4 to postal operators and postal services**

- (1) This Part applies to postal operators and postal services as it applies to telecommunications operators and telecommunications services.
- (2) In its application by virtue of subsection (1), this Part has effect as if—
  - (a) any reference to a telecommunications operator were a reference to a postal operator,
  - (b) any reference to a telecommunications service were a reference to a postal service,
  - (c) any reference to a telecommunication system were a reference to a postal service,
  - (d) in section 87(3), for paragraph (b) there were substituted—
    - “(b) in the case of communications data which does not fall within paragraph (a) above but does fall within paragraph (c) of the definition of “communications data” in section 262(3), the day on which the person concerned leaves the postal service concerned or (if earlier) the day on which the data is changed,”
  - (e) for section 87(4) there were substituted—
    - “(4) A retention notice must not require an operator who provides a postal service (“the network operator”) to retain data which—
      - (a) relates to the use of a postal service provided by another postal operator in relation to the postal service of the network operator,

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**Changes to legislation:** Investigatory Powers Act 2016, Cross Heading: Further and supplementary provision is up to date with all changes known to be in force on or before 09 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) is (or is capable of being) processed by the network operator as a result of being comprised in, included as part of, attached to or logically associated with a communication transmitted by means of the postal service of the network operator as a result of the use mentioned in paragraph (a),
- (c) is not needed by the network operator for the functioning of the network operator's postal service in relation to that communication, and
- (d) is not retained or used by the network operator for any other lawful purpose,

and which it is reasonably practicable to separate from other data which is subject to the notice.”,

F1

...

- [<sup>F2</sup>(ea) the reference in section 87(10A)(a) to events data were a reference to anything within paragraph (a) or (b) of the definition of “communications data” in section 262(3),
- (eb) the reference in section 87(10A)(b) to entity data were a reference to anything within paragraph (c) of the definition of “communications data” in section 262(3), and]
- (f) in section 87(11), the words from “and this expression” to the end were omitted.

#### Textual Amendments

- F1 Word in s. 96(2)(e) omitted (1.11.2018) by virtue of [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(3)(f), [Sch. 1 para. 23\(a\)](#)
- F2 S. 96(2)(ea)(eb) inserted (1.11.2018) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(3)(f), [Sch. 1 para. 23\(b\)](#)

#### Commencement Information

- I1 S. 96 in force at 1.11.2018 by [S.I. 2018/873](#), reg. 4(a)

## 97 Extra-territorial application of Part 4

- (1) A retention notice, and any requirement or restriction imposed by virtue of a retention notice or by section 92, 93 or 95(1) to (3), may relate to conduct outside the United Kingdom and persons outside the United Kingdom.
- (2) But section 95(5), so far as relating to those requirements or restrictions, does not apply to a person outside the United Kingdom.

#### Commencement Information

- I2 S. 97 in force at 30.12.2016 by [S.I. 2016/1233](#), reg. 2(l)

## 98 Part 4: interpretation

- (1) In this Part—  
“notice” means notice in writing,

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“relevant communications data” has the meaning given by section 87(11),  
“retention notice” has the meaning given by section 87(1).

(2) See also—

section 261 (telecommunications definitions),  
section 262 (postal definitions),  
section 263 (general definitions),  
section 265 (index of defined expressions).

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#### Commencement Information

**I3** [S. 98](#) in force at 30.12.2016 by [S.I. 2016/1233](#), [reg. 2\(m\)](#)

**Changes to legislation:**

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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\(3\)\(a\)](#)