



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 7

#### BULK PERSONAL DATASET WARRANTS

##### *Issue of warrants*

#### **206 Additional safeguards for health records**

- (1) Subsections (2) and (3) apply if—
  - (a) an application is made by or on behalf of the head of an intelligence service for the issue of a specific BPD warrant, and
  - (b) the purpose, or one of the purposes, of the warrant is to authorise the retention, or the retention and examination, of health records.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the warrant is to authorise the retention, or the retention and examination, of health records.
- (3) The Secretary of State may issue the warrant only if the Secretary of State considers that there are exceptional and compelling circumstances that make it necessary to authorise the retention, or the retention and examination, of health records.
- (4) Subsection (5) applies if—
  - (a) an application is made by or on behalf of the head of an intelligence service for a specific BPD warrant,
  - (b) the head of the intelligence service considers that the bulk personal dataset includes, or is likely to include, health records, and
  - (c) subsections (2) and (3) do not apply.
- (5) The application must contain either—
  - (a) a statement that the head of the intelligence service considers that the bulk personal dataset includes health records, or

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 206 is up to date with all changes known to be in force on or before 13 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) a statement that the head of the intelligence service considers that it is likely that the bulk personal dataset includes health records and an assessment of how likely this is.
- (6) In this section, “health record” means a record, or a copy of a record, which—
  - (a) consists of information relating to the physical or mental health or condition of an individual,
  - (b) was made by or on behalf of a health professional in connection with the care of that individual, and
  - (c) was obtained by the intelligence service from a health professional or a health service body or from a person acting on behalf of a health professional or a health service body in relation to the record or the copy.

[<sup>F1</sup>(7) In subsection (6)—

“health professional” has the same meaning as in the Data Protection Act 2018 (see section 204(1) of that Act);

“health service body” has meaning given by section 204(4) of that Act.]

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#### Textual Amendments

**F1** [S. 206\(7\)](#) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 202](#) (with ss. 117, 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)

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#### Commencement Information

**I1** [S. 206](#) in force at 25.7.2018 by [S.I. 2018/873](#), [reg. 2\(o\)](#)

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