



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 9

#### MISCELLANEOUS AND GENERAL PROVISIONS

### CHAPTER 2

#### GENERAL

#### *Interpretation*

#### **261 Telecommunications definitions**

- (1) The definitions in this section have effect for the purposes of this Act.

#### *Communication*

- (2) “Communication”, in relation to a telecommunications operator, telecommunications service or telecommunication system, includes—
- (a) anything comprising speech, music, sounds, visual images or data of any description, and
  - (b) signals serving either for the impartation of anything between persons, between a person and a thing or between things or for the actuation or control of any apparatus.

#### *Entity data*

- (3) “Entity data” means any data which—
- (a) is about—
    - (i) an entity,
    - (ii) an association between a telecommunications service and an entity, or

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- (iii) an association between any part of a telecommunication system and an entity,
- (b) consists of, or includes, data which identifies or describes the entity (whether or not by reference to the entity's location), and
- (c) is not events data.

#### *Events data*

- (4) “Events data” means any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time.

#### *Communications data*

- (5) “Communications data”, in relation to a telecommunications operator, telecommunications service or telecommunication system, means entity data or events data—
- (a) which is (or is to be or is capable of being) held or obtained by, or on behalf of, a telecommunications operator and—
    - (i) is about an entity to which a telecommunications service is provided and relates to the provision of the service,
    - (ii) is comprised in, included as part of, attached to or logically associated with a communication (whether by the sender or otherwise) for the purposes of a telecommunication system by means of which the communication is being or may be transmitted, or
    - (iii) does not fall within sub-paragraph (i) or (ii) but does relate to the use of a telecommunications service or a telecommunication system,
  - (b) which is available directly from a telecommunication system and falls within sub-paragraph (ii) of paragraph (a), or
  - (c) which—
    - (i) is (or is to be or is capable of being) held or obtained by, or on behalf of, a telecommunications operator,
    - (ii) is about the architecture of a telecommunication system, and
    - (iii) is not about a specific person,

but does not include any content of a communication or anything which, in the absence of subsection (6)(b), would be content of a communication.

#### *Content of a communication*

- (6) “Content”, in relation to a communication and a telecommunications operator, telecommunications service or telecommunication system, means any element of the communication, or any data attached to or logically associated with the communication, which reveals anything of what might reasonably be considered to be the meaning (if any) of the communication, but—
- (a) any meaning arising from the fact of the communication or from any data relating to the transmission of the communication is to be disregarded, and
  - (b) anything which is systems data is not content.

#### *Other definitions*

- (7) “Entity” means a person or thing.

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- (8) “Public telecommunications service” means any telecommunications service which is offered or provided to the public, or a substantial section of the public, in any one or more parts of the United Kingdom.
- (9) “Public telecommunication system” means a telecommunication system located in the United Kingdom—
  - (a) by means of which any public telecommunications service is provided, or
  - (b) which consists of parts of any other telecommunication system by means of which any such service is provided.
- (10) “Telecommunications operator” means a person who—
  - (a) offers or provides a telecommunications service to persons in the United Kingdom, or
  - (b) controls or provides a telecommunication system which is (wholly or partly) —
    - (i) in the United Kingdom, or
    - (ii) controlled from the United Kingdom.
- (11) “Telecommunications service” means any service that consists in the provision of access to, and of facilities for making use of, any telecommunication system (whether or not one provided by the person providing the service).
- (12) For the purposes of subsection (11), the cases in which a service is to be taken to consist in the provision of access to, and of facilities for making use of, a telecommunication system include any case where a service consists in or includes facilitating the creation, management or storage of communications transmitted, or that may be transmitted, by means of such a system.
- (13) “Telecommunication system” means a system (including the apparatus comprised in it) that exists (whether wholly or partly in the United Kingdom or elsewhere) for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electromagnetic energy.
- (14) “Private telecommunication system” means any telecommunication system which—
  - (a) is not a public telecommunication system,
  - (b) is attached, directly or indirectly, to a public telecommunication system (whether or not for the purposes of the communication in question), and
  - (c) includes apparatus which is both located in the United Kingdom and used (with or without other apparatus) for making the attachment to that public telecommunication system.

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