
STATUTORY INSTRUMENTS

2000 No. 2699

**The Telecommunications (Lawful Business Practice)
(Interception of Communications) Regulations 2000**

Lawful interception of a communication

3.—(1) For the purpose of section 1(5)(a) of the Act, conduct is authorised, subject to paragraphs (2) and (3) below, if it consists of interception of a communication, in the course of its transmission by means of a telecommunication system, which is effected by or with the express or implied consent of the system controller for the purpose of—

- (a) monitoring or keeping a record of communications—
 - (i) in order to—
 - (aa) establish the existence of facts, or
 - (bb) ascertain compliance with regulatory or self-regulatory practices or procedures which are—
 - applicable to the system controller in the carrying on of his business or
 - applicable to another person in the carrying on of his business where that person is supervised by the system controller in respect of those practices or procedures, or
 - (cc) ascertain or demonstrate the standards which are achieved or ought to be achieved by persons using the system in the course of their duties, or
 - (ii) in the interests of national security, or
 - (iii) for the purpose of preventing or detecting crime, or
 - (iv) for the purpose of investigating or detecting the unauthorised use of that or any other telecommunication system, or
 - (v) where that is undertaken—
 - (aa) in order to secure, or
 - (bb) as an inherent part of,
 - the effective operation of the system (including any monitoring or keeping of a record which would be authorised by section 3(3) of the Act if the conditions in paragraphs (a) and (b) thereof were satisfied); or
- (b) monitoring communications for the purpose of determining whether they are communications relevant to the system controller's business which fall within regulation 2(b)(i) above; or
- (c) monitoring communications made to a confidential voice-telephony counselling or support service which is free of charge (other than the cost, if any, of making a telephone call) and operated in such a way that users may remain anonymous if they so choose.

(2) Conduct is authorised by paragraph (1) of this regulation only if—

- (a) the interception in question is effected solely for the purpose of monitoring or (where appropriate) keeping a record of communications relevant to the system controller's business;
 - (b) the telecommunication system in question is provided for use wholly or partly in connection with that business;
 - (c) the system controller has made all reasonable efforts to inform every person who may use the telecommunication system in question that communications transmitted by means thereof may be intercepted; and
 - (d) in a case falling within—
 - (i) paragraph (1)(a)(ii) above, the person by or on whose behalf the interception is effected is a person specified in section 6(2)(a) to (i) of the Act;
 - (ii) paragraph (1)(b) above, the communication is one which is intended to be received (whether or not it has been actually received) by a person using the telecommunication system in question.
- (3) Conduct falling within paragraph (1)(a)(i) above is authorised only to the extent that Article 5 of Directive [97/66/EC](#) of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector⁽¹⁾ so permits.

(1) O.J. No. L24, 30.1.98, p.1.