
STATUTORY INSTRUMENTS

2018 No. 1123

The Data Retention and Acquisition Regulations 2018

Retention of communications data

8.—(1) Section 87 (powers to require retention of certain data) is amended as follows.

(2) In subsection (1)(a), for the words from “purposes falling” to “obtained,” substitute “following purposes—

- (i) in the interests of national security,
- (ii) for the applicable crime purpose (see subsection (10A)),
- (iii) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security,
- (iv) in the interests of public safety,
- (v) for the purpose of preventing death or injury or any damage to a person’s physical or mental health, or of mitigating any injury or damage to a person’s physical or mental health,
- (vi) to assist investigations into alleged miscarriages of justice,”.

(3) In subsection (8), after paragraph (a) insert—

“(aa) each telecommunications service (or description of telecommunications service) to which it relates,”.

(4) In subsection (10), for the words from “paragraphs” to the end substitute “sub-paragraphs (i) to (vi) of subsection (1)(a)”.

(5) After subsection (10) insert—

“(10A) In this section, “the applicable crime purpose” means—

- (a) to the extent that a retention notice relates to events data, the purpose of preventing or detecting serious crime;
- (b) to the extent that a retention notice relates to entity data, the purpose of preventing or detecting crime or of preventing disorder.

(10B) In subsection (10A)(a), “serious crime” means, in addition to crime which falls within paragraph (a) or (b) of the definition of “serious crime” in section 263(1), crime where the offence, or one of the offences, which is or would be constituted by the conduct concerned is—

- (a) an offence for which an individual who has reached the age of 18 (or, in relation to Scotland or Northern Ireland, 21) is capable of being sentenced to imprisonment for a term of 12 months or more (disregarding any enactment prohibiting or restricting the imprisonment of individuals who have no previous convictions), or
- (b) an offence—
 - (i) by a person who is not an individual, or
 - (ii) which involves, as an integral part of it, the sending of a communication or a breach of a person’s privacy.”.