

SCHEDULE 3

Regulation 3(4)

Obligations in relation to warrants issued under Part 5 or Chapter 3 of Part 6 of the Act

1. To provide and maintain the capability for interference with equipment to be carried out, for the purpose of obtaining communications, equipment data or any other information, within such period of the service of a warrant as may be specified in the technical capability notice in accordance with section 253(7) of the Act.

2. To provide and maintain the capability to ensure the obtaining of any communications, equipment data or other information which is authorised by a warrant, and to disclose anything obtained under a warrant, within such a period as may be specified in the technical capability notice.

3. To provide and maintain the capability to enable the transmission to the person to whom a warrant is addressed of any data of a type specified in the technical capability notice required to secure equipment interference.

4. To provide, modify, test, develop or maintain any apparatus, systems or other facilities or services necessary to provide and maintain the capabilities described in paragraphs 1 to 3.

5. To provide and maintain the capability to disclose, where reasonably practicable, only the communications, equipment data and other information the obtaining of which is authorised by a warrant.

6. To provide and maintain the capability to—

- (a) disclose the communications, equipment data and other information in an intelligible form to standards specified in the notice where reasonably practicable;
- (b) to remove electronic protection applied by or on behalf of the telecommunications operator to those communications, equipment data or other information where reasonably practicable, or
- (c) to permit the person to whom a warrant is addressed to remove such electronic protection.

7. To provide and maintain the capability to disclose communications, any equipment data falling within section 100(2) of the Act and other information in such a way that the equipment data can be unambiguously correlated with the communication or other item of information it was comprised in, included as part of, attached to or logically associated with.

8. To ensure that any hand-over interface complies with any appropriate industry standard, or other requirement, specified in the technical capability notice.

9. To ensure that the capability to interfere with equipment may be audited so that—

- (a) it is possible to confirm that the communications, equipment data or other information obtained are those to which a warrant relates, and
- (b) that the integrity of the communications, equipment data or other information is assured so far as reasonably practicable.

10.—(1) To comply with the other obligations imposed by a technical capability notice in such a manner that the risk of any unauthorised persons becoming aware of any matter within section 132(4) of the Act is minimised, in particular by ensuring that apparatus, systems or other facilities or services, as well as procedures and policies, are developed and maintained in accordance with security standards or guidance specified in the notice.

(2) For the purpose of this paragraph, a person is an unauthorised person in relation to a matter within section 132(4) of the Act if, were the matter disclosed to that person by a person to whom section 132 applies, that disclosure would be an unauthorised disclose.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

11. In order that the ability to interfere with equipment may be maintained, to put in place and to maintain arrangements, agreed with the Secretary of State, to notify the Secretary of State within a reasonable time of—

- (a) proposed changes to telecommunications services or telecommunication systems to which obligations imposed by a technical capability notice relate;
- (b) proposed changes, to existing telecommunications services or telecommunication systems, of a description specified in the notice, and
- (c) the development of new telecommunications services or telecommunication systems.