
STATUTORY INSTRUMENTS

2018 No. 356

The Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018

Lawful interception of communications

- 3.—(1) Conduct is authorised for the purpose of section 46(1) of the Act if—
- (a) it consists of the interception of a communication, in the course of its transmission by means of a telecommunication system, which is effected by or with the express consent of the system controller;
 - (b) it is conduct to which paragraph (2), (3) or (4) applies, and
 - (c) the requirements in regulation 4 are met.
- (2) This paragraph applies to the monitoring or keeping a record of communications—
- (a) in order to establish the existence of facts;
 - (b) in order to ascertain compliance with regulatory or self-regulatory practices or procedures which are applicable, in the carrying on of relevant activities, to—
 - (i) the system controller, or
 - (ii) another person where that person is supervised by the system controller in respect of those practices or procedures;
 - (c) in order to ascertain or demonstrate the standards which are achieved or ought to be achieved by persons using the telecommunication system in the course of their duties;
 - (d) in the interests of national security;
 - (e) for the purpose of preventing or detecting crime;
 - (f) for the purpose of investigating or detecting the unauthorised use of that or any other telecommunication system;
 - (g) in order to secure, or as an inherent part of, the effective operation of the telecommunication system.
- (3) This paragraph applies to the monitoring of communications for the purpose of determining whether they are communications relevant to the carrying on of relevant activities.
- (4) This paragraph applies to the monitoring of communications made to a confidential counselling or support service which is free of charge (other than the cost, if any, of the communication) and operated in such a way that users may remain anonymous if they so choose.