



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 3

AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

Targeted authorisations for obtaining data ^[F1]: designated senior officers]

Textual Amendments

- F1** Words in s. 61 cross-heading inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), regs. 1(4)(b)(5), **6(1)** (see S.I. 2019/174, reg. 2(c))

61 Power ^[F2]of designated senior officers] to grant authorisations

- (1) Subsection (2) applies if a designated senior officer of a relevant public authority considers—
- (a) that it is necessary to obtain communications data for a purpose falling within subsection (7),
 - (b) that it is necessary to obtain the data—
 - (i) for the purposes of a specific investigation or a specific operation, or
 - (ii) for the purposes of testing, maintaining or developing equipment, systems or other capabilities relating to the availability or obtaining of communications data, and
 - (c) that the conduct authorised by the authorisation is proportionate to what is sought to be achieved.
- (2) The designated senior officer may authorise any officer of the authority to engage in any conduct which—
- (a) is for the purpose of obtaining the data from any person, and
 - (b) relates to—
 - (i) a telecommunication system, or

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- (ii) data derived from a telecommunication system.
- (3) Subsections (1) and (2) are subject to—
 - (a) section 62 (restrictions in relation to internet connection records),
 - (b) section 63 (additional restrictions on grant of authorisations),
 - (c) sections 70 [F³, 73 and 75] and Schedule 4 (restrictions relating to certain relevant public authorities),
 - (d) section 76 (requirement to consult a single point of contact), and
 - (e) section 77 (Commissioner approval for authorisations to identify or confirm journalistic sources).
- (4) Authorised conduct may, in particular, consist of an authorised officer—
 - (a) obtaining the communications data themselves from any person or telecommunication system,
 - (b) asking any person whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the person's possession or subsequently obtained by that person) to a person identified by, or in accordance with, the authorisation, or
 - (c) requiring by notice a telecommunications operator whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the operator's possession or subsequently obtained by the operator) to a person identified by, or in accordance with, the authorisation.
- (5) An authorisation—
 - (a) may relate to data whether or not in existence at the time of the authorisation,
 - (b) may authorise the obtaining or disclosure of data by a person who is not an authorised officer, or any other conduct by such a person, which enables or facilitates the obtaining of the communications data concerned, and
 - (c) may, in particular, require a telecommunications operator who controls or provides a telecommunication system to obtain or disclose data relating to the use of a telecommunications service provided by another telecommunications operator in relation to that system.
- (6) An authorisation—
 - (a) may not authorise any conduct consisting in the interception of communications in the course of their transmission by means of a telecommunication system, and
 - (b) may not authorise an authorised officer to ask or require, in the circumstances mentioned in subsection (4)(b) or (c), a person to disclose the data to any person other than—
 - (i) an authorised officer, or
 - (ii) an officer of the same relevant public authority as an authorised officer.
- (7) It is necessary to obtain communications data for a purpose falling within this subsection if it is necessary to obtain the data—

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- (a) in the interests of national security,
- [^{F4}(b) for the applicable crime purpose (see subsection (7A)), or]
- (c) 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,
- ^{F5}(d)
- ^{F5}(e)
- ^{F5}(f)
- ^{F5}(g)
- ^{F5}(h)
- ^{F5}(i)
- ^{F5}(j)

[^{F6}(7A) In subsection (7)(b), “the applicable crime purpose” means—

- (a) where the communications data is wholly or partly events data, the purpose of preventing or detecting serious crime;
- (b) in any other case, the purpose of preventing or detecting crime or of preventing disorder.]

(8) The fact that the communications data which would be obtained in pursuance of an authorisation relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that it is necessary to obtain the data for a purpose falling within subsection (7).

(9) See—

- (a) sections 70 and 73 for the meanings of “designated senior officer” and “relevant public authority”;
- (b) section 84 for the way in which this Part applies to postal operators and postal services.

[^{F7}(c) section 86(2A) for the meaning of “serious crime”.]

Textual Amendments

- F2** Words in s. 61 heading inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(3\)](#) (see S.I. 2019/174, reg. 2(c))
- F3** Words in s. 61(3)(c) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(4\)](#) (see S.I. 2019/174, reg. 2(c))
- F4** S. 61(7)(b) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(5\)\(a\)](#) (see S.I. 2019/174, reg. 2(c))
- F5** S. 61(7)(d)-(j) omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(5\)\(b\)](#) (see S.I. 2019/174, reg. 2(c))
- F6** S. 61(7A) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(6\)](#) (see S.I. 2019/174, reg. 2(c))
- F7** S. 61(9)(c) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 6\(7\)](#) (see S.I. 2019/174, reg. 2(c))

Commencement Information

- I1** S. 61(1)-(6)(8)(9) in force at 5.2.2019 by [S.I. 2019/174](#), [reg. 2\(c\)](#)
- I2** S. 61(7)(a)-(j) in force at 30.12.2016 for specified purposes by [S.I. 2016/1233](#), [reg. 2\(b\)](#)
- I3** S. 61(7)(a)-(j) in force at 5.2.2019 in so far as not already in force by [S.I. 2019/174](#), [reg. 2\(c\)](#)

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[^{F8}61A. Power of designated senior officers to grant authorisations: urgent cases

- (1) Subsection (2) applies if a designated senior officer of a relevant public authority considers—
 - (a) that it is necessary to obtain communications data for a purpose falling within subsection (7),
 - (b) that it is necessary to obtain the data for the purposes of a specific investigation or a specific operation,
 - (c) that there is an urgent need to obtain the data, and
 - (d) that the conduct authorised by the authorisation is proportionate to what is sought to be achieved.
- (2) The designated senior officer may authorise any officer of the relevant public authority to engage in any conduct which—
 - (a) is for the purpose of obtaining the data from any person, and
 - (b) relates to—
 - (i) a telecommunication system, or
 - (ii) data derived from a telecommunication system.
- (3) Subsections (1) and (2) are subject to—
 - (a) section 62 (restrictions in relation to internet connection records),
 - (b) sections 70, 73 and 75 and Schedule 4 (restrictions relating to certain relevant public authorities),
 - (d) section 76 (requirement to consult a single point of contact), and
 - (e) section 77 (Commissioner approval for authorisations to identify or confirm journalistic sources).
- (4) Authorised conduct may, in particular, consist of an authorised officer—
 - (a) obtaining the communications data themselves from any person or telecommunication system,
 - (b) asking any person whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the person’s possession or subsequently obtained by that person) to a person identified by, or in accordance with, the authorisation, or
 - (c) requiring by notice a telecommunications operator whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the operator’s possession or subsequently obtained by the operator) to a person identified by, or in accordance with, the authorisation.
- (5) An authorisation—
 - (a) may relate to data whether or not in existence at the time of the authorisation,
 - (b) may authorise the obtaining or disclosure of data by a person who is not an authorised officer, or any other conduct by such a person, which enables or facilitates the obtaining of the communications data concerned, and
 - (c) may, in particular, require a telecommunications operator who controls or provides a telecommunications system to obtain or disclose data relating to the

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use of a telecommunications service provided by another telecommunications operator in relation to that system.

- (6) An authorisation—
- (a) may not authorise any conduct consisting in the interception of communications in the course of their transmission by means of a telecommunication system, and
 - (b) may not authorise an authorised officer to ask or require, in the circumstances mentioned in subsection (4)(b) or (c), a person to disclose the data to any person other than—
 - (i) an authorised officer, or
 - (ii) an officer of the same relevant public authority as an authorised officer.
- (7) It is necessary to obtain communications data for a purpose falling within this subsection if it is necessary to obtain the data—
- (a) for the applicable crime purpose (see subsection (8)),
 - (b) in the interests of public safety,
 - (c) 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,
 - (d) to assist investigations into alleged miscarriages of justice, or
 - (e) where a person (“P”) has died or is unable to identify themselves because of a physical or mental condition—
 - (i) to assist in identifying P, or
 - (ii) to obtain information about P’s next of kin or other persons connected with P or about the reasons for P’s death or condition.
- (8) In subsection (7)(a), “the applicable crime purpose” means—
- (a) where the communications data is wholly or partly events data, the purpose of preventing or detecting serious crime;
 - (b) in any other case, the purpose of preventing or detecting crime or of preventing disorder.
- (9) The fact that the communications data which would be obtained in pursuance of an authorisation relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that it is necessary to obtain the data for a purpose falling within subsection (7).
- (10) See—
- (a) sections 70 and 73 for the meanings of “designated senior officer” and “relevant public authority”;
 - (b) section 84 for the way in which this Part applies to postal operators and postal services;
 - (c) section 86(2A) for the meaning of “serious crime”.]

Textual Amendments

F8 S. 61A inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), regs. 1(4)(b)(5), 7 (see S.I. 2019/174, reg. 2(c))

Changes to legislation:

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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):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)