



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 9

#### MISCELLANEOUS AND GENERAL PROVISIONS

### CHAPTER 2

#### GENERAL

#### *Interpretation*

#### **264 General definitions: “journalistic material” etc.**

- (1) The definitions in this section have effect for the purposes of this Act.

#### *Journalistic material*

- (2) “Journalistic material” means material created or acquired for the purposes of journalism.
- (3) For the purposes of this section, where—
- (a) a person (“R”) receives material from another person (“S”), and
  - (b) S intends R to use the material for the purposes of journalism,
- R is to be taken to have acquired it for those purposes.

Accordingly, a communication sent by S to R containing such material is to be regarded as a communication containing journalistic material.

- (4) For the purposes of determining whether a communication contains material acquired for the purposes of journalism, it does not matter whether the material has been acquired for those purposes by the sender or recipient of the communication or by some other person.
- (5) For the purposes of this section—

---

**Changes to legislation:** *Investigatory Powers Act 2016, Section 264 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) material is not to be regarded as created or acquired for the purposes of journalism if it is created or acquired with the intention of furthering a criminal purpose, and
- (b) material which a person intends to be used to further such a purpose is not to be regarded as intended to be used for the purposes of journalism.

*Confidential journalistic material*

- (6) “Confidential journalistic material” means—
  - (a) in the case of material contained in a communication, journalistic material which the sender of the communication—
    - (i) holds in confidence, or
    - (ii) intends the recipient, or intended recipient, of the communication to hold in confidence;
  - (b) in any other case, journalistic material which a person holds in confidence.
- (7) A person holds material in confidence for the purposes of this section if—
  - (a) the person holds it subject to an express or implied undertaking to hold it in confidence, or
  - (b) the person holds it subject to a restriction on disclosure or an obligation of secrecy contained in an enactment.

**Changes to legislation:**

Investigatory Powers Act 2016, Section 264 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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](#)