



# Investigatory Powers (Amendment) Act 2024

## 2024 CHAPTER 9

### PART 3

#### COMMUNICATIONS DATA ETC

PROSPECTIVE

#### *Communications data*

#### **12 Offence of unlawfully obtaining communications data**

(1) Section 11 of the Investigatory Powers Act 2016 (offence of unlawfully obtaining communications data) is amended in accordance with subsections (2) and (3).

(2) In subsection (1) for the words from “from” to the end substitute “from—  
(a) a telecommunications operator which is not wholly or mainly funded out of public funds, or  
(b) a postal operator,

is guilty of an offence.”

(3) After subsection (3) insert—

“(3A) The following are examples of cases where a relevant person has lawful authority to obtain communications data from a telecommunications operator or postal operator—

(a) where the relevant person’s obtaining of the communications data is lawful for all purposes in accordance with section 81(1);

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Cross Heading: Communications data. (See end of Document for details)*

- (b) any other case where the relevant person obtains the communications data in the exercise of a statutory power of the relevant public authority;
- (c) where the operator lawfully provides the communications data to the relevant person otherwise than pursuant to the exercise of a statutory power of the relevant public authority (whether or not in the exercise of a statutory power to disclose);
- (d) where the communications data is obtained in accordance with a court order or other judicial authorisation;
- (e) where the communications data had been published before the relevant person obtained it;
- (f) where the communications data is obtained by the relevant person for the purpose of enabling, or facilitating, the making of a response to a call made to the emergency services.

(3B) In subsection (3A)—

“emergency services” means—

- (a) police, fire, rescue and ambulance services, and
- (b) His Majesty’s Coastguard;

“publish” means make available to the public or a section of the public (whether or not on a commercial basis).”

- (4) In section 6 of that Act, in the heading, at the end insert “in relation to interceptions”.
- (5) The amendments made by subsections (1) to (3) have effect only in relation to the obtaining of communications data after this section comes into force.

#### Commencement Information

**II** S. 12 not in force at Royal Assent, see [s. 32\(2\)](#)

### 13 Meaning of “communications data”: subscriber details

- (1) Section 261 of the Investigatory Powers Act 2016 (telecommunications definitions) is amended as follows.
- (2) In subsection (5), in the words after paragraph (c), after “but” insert “(subject to subsection (5A))”.
- (3) After subsection (5) insert—
  - “(5A) In subsection (5) the words after paragraph (c) do not apply to relevant subscriber data.
  - (5B) In subsection (5A) “relevant subscriber data” means entity data, other than data comprised in a recording of speech, which—
    - (a) constitutes any or all of the content of a communication made for the purpose of initiating or maintaining an entity’s access to a telecommunications service, and
    - (b) is about an entity to which that telecommunications service is (or is to be) provided.”

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## Commencement Information

**I2** S. 13 not in force at Royal Assent, see [s. 32\(2\)](#)

## 14 Powers to obtain communications data

- (1) Section 12 of the Investigatory Powers Act 2016 (abolition or restriction of certain powers to obtain communications data) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2)(b) omit “and is not a regulatory power or a relevant postal power”.
- (3) In subsection (2A), at the end insert “and subsection (2B)”.
- (4) After subsection (2A) insert—
  - “(2B) Subsection (2) does not apply to the exercise by a specified public authority, otherwise than in the course of a criminal investigation, of a general information power which is a regulatory or supervisory power.
  - (2C) For the purposes of [subsection \(2B\)](#), “criminal investigation” means an investigation of any criminal conduct, including—
    - (a) an investigation of alleged or suspected criminal conduct, and
    - (b) an investigation of whether criminal conduct has taken place.
  - (2D) For the purposes of [subsection \(2B\)](#), the exercise of a general information power which is a regulatory or supervisory power is treated as not being in the course of a criminal investigation if at the time of the exercise of the power the investigation is not being conducted with a view to seeking a criminal prosecution.”
- (5) Omit subsection (3).
- (6) After subsection (5) insert—
  - “(5A) In this section “specified public authority” means a public authority which is—
    - (a) listed in [Schedule 2A](#), or
    - (b) listed in column 1 of the table in [Schedule 4](#).
  - (5B) The Secretary of State or the Treasury may by regulations modify [Schedule 2A](#) by—
    - (a) adding a public authority to, or
    - (b) removing a public authority from, the list in that Schedule.”
- (7) In subsection (6)—
  - (a) at the appropriate place insert—

““criminal conduct” means conduct which constitutes an offence under the law of any part of the United Kingdom.”;
  - (b) for the definition of “regulatory power” substitute—

““regulatory or supervisory power” means any power (however expressed) to obtain information or documents which—

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- (a) is conferred by or under an enactment other than this Act or the Regulation of Investigatory Powers Act 2000, and
  - (b) is exercisable in connection with—
    - (i) the regulation of persons or activities,
    - (ii) the checking or monitoring of compliance with requirements, prohibitions or standards imposed by or under an enactment, or
    - (iii) the enforcement of any requirement or prohibition imposed by or under an enactment,”;
  - (c) omit the definition of “relevant postal power”.
- (8) In section 267 of the Investigatory Powers Act 2016 (regulations), in subsection (5), after paragraph (a) insert—
- “(aa) regulations under section 12(5B),”.
- (9) In the Investigatory Powers Act 2016, after Schedule 2 insert—

“SCHEDULE 2A

Section 12(5A)

SPECIFIED PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 12

- 1 The Treasury.
- 2 A local authority.

In this Schedule “local authority” has the same meaning as in Part 3 (see section 86).”

- (10) The Schedule reverses the effect of certain repeals of disclosure powers, and makes consequential and supplementary provision.

**Commencement Information**

**I3** S. 14 not in force at Royal Assent, see [s. 32\(2\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Cross Heading: Communications data.