



Investigatory Powers (Amendment) Act 2024

2024 CHAPTER 9

PART 3

COMMUNICATIONS DATA ETC

Communications data

PROSPECTIVE

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 provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 12. (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\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 12.