

# REGULATION OF INVESTIGATORY POWERS ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Chapter II*

#### *Section 21: Lawful acquisition and disclosure of communications data*

157. This Section explains the scope of this Chapter, the meaning of the term “communications data”, and ensures that provision of communications data under these provisions fully meets the requirements of Article 8.
158. *Subsection (1)* draws a distinction between interception of communications in the course of their transmission, which is activity excluded from this part of the Act, and conduct involving the obtaining of or disclosure of communications data, which is activity covered by this part of the Act.
159. *Subsections (2) and (3)* have the effect of making the provision of communications data under this Chapter lawful. This ensures that there is no liability attached to actions undertaken as a result of a requirement or authorisation under this Chapter.

#### **“Relevant enactment” is defined in subsection (5)**

160. *Subsection (4)* explains what “communications data” means. In essence, it includes information relating to the use of a communications service but makes clear that this does not include the contents of the communication itself. The first part of the definition refers to traffic data comprised in or attached to a communication. The same term is used in Section 2(5).