

DATA RETENTION AND INVESTIGATORY POWERS ACT 2014

EXPLANATORY NOTES

COMMENTARY

Investigatory powers

Section 3: Grounds for issuing warrants and obtaining data

43. *Subsections (1) and (2)* amend section 5 of RIPA regarding the Secretary of State's power to issue interception warrants on the grounds of economic well-being. The Interception of Communications Code of Practice, made under section 71 of RIPA, specifies that interception warrants can only be issued on such grounds when economic well-being is directly related to national security. In the interests of clarity, the Act makes express provision for this requirement by amending RIPA.
44. *Subsections (3) and (4)* make the same amendment as subsections (1) and (2) but with respect to access to communications data. The Acquisition and Disclosure of Communications Data Code of Practice, made under section 71 of RIPA, specifies that data can only be acquired in the interests of the economic well-being of the United Kingdom when it specifically relates to national security. The Act also makes express provision for this requirement by amending RIPA.