



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 7

#### BULK PERSONAL DATASET WARRANTS

VALID FROM 25/07/2018

#### *Requirement for warrant*

#### **200 Requirement for authorisation by warrant: general**

- (1) An intelligence service may not exercise a power to retain a bulk personal dataset unless the retention of the dataset is authorised by a warrant under this Part.
- (2) An intelligence service may not exercise a power to examine a bulk personal dataset retained by it unless the examination is authorised by a warrant under this Part.
- (3) For the purposes of this Part, there are two kinds of warrant—
  - (a) a warrant, referred to in this Part as “a class BPD warrant”, authorising an intelligence service to retain, or to retain and examine, any bulk personal dataset of a class described in the warrant;
  - (b) a warrant, referred to in this Part as “a specific BPD warrant”, authorising an intelligence service to retain, or to retain and examine, any bulk personal dataset described in the warrant.
- (4) Section 201 sets out exceptions to the restrictions imposed by subsections (1) and (2) of this section.

*Status: Point in time view as at 29/05/2018. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Investigatory Powers Act 2016, Cross Heading: Requirement for warrant is up to date with all changes known to be in force on or before 10 July 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)*

VALID FROM 22/08/2018

## 201 Exceptions to section 200(1) and (2)

- (1) Section 200(1) or (2) does not apply to the exercise of a power of an intelligence service to retain or (as the case may be) examine a bulk personal dataset if the intelligence service obtained the bulk personal dataset under a warrant or other authorisation issued or given under this Act.
- (2) Section 200(1) or (2) does not apply at any time when a bulk personal dataset is being retained or (as the case may be) examined for the purpose of enabling any of the information contained in it to be destroyed.
- (3) Sections 210(8), 219(8) and 220(5) provide for other exceptions to section 200(1) or (2) (in connection with cases where a Judicial Commissioner refuses to approve a specific BPD warrant, the non-renewal or cancellation of BPD warrants and initial examinations).

## 202 Restriction on use of class BPD warrants

- (1) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers that the bulk personal dataset consists of, or includes, protected data.

For the meaning of “protected data”, see section 203.

- (2) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers—
  - (a) that the bulk personal dataset consists of, or includes, health records, or
  - (b) that a substantial proportion of the bulk personal dataset consists of sensitive personal data.
- (3) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers that the nature of the bulk personal dataset, or the circumstances in which it was created, is or are such that its retention, or retention and examination, by the intelligence service raises novel or contentious issues which ought to be considered by the Secretary of State and a Judicial Commissioner on an application by the head of the intelligence service for a specific BPD warrant.

- (4) In subsection (2)—

“health records” has the same meaning as in section 206;

“sensitive personal data” means personal data consisting of information about an individual (whether living or deceased) which is of a kind mentioned in section 2(a) to (f) of the Data Protection Act 1998.

## 203 Meaning of “protected data”

- (1) In this Part, “protected data” means any data contained in a bulk personal dataset other than data which is one or more of the following—
  - (a) systems data;
  - (b) data which falls within subsection (2);

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- (c) data which is not private information.
- (2) The data falling within this subsection is identifying data which—
- (a) is contained in the bulk personal dataset,
  - (b) is capable of being logically separated from the bulk personal dataset, and
  - (c) if it were so separated, would not reveal anything of what might reasonably be considered to be the meaning (if any) of any of the data which would remain in the bulk personal dataset or of the bulk personal dataset itself, disregarding any meaning arising from the existence of that data or (as the case may be) the existence of the bulk personal dataset or from any data relating to that fact.
- (3) For the meaning of “systems data” see section 263(4).
- (4) In this section, “private information” includes information relating to a person's private or family life.

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