



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 1

GENERAL PRIVACY PROTECTIONS

Overview and general privacy duties

1 Overview of Act

- (1) This Act sets out the extent to which certain investigatory powers may be used to interfere with privacy.
- (2) This Part imposes certain duties in relation to privacy and contains other protections for privacy.
- (3) These other protections include offences and penalties in relation to—
 - (a) the unlawful interception of communications, and
 - (b) the unlawful obtaining of communications data.
- (4) This Part also abolishes and restricts various general powers to obtain communications data and restricts the circumstances in which equipment interference, and certain requests about the interception of communications, can take place.
- (5) Further protections for privacy—
 - (a) can be found, in particular, in the regimes provided for by Parts 2 to 7 and in the oversight arrangements in Part 8, and
 - (b) also exist—
 - (i) by virtue of the Human Rights Act 1998,
 - ^{F1}(ii) in section 170 of the Data Protection Act 2018 (unlawful obtaining etc of personal data),
 - (iii) in section 48 of the Wireless Telegraphy Act 2006 (offence of interception or disclosure of messages),
 - (iv) in sections 1 to 3A of the Computer Misuse Act 1990 (computer misuse offences),

Status: Point in time view as at 25/05/2018.

Changes to legislation: Investigatory Powers Act 2016, Section 1 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)

- (v) in the common law offence of misconduct in public office, and
 - (vi) elsewhere in the law.
- (6) The regimes provided for by Parts 2 to 7 are as follows—
- (a) Part 2 and Chapter 1 of Part 6 set out circumstances (including under a warrant) in which the interception of communications is lawful and make further provision about the interception of communications and the treatment of material obtained in connection with it,
 - (b) Part 3 and Chapter 2 of Part 6 set out circumstances in which the obtaining of communications data is lawful in pursuance of an authorisation or under a warrant and make further provision about the obtaining and treatment of such data,
 - (c) Part 4 makes provision for the retention of certain communications data in pursuance of a notice,
 - (d) Part 5 and Chapter 3 of Part 6 deal with equipment interference warrants, and
 - (e) Part 7 deals with bulk personal dataset warrants.
- (7) As to the rest of the Act—
- (a) Part 8 deals with oversight arrangements for regimes in this Act and elsewhere, and
 - (b) Part 9 contains miscellaneous and general provisions including amendments to sections 3 and 5 of the Intelligence Services Act 1994 and provisions about national security and combined warrants and authorisations.

Textual Amendments

- F1** S. 1(5)(b)(ii) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 199** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

- I1** S. 1 in force at 13.2.2017 by S.I. 2017/137, **reg. 2(a)**

Status:

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