



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 1

INTERCEPTION AND EXAMINATION WITH A WARRANT

Warrants under this Chapter

16 Obtaining secondary data

- (1) This section has effect for the purposes of this Part.
- (2) In relation to a communication transmitted by means of a postal service, references to obtaining secondary data from the communication are references to obtaining such data in the course of the transmission of the communication (as to which, see section 4(7)).
- (3) In relation to a communication transmitted by means of a telecommunication system, references to obtaining secondary data from the communication are references to obtaining such data—
 - (a) while the communication is being transmitted, or
 - (b) at any time when the communication is stored in or by the system (whether before or after its transmission).
- (4) “Secondary data”—
 - (a) in relation to a communication transmitted by means of a postal service, means any data falling within subsection (5);
 - (b) in relation to a communication transmitted by means of a telecommunication system, means any data falling within subsection (5) or (6).

Status: Point in time view as at 31/05/2018.

Changes to legislation: Investigatory Powers Act 2016, Section 16 is up to date with all changes known to be in force on or before 14 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)

- (5) The data falling within this subsection is systems data which is comprised in, included as part of, attached to or logically associated with the communication (whether by the sender or otherwise).
- (6) The data falling within this subsection is identifying data which—
- (a) is comprised in, included as part of, attached to or logically associated with the communication (whether by the sender or otherwise),
 - (b) is capable of being logically separated from the remainder of the communication, and
 - (c) if it were so separated, would not reveal anything of what might reasonably be considered to be the meaning (if any) of the communication, disregarding any meaning arising from the fact of the communication or from any data relating to the transmission of the communication.
- (7) For the meaning of “systems data” and “identifying data”, see section 263.

Commencement Information

- I1** S. 16(1)-(3)(7) in force at 31.5.2018 by [S.I. 2018/652, reg. 3\(b\)](#)
- I2** S. 16(4)-(6) in force at 1.9.2017 for specified purposes by [S.I. 2017/859, reg. 2\(b\)](#)
- I3** S. 16(4)-(6) in force at 31.5.2018 in so far as not already in force by [S.I. 2018/652, reg. 3\(b\)](#)

Status:

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