



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 7

#### BULK PERSONAL DATASET WARRANTS

##### *Issue of warrants*

#### **205 Specific BPD warrants**

- (1) The head of an intelligence service, or a person acting on his or her behalf, may apply to the Secretary of State for a specific BPD warrant in the following cases.
- (2) Case 1 is where—
  - (a) the intelligence service is seeking authorisation to retain, or to retain and examine, a bulk personal dataset, and
  - (b) the bulk personal dataset does not fall within a class described in a class BPD warrant.
- (3) Case 2 is where—
  - (a) the intelligence service is seeking authorisation to retain, or to retain and examine, a bulk personal dataset, and
  - (b) the bulk personal dataset falls within a class described in a class BPD warrant but either—
    - (i) the intelligence service is prevented by section 202(1), (2) or (3) from retaining, or retaining and examining, the bulk personal dataset in reliance on the class BPD warrant, or
    - (ii) the intelligence service at any time considers that it would be appropriate to seek a specific BPD warrant.
- (4) The application must include—
  - (a) a description of the bulk personal dataset to which the application relates, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in a case where the intelligence service is seeking authorisation for the examination of the bulk personal dataset, the operational purposes which it is proposing should be specified in the warrant (see section 212).
- (5) Where subsection (3)(b)(i) applies, the application must include an explanation of why the intelligence service is prevented by section 202(1), (2) or (3) from retaining, or retaining and examining, the bulk personal dataset in reliance on a class BPD warrant.
- (6) The Secretary of State may issue the warrant if—
- (a) the Secretary of State considers that the warrant is necessary—
    - (i) in the interests of national security,
    - (ii) for the purposes of preventing or detecting serious crime, or
    - (iii) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security,
  - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by the conduct,
  - (c) where the warrant authorises the examination of a bulk personal dataset, the Secretary of State considers that—
    - (i) each of the specified operational purposes (see section 212) is a purpose for which the examination of the bulk personal dataset is or may be necessary, and
    - (ii) the examination of the bulk personal dataset for each such purpose is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary,
  - (d) the Secretary of State considers that the arrangements made by the intelligence service for storing the bulk personal dataset and for protecting it from unauthorised disclosure are satisfactory, and
  - (e) except where the Secretary of State considers that there is an urgent need to issue the warrant, the decision to issue it has been approved by a Judicial Commissioner.
- (7) The fact that a specific BPD warrant would authorise the retention, or the retention and examination, of bulk personal datasets relating to activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary on grounds falling within subsection (6)(a).
- (8) A specific BPD warrant relating to a bulk personal dataset (“dataset A”) may also authorise the retention or examination of other bulk personal datasets (“replacement datasets”) that do not exist at the time of the issue of the warrant but may reasonably be regarded as replacements for dataset A.
- (9) An application for a specific BPD warrant may only be made on behalf of the head of an intelligence service by a person holding office under the Crown.