



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 3

AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

Targeted authorisations for obtaining data [F1: designated senior officers]

61 Power [F1 of designated senior officers] to grant authorisations

- (1) Subsection (2) applies if a designated senior officer of a relevant public authority considers—
 - (a) that it is necessary to obtain communications data for a purpose falling within subsection (7),
 - (b) that it is necessary to obtain the data—
 - (i) for the purposes of a specific investigation or a specific operation, or
 - (ii) for the purposes of testing, maintaining or developing equipment, systems or other capabilities relating to the availability or obtaining of communications data, and
 - (c) that the conduct authorised by the authorisation is proportionate to what is sought to be achieved.
- (2) The designated senior officer may authorise any officer of the authority to engage in any conduct which—
 - (a) is for the purpose of obtaining the data from any person, and
 - (b) relates to—
 - (i) a telecommunication system, or
 - (ii) data derived from a telecommunication system.
- (3) Subsections (1) and (2) are subject to—
 - (a) section 62 (restrictions in relation to internet connection records),
 - (b) section 63 (additional restrictions on grant of authorisations),

Status: Point in time view as at 22/07/2020.

Changes to legislation: Investigatory Powers Act 2016, Section 61 is up to date with all changes known to be in force on or before 06 August 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)

- (c) sections 70 ^{F2}, 73 and 75] and Schedule 4 (restrictions relating to certain relevant public authorities),
 - (d) section 76 (requirement to consult a single point of contact), and
 - (e) section 77 (Commissioner approval for authorisations to identify or confirm journalistic sources).
- (4) Authorised conduct may, in particular, consist of an authorised officer—
- (a) obtaining the communications data themselves from any person or telecommunication system,
 - (b) asking any person whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the person's possession or subsequently obtained by that person) to a person identified by, or in accordance with, the authorisation, or
 - (c) requiring by notice a telecommunications operator whom the authorised officer believes is, or may be, in possession of the communications data or capable of obtaining it—
 - (i) to obtain the data (if not already in possession of it), and
 - (ii) to disclose the data (whether already in the operator's possession or subsequently obtained by the operator) to a person identified by, or in accordance with, the authorisation.
- (5) An authorisation—
- (a) may relate to data whether or not in existence at the time of the authorisation,
 - (b) may authorise the obtaining or disclosure of data by a person who is not an authorised officer, or any other conduct by such a person, which enables or facilitates the obtaining of the communications data concerned, and
 - (c) may, in particular, require a telecommunications operator who controls or provides a telecommunication system to obtain or disclose data relating to the use of a telecommunications service provided by another telecommunications operator in relation to that system.
- (6) An authorisation—
- (a) may not authorise any conduct consisting in the interception of communications in the course of their transmission by means of a telecommunication system, and
 - (b) may not authorise an authorised officer to ask or require, in the circumstances mentioned in subsection (4)(b) or (c), a person to disclose the data to any person other than—
 - (i) an authorised officer, or
 - (ii) an officer of the same relevant public authority as an authorised officer.
- (7) It is necessary to obtain communications data for a purpose falling within this subsection if it is necessary to obtain the data—
- (a) in the interests of national security,
 - ^{F3}(b) for the applicable crime purpose (see subsection (7A)), or]
 - (c) 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,
 - ^{F4}(d)

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- F4(e)
- F4(f)
- F4(g)
- F4(h)
- F4(i)
- F4(j)

[^{F5}(7A) In subsection (7)(b), “the applicable crime purpose” means—

- (a) where the communications data is wholly or partly events data, the purpose of preventing or detecting serious crime;
- (b) in any other case, the purpose of preventing or detecting crime or of preventing disorder.]

(8) The fact that the communications data which would be obtained in pursuance of an authorisation relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that it is necessary to obtain the data for a purpose falling within subsection (7).

(9) See—

- (a) sections 70 and 73 for the meanings of “designated senior officer” and “relevant public authority”;
- (b) section 84 for the way in which this Part applies to postal operators and postal services.

[^{F6}(c) section 86(2A) for the meaning of “serious crime”.]

Textual Amendments

- F1** Words in s. 61 heading inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(3\)](#) (see S.I. 2019/174, reg. 2(c))
- F2** Words in s. 61(3)(c) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(4\)](#) (see S.I. 2019/174, reg. 2(c))
- F3** S. 61(7)(b) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(5\)\(a\)](#) (see S.I. 2019/174, reg. 2(c))
- F4** S. 61(7)(d)-(j) omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(5\)\(b\)](#) (see S.I. 2019/174, reg. 2(c))
- F5** S. 61(7A) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(6\)](#) (see S.I. 2019/174, reg. 2(c))
- F6** S. 61(9)(c) inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\)](#), [6\(7\)](#) (see S.I. 2019/174, reg. 2(c))

Commencement Information

- I1** S. 61(1)-(6)(8)(9) in force at 5.2.2019 by [S.I. 2019/174](#), [reg. 2\(c\)](#)
- I2** S. 61(7)(a)-(j) in force at 30.12.2016 for specified purposes by [S.I. 2016/1233](#), [reg. 2\(b\)](#)
- I3** S. 61(7)(a)-(j) in force at 5.2.2019 in so far as not already in force by [S.I. 2019/174](#), [reg. 2\(c\)](#)

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