



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 3

#### AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

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

#### **[F1]61A. Power of designated senior officers to grant authorisations: urgent cases**

- (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 for the purposes of a specific investigation or a specific operation,
  - (c) that there is an urgent need to obtain the data, and
  - (d) 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 relevant public 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) sections 70, 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

*Status: Point in time view as at 05/02/2019.*

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- (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 telecommunications 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) for the applicable crime purpose (see subsection (8)),
  - (b) in the interests of public safety,
  - (c) for the purpose of preventing death or injury or any damage to a person’s physical or mental health, or of mitigating any injury or damage to a person’s physical or mental health,
  - (d) to assist investigations into alleged miscarriages of justice, or
  - (e) where a person (“P”) has died or is unable to identify themselves because of a physical or mental condition—

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- (i) to assist in identifying P, or
  - (ii) to obtain information about P's next of kin or other persons connected with P or about the reasons for P's death or condition.
- (8) In subsection (7)(a), “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.
- (9) 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).
- (10) 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;
  - (c) section 86(2A) for the meaning of “serious crime”.]

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**Textual Amendments**

- F1** S. 61A inserted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [regs. 1\(4\)\(b\)\(5\), 7](#) (see S.I. 2019/174, reg. 2(c))

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