



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 3

#### AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

##### *Filtering arrangements for obtaining data*

#### **68 Use of filtering arrangements in pursuance of an authorisation**

- (1) This section applies in relation to the use of the filtering arrangements in pursuance of an authorisation.
- (2) The filtering arrangements may be used—
  - (a) to obtain and disclose communications data in pursuance of an authorisation, only if the authorisation specifically authorises the use of the arrangements to obtain and disclose the data,
  - (b) to process data in pursuance of an authorisation (and to retain the data temporarily for that purpose), only if the authorisation specifically authorises processing data of that description under the arrangements (and their temporary retention for that purpose).
- (3) An authorisation must record [<sup>F1</sup>the decision of the person granting the authorisation] as to—
  - (a) whether the communications data to be obtained and disclosed in pursuance of the authorisation may be obtained and disclosed by use of the filtering arrangements,
  - (b) whether the processing of data under the filtering arrangements (and its temporary retention for that purpose) is authorised,
  - (c) if the processing of data under the filtering arrangements is authorised, the description of data that may be processed.
- (4) [<sup>F2</sup>A person] must not grant an authorisation which authorises—
  - (a) use of the filtering arrangements, or

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Investigatory Powers Act 2016, Section 68 is up to date with all changes known to be in force on or before 31 May 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)*

(b) processing under the filtering arrangements,  
unless the condition in subsection (5) is met.

(5) The condition is that [<sup>F3</sup>the person] (as well as considering that the other requirements of this Part in relation to granting the authorisation are satisfied) considers that what is authorised in relation to the filtering arrangements is proportionate to what is sought to be achieved.

#### Textual Amendments

- F1** Words in s. 68(3) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 8\(2\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F2** Words in s. 68(4) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 8\(3\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))
- F3** Words in s. 68(5) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [reg. 1\(4\)\(d\)\(5\)](#), [Sch. 1 para. 8\(4\)](#) (see S.I. 2019/174, [reg. 2\(c\)](#))

#### Commencement Information

- I1** S. 68 in force at 5.2.2019 by [S.I. 2019/174](#), [reg. 2\(d\)](#)

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