



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 3

#### AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

##### *Additional protections*

VALID FROM 05/02/2019

#### **77 Commissioner approval for authorisations to identify or confirm journalistic sources**

- (1) Subsection (2) applies if—
  - (a) a designated senior officer has granted an authorisation in relation to the obtaining by a relevant public authority of communications data for the purpose of identifying or confirming a source of journalistic information, and
  - (b) the authorisation is not necessary because of an imminent threat to life.
- (2) The authorisation is not to take effect until such time (if any) as a Judicial Commissioner has approved it.
- (3) The relevant public authority for which the authorisation has been granted may apply to a Judicial Commissioner for approval of the authorisation.
- (4) The applicant is not required to give notice of the application to—
  - (a) any person to whom the authorisation relates, or
  - (b) that person's legal representatives.
- (5) A Judicial Commissioner may approve the authorisation if, and only if, the Judicial Commissioner considers that—

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*Status: Point in time view as at 27/12/2018. This version of this provision is not valid for this point in time.*

*Changes to legislation: Investigatory Powers Act 2016, Section 77 is up to date with all changes known to be in force on or before 13 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)*

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- (a) at the time of the grant, there were reasonable grounds for considering that the requirements of this Part were satisfied in relation to the authorisation, and
  - (b) at the time when the Judicial Commissioner is considering the matter, there are reasonable grounds for considering that the requirements of this Part would be satisfied if an equivalent new authorisation were granted at that time.
- (6) In considering whether the position is as mentioned in subsection (5)(a) and (b), the Judicial Commissioner must, in particular, have regard to—
- (a) the public interest in protecting a source of journalistic information, and
  - (b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.
- (7) Where, on an application under this section, the Judicial Commissioner refuses to approve the grant of the authorisation, the Judicial Commissioner may quash the authorisation.

**Status:**

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**Changes to legislation:**

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