



Notification Number: 2014/354/UK

Data Retention and Investigatory Powers Bill and Data Retention Regulations 2014

Date received : 17/07/2014

End of Standstill :

Message

Message 001

Communication from the Commission - TRIS/(2014) 02089

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerítés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0354/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201402089.EN)

1. Structured Information Line

MSG 001 IND 2014 0354 UK EN 17-07-2014 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
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Email: 9834@bis.gsi.gov.uk.

3. Originating Department

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SW1P 4DF

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4. Notification Number

2014/0354/UK - V00T

5. Title

Data Retention and Investigatory Powers Bill and Data Retention Regulations 2014

6. Products Concerned

Electronic Communications Services, as in line with 2002/58/EC

7. Notification Under Another Act

- Other/additional information:

The UK does not consider that the Bill or Regulations require notification under clause 1 for the following reasons in particular:

- The arrangements concern Telecoms matters and, as such, are covered by the EU Telecoms framework and, furthermore, provide for safeguard measures.

Retention of communications data

- The legislation simply re-enacts, with additional safeguards, existing provisions which are already contained in the Data Retention (EC Directive) Regulations 2009, which remain in force within the UK.

- So far as relevant, the legislation implements within the UK a derogation under Article 15 from the e-Privacy Directive and responds to the judgment of the CJEU in cases C-293/12 and C-594/12.

Investigatory powers

- The legislation clarifies existing provisions of the Regulation of Investigatory Powers Act which were previously notified to the Commission (2000/0069/UK). This is, in part, to react to domestic case law which may lead to Act being interpreted in a more limited way than when the Bill was passed and the Act notified.

This notification is, therefore, provided on a precautionary basis and is submitted without prejudice to our contention that there is no requirement under the TSD to notify the Bill and implementing Regulations.

8. Main Content

The Bill clarifies the territorial extent of the Regulation of Investigatory Powers Act 2000 and will also replace (together with the Regulations made under it) the UK Data Retention Regulations. It will not create any new powers, rights to access or obligations on communications companies that go beyond those that already exist.

9. Brief Statement of Grounds

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10. Reference Documents - Basic Texts

References of the Basic Texts: EXPLANATORY MEMORANDUM TO THE DATA RETENTION REGULATIONS 2014

DATA RETENTION AND INVESTIGATORY POWERS BILL

Data Retention and Investigatory Powers Bill

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Following the 8 April judgment by the European Court of Justice (ECJ C 293/12 and C594/12) it is necessary to provide a clear legal basis under which to require some domestic companies to retain communications data. Without doing so, communications service providers may delete vital traffic data previously retained under the Data Retention Directive. This could involve months worth of data being deleted if a gap in our ability to place obligations on companies were to emerge. This data could later be found to be vital evidence.

At the same time, it is necessary to clarify the Regulation of Investigatory Powers Act to put beyond doubt the requirement on overseas companies to comply with their obligations under RIPA.

Without urgent legislation on these two issues, lives would be at risk.

The Bill has been granted an accelerated timetable in the UK Parliament, and is expected to receive Royal Assent on or shortly after 17 July 2014. The provisions of the Bill are required to ensure the continuation of vital public protection capabilities in the United Kingdom. The Bill does not change how these vital capabilities are deployed - it simply ensures that they can continue under a firm legal footing in UK law.

13. Confidentiality

No

14. Fiscal measures



No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

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