



Notification Number: 2016/384/UK

Investigatory Powers Bill.

Date received : 25/07/2016

End of Standstill : 26/10/2016

Message

Message 001

Communication from the Commission - TRIS/(2016) 02289

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2016/0384/UK - Notificare.

No abre el plazo - Nezaahjuje 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 késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não 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: 201602289.EN)

1. Structured Information Line

MSG 001 IND 2016 0384 UK EN 25-07-2016 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
1 Victoria Street
London, SW1H 0ET

Email: technicalregulations@bis.gsi.gov.uk

3. Originating Department

Home Office
Office for Security and Counter Terrorism
2 Marsham Street



London
SW1P 4DF

4. Notification Number

2016/0384/UK - V00T

5. Title

Investigatory Powers Bill.

6. Products Concerned

Telecommunications operators, services and systems.

The powers provided for in the Investigatory Powers Bill are consistent with Directive 2002/58/EC on the processing of data and protection of privacy in electronic communications under the derogations at Article 15(1).

7. Notification Under Another Act

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8. Main Content

The Investigatory Powers Bill updates the legal framework governing the state's ability to acquire and retain communications, communications data and other information, ensuring that UK law enforcement agencies and the security and intelligence agencies continue to have the tools necessary to investigate and prevent criminal activity and threats to national security.

The Bill is in 9 Parts:

Part 1 sets out general protections for privacy;
Part 2 provides for the lawful interception of communications;
Part 3 provides for the obtaining of communications data;
Part 4 makes provision for the retention of communications data;
Part 5 concerns equipment interference;
Part 6 makes provision for bulk warrants;
Part 7 provides safeguards in respect of the intelligence agencies' processing of bulk personal datasets;
Part 8 sets out oversight arrangements;
Part 9 contains miscellaneous and general provisions.

Telecommunications operators may be required to provide assistance in giving effect to warrants and other authorisations under the Bill. The Bill also provides for specific requirements to be placed on telecommunications operators, requiring them to retain communications data; to maintain technical capabilities so as to ensure that they can give effect to a warrant securely and quickly; or to provide certain other assistance in the interests of national security.

The powers provided for in the Bill can be used only when necessary and proportionate and will be subject to extensive safeguards and independent oversight.

9. Brief Statement of Grounds



The Bill draws together and updates powers which already exist in domestic legislation, including the Data Retention and Investigatory Powers Act 2014 (previously notified under 2014/0354/UK) and the Regulation of Investigatory Powers Act 2000 (previously notified under 2000/0069/UK), creating a clear and comprehensive statutory regime. The majority of the powers are provided for in existing legislation: the retention of internet connection records is the only new power in the Bill, and will restore capabilities that have been lost as a result of changes in the way people communicate.

The obligations on telecommunications operators to provide assistance in relation to the use of investigatory powers, and the power to impose requirements on telecommunications operators to retain data, to maintain technical capabilities and to provide other assistance all exist in current UK legislation. Accordingly, the Bill does not impose significantly different requirements on telecommunications operators.

The Bill also maintains the current position that telecommunications operators should receive an appropriate contribution in respect of reasonable costs in complying with their legal obligations, for example, certain capital costs for the development of capabilities and facilities, in addition to the ongoing costs of maintaining systems. The UK Government has committed to fully meet the costs of telecommunications operators complying with any new requirements to retain internet connection records. The costs met by Government will represent only the marginal costs resulting from the legal obligations placed on operators, not the normal costs of business, so no commercial benefit would be conferred upon operators as a result of this legislation.

The Government will also avoid imposing obligations under the Bill that could have an impact on an operator's ability to innovate or grow its business. The operator concerned would be consulted prior to any such obligation being imposed, and the Bill sets out matters that the Secretary of State must consider before imposing any requirements, including the technical feasibility and cost of complying with obligations. The continuation of existing cost recovery arrangements will also ensure that there is no additional impact on small firms which have obligations placed on them.

As such, we do not anticipate that this Bill would affect competition in the telecommunications sector.

10. Reference Documents - Basic Texts

References of the Basic Texts: A copy of the Investigatory Powers Bill (as introduced to the House of Lords on the 8 June 2016), explanatory notes, and an overarching impact assessment accompany this document.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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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 has no significant impact on international trade

European Commission

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