



Notification Number: 2003/109/UK

Code of Practice on Voluntary Retention of Communications Data under Part 11: Anti Terrorism Crime and Security Act 2001

Date received : 19/03/2003

End of Standstill : 20/06/2003

Issue of comments by : Commission

Message

Message 001

Communication from the Commission - SG(2003) D/50597

Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notificación - Notification - Notifica - Kennisgeving - Notificação - Ilmoitus - Anmälan : 2003/0109/UK.

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200300597.EN)

1. Structured Information Line

MSG 001 SERV 2003 0109 UK EN 20-06-2003 19-03-2003 UK NOTIF 20-06-2003

2. Member State

United Kingdom.

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

Home Office - Intelligence and Security Liaison Unit

4. Notification Number

2003/0109/UK - SERV

5. Title



Code of Practice on Voluntary Retention of Communications Data under Part 11: Anti Terrorism Crime and Security Act 2001

6. Products Concerned

All communications data held by UK based communications service providers as part of their normal business practices. 'Communications data' in the Act has the same meaning as in Chapter II of Part 1 of the Regulation of Investigatory Powers Act 2000 (Notification 2000/0069/UK).

7. Notification Under Another Act

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8. Main Content

The regulation is in the form of a draft Code of Practice on data retention which communications providers are invited to sign up to, initially on a voluntary basis. Volunteers would enter into an agreement with the Government to retain their communications data for the purposes of safeguarding national security and crimes related directly or indirectly to national security. If the government feels the voluntary scheme is not working, the Home Secretary will have the power to direct providers to retain their data on a mandatory basis.

The Code outlines the human rights and data protection considerations, including compliance with the Human Rights Act 1998, the Data Protection Act 1998 and the Telecommunications (Data Protection and Privacy) Regulations 1999.

It then covers the scope of the draft, including the types of operators that will be included, the categories of data and maximum retention periods expected. The following section covers the format of Service Level Agreements that will be drawn up between the Government and any providers who voluntarily sign up to the code. Arrangements for reimbursing a reasonable proportion of the capital and running costs are set down followed by procedures for acquisition of the data, oversight and transitional arrangements.

The UK will fulfil its obligation under Article 12 of Directive 98/34/EC when these regulations are officially published

9. Brief Statement of Grounds

Required as part of existing UK Primary Legislation – Anti Terrorism Crime and Security Act 2001 (Part11)

10. Reference Documents - Basic Texts

Included as attachments with this document are the following:

The Voluntary Retention of Communications Data Draft Code of Practice
Public Consultation Paper on the Code (issued March 2003)
Regulatory Impact Assessment on the Anti Terrorism Crime and Security Bill
Chapter II Part 1 of the Regulation of Investigatory Powers Act 2000 (2000/0069/UK).

a) Regulation of Investigatory Powers Act 2000 (2000/0069/UK).

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

The impact assessment is attached.

16. TBT and SPS aspects

TBT and SPS Aspects

TBT Aspect

NO The draft does not have a significant effect on international trade.

SPS Aspect

NO The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

David O'Sullivan
General Secretary
European Commission

sent to :

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