



Notification Number: 2014/576/UK

## Counter Terrorism and Security Bill 2014

Date received : 26/11/2014

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Issue of comments by : Italy

### Message

Message 001

Communication from the Commission - TRIS/(2014) 03450

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 : 2014/0576/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: 201403450.EN)

#### 1. Structured Information Line

MSG 001 IND 2014 0576 UK EN 26-11-2014 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Innovation & Enterprise Group  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Home Office  
Office for Security and Counter Terrorism  
2 Marsham Street



London  
SW1P 4DF

#### **4. Notification Number**

2014/0576/UK - V00T

#### **5. Title**

Counter Terrorism and Security Bill 2014

#### **6. Products Concerned**

Communications data is information about a communication (such as the time a message was sent) but not any of the content (what was said or written). The Counter Terrorism and Security Bill would amend the Data Retention and Investigatory Powers Act 2014 to provide for the retention of specified categories of data by communications service providers (CSPs) under Government obligation. This is 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). It is also complementary to provisions set out in Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services.

#### **7. Notification Under Another Act**

- Part 3 of this legislation amends the Data Retention and Investigatory Powers Act 2014 which was notified on a precautionary basis in July 2014.

There are no requirements under the Technical Standards Directive in relation to any of the other provisions in the Bill.

#### **8. Main Content**

The UK Government is bringing forward the Counter Terrorism and Security Bill in response to the growing threat of terrorism. Part 3 of this legislation is being introduced to address, in part, a growing gap in the ability of public authorities (primarily law enforcement and intelligence agencies) to acquire the communications data they need for crime and national security investigations.

Its purpose is to ensure that communications data continues to be available to public authorities as technology changes.

Increasingly, communications are taking place over the internet rather than via traditional telephony, and new services are developing all the time. Not all of this data is kept by CSPs and without new legislation the ability of law enforcement and intelligence agencies to identify which person sent a communication on the internet will continue to deteriorate.

The Bill will provide for additional communications data to be retained by CSPs in accordance with data protection principles, and ensuring adequate data security standards are maintained. Any additional data will be only be retained under this legislation where it is considered necessary and proportionate to do so and will be subject to the comprehensive set of safeguards contained in the Data Retention and Investigatory Powers Act 2014 and the Data Retention Regulations 2014.



## 9. Brief Statement of Grounds

The Data Retention and Investigatory Powers Act 2014 enables obligations to be placed on CSPs for the retention of communications data for a limited period. This Bill seeks to extend the scope of the data that can be retained.

The Data Retention and Investigatory Powers Act 2014 provides for the costs of data retention (capital costs for storage and technical data security measures, and the ongoing costs of maintaining systems) to be met by the Government; it is not envisaged that these costs will be passed on to consumers. The costs met by Government will represent only the marginal costs resulting from the legal obligations placed on CSPs, not the normal costs of business.

The Government would also avoid placing obligations that could have an impact on a CSP's ability to innovate or grow its business. The Data Retention and Investigatory Powers Act 2014 sets out matters that the Secretary of State must consider before placing a data retention obligation on a CSP. These include the cost of the measure, the technical feasibility of such measures, and any other impact on the persons (CSPs) who would be subject to the notice. The CSP(s) concerned would be consulted prior to any such obligation being placed. The same processes must be taken in relation to requiring any additional data to be retained under the Counter Terrorism and Security Bill 2014.

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: Explanatory Notes, Impact Assessments and the Data Retention and Investigatory Powers Act 2014 are enclosed with 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



EUROPEAN COMMISSION  
GROWTH DIRECTORATE-GENERAL

Single Market for goods  
Prevention of Technical Barriers

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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European Commission

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