



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 6

BULK WARRANTS

CHAPTER 2

BULK ACQUISITION WARRANTS

Restrictions on use or disclosure of data obtained under warrants etc.

171 Safeguards relating to the retention and disclosure of data

- (1) The Secretary of State must ensure, in relation to every bulk acquisition warrant, that arrangements are in force for securing—
- that the requirements of subsections (2) and (5) are met in relation to the communications data obtained under the warrant, and
 - that the requirements of section 172 are met in relation to that data.

This is subject to subsection (8).

- (2) The requirements of this subsection are met in relation to the communications data obtained under a warrant if each of the following is limited to the minimum that is necessary for the authorised purposes (see subsection (3))—
- the number of persons to whom any of the data is disclosed or otherwise made available,
 - the extent to which any of the data is disclosed or otherwise made available,
 - the extent to which any of the data is copied,
 - the number of copies that are made.
- (3) For the purposes of subsection (2) something is necessary for the authorised purposes if, and only if—

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- (a) it is, or is likely to become, necessary in the interests of national security or on any other grounds falling within section 158(2),
 - (b) it is necessary for facilitating the carrying out of any functions under this Act of the Secretary of State, the Scottish Ministers or the head of the intelligence service to whom the warrant is or was addressed,
 - (c) it is necessary for facilitating the carrying out of any functions of the Judicial Commissioners or the Investigatory Powers Tribunal under or in relation to this Act,
 - (d) it is necessary to ensure that a person (“P”) who is conducting a criminal prosecution has the information P needs to determine what is required of P by P's duty to secure the fairness of the prosecution,
 - (e) it is necessary for use as evidence in legal proceedings, or
 - (f) it is necessary for the performance of any duty imposed on any person by the Public Records Act 1958 or the Public Records Act (Northern Ireland) 1923.
- (4) The arrangements for the time being in force under subsection (1) for securing that the requirements of subsection (2) are met in relation to the communications data obtained under the warrant must include arrangements for securing that every copy made of any of that data is stored, for so long as it is retained, in a secure manner.
- (5) The requirements of this subsection are met in relation to the communications data obtained under a warrant if every copy made of any of that data (if not destroyed earlier) is destroyed as soon as there are no longer any relevant grounds for retaining it (see subsection (6)).
- (6) For the purposes of subsection (5), there are no longer any relevant grounds for retaining a copy of any data if, and only if—
- (a) its retention is not necessary, or not likely to become necessary, in the interests of national security or on any other grounds falling within section 158(2), and
 - (b) its retention is not necessary for any of the purposes mentioned in paragraphs (b) to (f) of subsection (3) above.
- (7) Subsection (8) applies if—
- (a) any communications data obtained under the warrant has been handed over to any overseas authorities, or
 - (b) a copy of any such data has been given to any overseas authorities.
- (8) To the extent that the requirements of subsections (2) and (5) and section 172 relate to any of the data mentioned in subsection (7)(a), or to the copy mentioned in subsection (7)(b), the arrangements made for the purposes of subsection (1) are not required to secure that those requirements are met.
- (9) But the Secretary of State must instead ensure that arrangements are in force for securing that communications data obtained under a bulk acquisition warrant, or any copy of such data, is handed over or given to an overseas authority only if the Secretary of State considers that requirements corresponding to the requirements of subsections (2) and (5) and section 172 will apply, to such extent (if any) as the Secretary of State considers appropriate, in relation to such data or copy.
- (10) In this section—
- “copy”, in relation to communications data obtained under a warrant, means any of the following (whether or not in documentary form)—

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- (a) any copy, extract or summary of the data which identifies the data as having been obtained under the warrant, and
 - (b) any record referring to the obtaining of the data which is a record of the identities of the persons to whom the data relates,
- and “copied” is to be read accordingly,
“overseas authorities” means authorities of a country or territory outside the United Kingdom.

Commencement Information

I1 [S. 171](#) in force at 25.7.2018 by [S.I. 2018/873](#), [reg. 2\(f\)](#)

172 Safeguards relating to examination of data

- (1) For the purposes of section 171 the requirements of this section are met in relation to the communications data obtained under a warrant if—
 - (a) any selection of the data for examination is carried out only for the specified purposes (see subsection (2)), and
 - (b) the selection of any of the data for examination is necessary and proportionate in all the circumstances.
- (2) The selection of communications data for examination is carried out only for the specified purposes if the data is selected for examination only so far as is necessary for the operational purposes specified in the warrant in accordance with section 161.
- (3) In subsection (2) “specified in the warrant” means specified in the warrant at the time of the selection of the data for examination.

Commencement Information

I2 [S. 172](#) in force at 25.7.2018 by [S.I. 2018/873](#), [reg. 2\(g\)](#) (with [reg. 7](#))

173 Offence of breaching safeguards relating to examination of data

- (1) A person commits an offence if—
 - (a) the person selects for examination any communications data obtained under a bulk acquisition warrant,
 - (b) the person knows or believes that the selection of that data for examination does not comply with a requirement imposed by section 172, and
 - (c) the person deliberately selects that data for examination in breach of that requirement.
 - (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction in England and Wales—
 - (i) to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court] (or 6 months, if the offence was committed before [^{F2}2 May 2022]), or
 - (ii) to a fine,
- or to both;

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- (b) on summary conviction in Scotland—
 - (i) to imprisonment for a term not exceeding 12 months, or
 - (ii) to a fine not exceeding the statutory maximum,
 or to both;
 - (c) on summary conviction in Northern Ireland—
 - (i) to imprisonment for a term not exceeding 6 months, or
 - (ii) to a fine not exceeding the statutory maximum,
 or to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (3) No proceedings for any offence which is an offence by virtue of this section may be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Textual Amendments

- F1** Words in s. 173(2)(a)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 173(2)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**

Commencement Information

- I3** S. 173 in force at 22.8.2018 by [S.I. 2018/873](#), **reg. 3(b)** (with [reg. 7](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 7A inserted by [2024 c. 9 s. 2](#)
- Pt. 7B inserted by [2024 c. 9 s. 5](#)
- s. 2(1)(ja)(jb) inserted by [2024 c. 9 s. 6\(3\)\(c\)](#)
- s. 11(3A)(3B) inserted by [2024 c. 9 s. 12\(3\)](#)
- s. 12(2B)-(2D) inserted by [2024 c. 9 s. 14\(4\)](#)
- s. 12(5A)(5B) inserted by [2024 c. 9 s. 14\(6\)](#)
- s. 26(2)(a) words renumbered as s. 26(2)(a) by [2024 c. 9 s. 22\(2\)\(a\)](#)
- s. 26(2)(b) and word inserted by [2024 c. 9 s. 22\(2\)\(b\)](#)
- s. 26(2A)-(2F) inserted by [2024 c. 9 s. 22\(3\)](#)
- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)
- s. 62(5A)-(5C) inserted by [2024 c. 9 s. 15\(4\)](#)
- s. 87(4)(aa) inserted by [2024 c. 9 s. 16\(2\)\(c\)](#)
- s. 87(4A) inserted by [2024 c. 9 s. 16\(3\)](#)
- s. 87(6A)(6B) inserted by [2024 c. 9 s. 20\(2\)](#)
- s. 90(4)-(4B) substituted for s. 90(4) by [2024 c. 9 s. 18\(2\)\(a\)](#)
- s. 90(5A) inserted by [2024 c. 9 s. 18\(2\)\(c\)](#)
- s. 90(9A)(9B) inserted by [2024 c. 9 s. 18\(2\)\(d\)](#)
- s. 90(11A) inserted by [2024 c. 9 s. 18\(2\)\(f\)](#)
- s. 90(14)-(16) inserted by [2024 c. 9 s. 18\(2\)\(g\)](#)
- s. 94A inserted by [2024 c. 9 s. 20\(4\)](#)
- s. 111(3)(a) words renumbered as s. 111(3)(a) by [2024 c. 9 s. 23\(2\)\(a\)](#)
- s. 111(3)(b) and word inserted by [2024 c. 9 s. 23\(2\)\(b\)](#)
- s. 111(6)(a) words renumbered as s. 111(6)(a) by [2024 c. 9 s. 23\(3\)\(a\)](#)
- s. 111(6)(b) and word inserted by [2024 c. 9 s. 23\(3\)\(b\)](#)
- s. 111(7A)-(7E) inserted by [2024 c. 9 s. 23\(4\)](#)
- s. 121(4) inserted by [2024 c. 9 s. 25](#)
- s. 195195A substituted for s. 195 by [2024 c. 9 s. 27\(2\)](#)
- s. 200(1)(a) words renumbered as s. 200(1)(a) by [2024 c. 9 s. 1\(4\)\(a\)\(i\)](#)
- s. 200(1)(b) and word inserted by [2024 c. 9 s. 1\(4\)\(a\)\(ii\)](#)
- s. 200(2)(a) words renumbered as s. 200(2)(a) by [2024 c. 9 s. 1\(4\)\(b\)\(i\)](#)
- s. 200(2)(b) and word inserted by [2024 c. 9 s. 1\(4\)\(b\)\(ii\)](#)
- s. 202(5) inserted by [2024 c. 9 s. 4\(2\)\(c\)](#)
- s. 206(8) inserted by [2024 c. 9 s. 4\(3\)\(b\)](#)
- s. 219(9) inserted by [2024 c. 9 s. 4\(4\)\(c\)](#)
- s. 220(6) inserted by [2024 c. 9 s. 1\(7\)\(b\)](#)
- s. 220(7) inserted by [2024 c. 9 s. 4\(5\)\(b\)](#)
- s. 225(4)(a) words renumbered as s. 225(4)(a) by [2024 c. 9 s. 1\(8\)\(a\)\(i\)](#)
- s. 225(4)(b) and word inserted by [2024 c. 9 s. 1\(8\)\(a\)\(ii\)](#)
- s. 225(13)(a) words renumbered as s. 225(13)(a) by [2024 c. 9 s. 1\(8\)\(b\)\(i\)](#)
- s. 225(13)(b) and word inserted by [2024 c. 9 s. 1\(8\)\(b\)\(ii\)](#)
- s. 225(15) inserted by [2024 c. 9 s. 4\(6\)\(c\)](#)
- s. 227(6A)(6B) inserted by [2024 c. 9 s. 7\(2\)](#)
- s. 227(8)-(8D) substituted for s. 227(8)(9) by [2024 c. 9 s. 8\(2\)](#)
- s. 227(10A) inserted by [2024 c. 9 s. 8\(4\)](#)
- s. 227(14) inserted by [2024 c. 9 s. 8\(6\)](#)
- s. 228(6) inserted by [2024 c. 9 s. 7\(3\)](#)
- s. 228A inserted by [2024 c. 9 s. 9](#)
- s. 229(3E) inserted by [2024 c. 9 s. 10\(2\)\(b\)](#)

- s. 229(8)(fb) inserted by 2024 c. 9 s. 27(3)
- s. 230(1)(d) and word inserted by 2024 c. 9 s. 10(3)(b)
- s. 231(10) inserted by 2024 c. 9 s. 10(4)(b)
- s. 235A inserted by 2024 c. 9 s. 11(1)
- s. 255(5A)(5B) inserted by 2024 c. 9 s. 20(6)
- s. 256A inserted by 2024 c. 9 s. 20(7)
- s. 257(3)-(3B) substituted for s. 257(3) by 2024 c. 9 s. 18(5)(a)
- s. 257(4A) inserted by 2024 c. 9 s. 18(5)(c)
- s. 257(8A)(8B) inserted by 2024 c. 9 s. 18(5)(d)
- s. 257(10A) inserted by 2024 c. 9 s. 18(5)(f)
- s. 257(13)-(15) inserted by 2024 c. 9 s. 18(5)(g)
- s. 258A258B inserted by 2024 c. 9 s. 21(2)
- s. 261(5A)(5B) inserted by 2024 c. 9 s. 13(3)
- s. 261(10)(c) and word inserted by 2024 c. 9 s. 19(2)(b)
- s. 267(3)(ja) inserted by 2024 c. 9 s. 21(3)(b)
- s. 267(5)(aa) inserted by 2024 c. 9 s. 14(8)
- Sch. 2A inserted by 2024 c. 9 s. 14(9)
- Sch. 3 para. 12A and cross-heading inserted by 2024 c. 9 s. 28(2)
- Sch. 3 para. 2526 inserted by 2024 c. 9 s. 28(3)