

# IPA REVIEW

## SPECIFIC TOPICS

*As an adjunct to my terms of reference, these are specific topics on which the Review invites comment during the consultation process. The Home Secretary's Statutory Report on the Operation of the Investigatory Powers Act 2016 provides the relevant context.*

*Whilst these are areas that have been identified as potentially needing reform in the future in the Home Secretary's Statutory Report, they are not Government policy and should not be taken as an official view on the changes necessary to ensure the Act remains fit for purpose.*

### **1. BULK PERSONAL DATASETS (pp.14 – 15 of the Statutory Report)**

- a. Whether the current warrant process in Part 7 is fit for purpose for all types of datasets
- b. Whether the current duration of warrants should be amended (s213)
- c. Whether certain powers vested in Agency Heads should be delegated to a Crown Servant (note that the Agency Head would remain accountable for the exercise of these functions): (ss 202, 206, 210, 219, 220, 225)

### **2. INTERNET CONNECTION RECORDS (ICRs) - (p.17 of the Statutory Report)**

- a. Whether changes are required to improve the effectiveness of ICRs, particularly with regard to conditions restricting their usage (s62(3))

### **3. DATA RETENTION NOTICES (pp.12 - 13 of the Statutory Report)**

- a. Whether to address unintended consequences of s87 (4) third party data definition
- b. Consider the impact of future developments in ways of working and technology on data retention capabilities

### **4. EXPLORE WHETHER CLARIFICATORY CHANGES TO THE FOLLOWING DEFINITIONS ARE NECESSARY (pp. 11 – 12, Pp. 18 – 19):**

- a. "Interception": s4(8)(a)
- b. "Lawful authority": s11
- c. "Subscriber data": s261

## **5. TARGETED EXAMINATION WARRANTS**

- a. Whether sections 15(5) and 99(5) should also apply to targeted examination warrants

## **6. WARRANTRY PROCESS (pp. 8 – 9)**

- a. Consider the need to provide resilience in the approval process for Targeted EI warrants, as the Director General NCA is the only law enforcement chief within the NCA who is able to authorise these warrants: s.106 and schedule 6
- b. Consider the need to provide resilience in the approval process for s26 / 111 triple locked warrants where the Prime Minister is unavailable or incapacitated
- c. Consider whether the process for obtaining the assistance of a telecommunications operator in equipment interference operations is efficient (s126/s128)

## **7. OVERSIGHT (pp. 6 – 8)**

- a. Consider whether amendments to the role of the IPC and wider oversight regime are required to ensure flexibility and resilience, for example including a statutory basis for Deputy IPCs, alongside the ability to appoint temporary Judicial Commissioners

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