

## Independent Review of the Investigatory Powers Act 2016

### TERMS OF REFERENCE

#### Aim

1. To consider the priority areas for change to the Investigatory Powers Act 2016 identified as part of the cross-HMG internal strategic review to inform a potential legislative reform package to be brought forward as soon as parliamentary time allows.

#### Scope

2. The review should consider the operation of the Act (a) in light of the technological changes and evolving threats which have emerged over the last five years and (b) by reference to likely future developments in ways of working and technology.
3. In order to ensure that the report can be delivered in the necessary timeframe, the scope of the review should focus on the following areas identified as part of the internal strategic review (with priority given to considerations related to the Bulk Personal Dataset regime):
  - a. Effectiveness of the Bulk Personal Dataset (BPD) regime and whether Part 7 remains fit for purpose;
  - b. Whether changes are required to improve the effectiveness of Internet Connection Records, particularly with regard to the conditions restricting their usage set out in section 62;
  - c. Consideration of whether changes to definitions within the Act in relation to interception, subscriber data, and third-party data relating to the communications data retention regime are required and whether these would be practicable and desirable;
  - d. Improvements to the warrant process to increase efficiency and strengthen resilience whilst maintaining appropriate safeguards;

- e. Ways to increase resilience and agility of the oversight regime in light of the experience of the last five years of operation.

#### Timing

4. The Independent Reviewer should complete the review within three months (based on the timings set out in the accompanying Terms of Appointment).

#### Outputs

5. The Independent Reviewer should produce an unclassified final report for publication. Where appropriate, a classified annex should be produced and shared with the relevant parties. The Prime Minister will make the final decision as to whether the report, or parts of it, can be published without prejudicing the ability of the Security and Intelligence Agencies to discharge their statutory functions.

#### Approach and conduct of the review

6. The Independent Reviewer will lead the review supported by a DV security-cleared team and staff from the Home Office, subject to their requirements.
7. The Government and the Security and Intelligence Agencies will provide all necessary information, access and assistance as is needed for the Independent Reviewer to undertake their review effectively.