

INVESTIGATORY POWERS BILL: BULK PERSONAL DATASETS

What are they?

Bulk Personal Datasets are sets of personal information about a large number of individuals, the majority of whom will not be of any interest to the security and intelligence agencies. The datasets are held on electronic systems for the purpose of analysis by the security and intelligence agencies. Examples of these datasets include the electoral roll, telephone directories and travel-related data.

Why do we need them?

Bulk personal datasets are essential in helping the security and intelligence agencies identify subjects of interest or individuals who surface during the course of an investigation, to establish links between individuals and groups, to understand better a subject of interest's behaviour and connections and quickly to exclude the innocent. In short, they enable the agencies to join the dots in an investigation and to focus their attention on individuals or organisations that threaten our national security.

What happens now?

The security and intelligence agencies have powers under the Security Service Act 1989 and the Intelligence Services Act 1994 to acquire and use information to help them fulfil their statutory functions, including protecting national security. The use of bulk personal datasets is subject to stringent internal handling arrangements and the regime is overseen by the Intelligence Services Commissioner. Datasets may be acquired using investigatory powers, from other public sector bodies or commercially from the private sector.

What will happen in the future?

The Bill will provide robust new safeguards that apply to the retention and examination of bulk personal datasets.

What safeguards will there be?

There will be two types of warrant – class BPD warrants and specific BPD warrants. Class BPD warrants will authorise the retention of a class of BPDs, such as certain kinds of travel data. Specific BPD warrants will authorise the retention of a specific dataset – this could be because the dataset is of a novel or unusual type of information so does not fall within an existing class BPD warrant, or because a dataset raises particular privacy concerns that should be considered separately. Both types of warrant last for six months. They will be issued by the Secretary of State, who must consider that the warrant is necessary and proportionate and adequate measures are in place to store the datasets securely. As will be the case for interception and equipment interference authorisations, a Judicial Commissioner must also approve the Secretary of State's decision to issue the warrant. The Bill provides for urgent

specific BPD warrants that must be approved by a Judicial Commissioner three working days after they have been authorised by a Secretary of State.

A statutory Code of Practice will set out additional safeguards which apply to how the agencies access, store, destroy and disclose information contained in the bulk personal datasets.

The Investigatory Powers Commissioner will oversee how the agencies use these datasets. Supported by a team of Judicial Commissioners and technical and legal experts, the Commissioner will audit how the agencies use them and they will report publicly on what they find.

What are the key provisions in the Bill?

- **The Bill provides for new safeguards in respect of the security and intelligence agencies' retention and use of bulk personal datasets**
- **Class and specific BPD warrants are subject to the 'double lock' authorisation safeguard**
- **The data can only be examined for the Operational Purposes specified on the warrant and agreed by the Secretary of State and Judicial Commissioner**
- **The Code of Practice will provide clear guidance on whether it is appropriate to seek a specific warrant for a particular dataset**
- **In considering whether a class warrant should be renewed, the Secretary of State will consider the datasets held under the warrant**
- **The Bill places time limits on the initial examination of bulk personal datasets**