

INVESTIGATORY POWERS BILL: INTERCEPTION

What is it?

Interception is the obtaining of the content of a communication – such as a telephone call, email or social media message – in the course of its transmission or while stored on a telecommunications system. Interception is used to collect valuable intelligence against terrorists and serious criminals, which can inform law enforcement and national security investigations as well as support military operations.

Why do we need it?

Warranted interception is used only for intelligence purposes. It is a vital tool which helps the law enforcement and security and intelligence agencies to prevent and detect serious or organised crime, and to protect national security.

What happens now?

Warranted interception is governed by RIPA. It allows for the security and intelligence agencies, the armed forces and a small number of law enforcement agencies to seek warrants when it is necessary and proportionate to do so for one of three statutory purposes: in the interests of national security; for the prevention and detection of serious crime; or in the interests of the economic well-being of the UK where it is connected to national security. Separate provision for interception of wireless telegraphy (such as military radio communications) is made under the Wireless Telegraphy Act 2006.

What will happen in the future?

The Investigatory Powers Bill will provide a new and more transparent statutory basis for the existing nine intercepting authorities to seek interception warrants in very limited circumstances. It will replace the provisions in RIPA and the Wireless Telegraphy Act. The Bill will enhance the safeguards that apply to the acquisition of intercept material, building on the recommendations made by David Anderson QC, the ISC and the RUSI panel.

What will the safeguards be?

In line with the recommendations made by David Anderson QC, RUSI and the ISC, the Bill will limit warranted interception powers to the existing nine intercepting authorities. Warrants may only be sought and issued for one of the current three statutory purposes.

Interception warrants must currently be authorised personally by the Secretary of State or, in the case of Scotland-related serious crime warrants, a Scottish Minister. The Bill responds to recommendations made by David Anderson QC and the RUSI panel by requiring that a Judicial Commissioner will in future need to approve decisions by the Secretary of State (or a Scottish Minister) to issue warrants before they can be issued. This will provide for a 'double-lock' of Executive and judicial approval for the use of interception.

The IPC will oversee intercepting authorities' use of this power, ensuring that the detailed safeguards set out in legislation are stringently applied and that appropriate arrangements are in place to handle the sensitive material that is obtained through interception. The Commissioner will audit how the authorities use the power and publish the findings annually.

What are the key provisions in the Bill?

- **The Bill will bring together all interception powers currently under RIPA and the Wireless Telegraphy Act 2006**
- **The Bill will limit the ability to seek interception warrants to the existing nine intercepting authorities and existing three statutory purposes**
- **It will introduce a new safeguard requiring that Judicial Commissioners approve warrants before they can be issued**
- **Applications for targeted interception warrants will need to specify a particular person, premises or operation**