



Home Office

# Retention of Communications Data Code of Practice

Addendum in relation to the provisions contained in the Counter Terrorism and Security Bill

Draft for public consultation  
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## Introduction

Delete paragraphs 1.4 -1.5 of the code and replace with the following paragraph:

- 1.1. A data retention notice under DRIPA may only require the retention of relevant communications data. Relevant communications data is defined in DRIPA as amended by the [insert name and date of Act] and is limited to data falling within that definition that is generated or processed in the United Kingdom by public telecommunications operators in the process of supplying a telecommunications service.
- 1.2. The categories of data that can be retained under DRIPA are set out section 2(1) of DRIPA as amended by [insert name and date of Act] and in the Schedule to the DRR 2014. The categories of data in the Schedule to the DRR 2014 are the same as those that could be retained under the now revoked Data Retention (EC Directive) Regulations 2009.

## Definition of relevant communications data

Delete paragraphs 2.10 – 2.15 of the code and replace with the following paragraphs:

- 1.3. A retention notice can be given to a CSP to require the retention of relevant communications data.
- 1.4. Relevant communications data is defined in section 2(1) of DRIPA. It includes:
  - data of the kind mentioned in the Schedule to the DRR 2014 (which is identical to the Schedule to the now revoked Data Retention (EC Directive) Regulations 2009), and
  - relevant internet data.

so far as that data is generated or processed in the United Kingdom by public telecommunications operators in the process of supplying a telecommunications service.

- 1.5. Relevant internet data is defined in section 2(1) of DRIPA as amended by the [insert name and date of Act]. It includes data relating to an internet access service or internet communications service that is necessary to identify the specific IP address used by the sender or recipient of a communication.
- 1.6. This data may include:
  - the sender or recipient of a communication (whether or not a person);
  - the time or duration of a communication;
  - the type, method or pattern, or fact, of communication;
  - the telecommunication system (or any part of it) from, to or through which, or by means of which, a communication is or may be transmitted; and
  - the location of any such system.

- 1.7. The definition of relevant internet data does not permit the retention, by a person's internet access provider, of data identifying which internet communication services a person has used, including access to any websites (sometimes referred to as 'web logs' data).
- 1.8. The DRIPA definitions cover data relating to the use of Fixed Network Telephony, Mobile Telephony, Internet Access and Internet Communication Services. The Home Office can provide further guidance to a CSP on whether a category of data falls within this definition.
- 1.9. A notice may not be issued to a company that does not generate or process data within the UK.
- 1.10. Section 2(2) of DRIPA provides that the definition of relevant communications data includes data relating to unsuccessful call attempts i.e. when the person being dialled does not answer the call, but where the network has been able to connect it or where there has been a network management intervention. It does not include data relating to an unconnected call i.e. when a call is placed, but the network is unable to carry it to its intended recipient. Messages should be treated as successful communications unless logged as otherwise by the CSPs systems, where it is technically practical to do so.
- 1.11. This provision covers all types of electronics communications, as opposed to simply relating to voice telephony.
- 1.12. DRIPA provides explicitly that relevant communications data does not include the content of a communication.

## The content of a data retention notice

After paragraph 3.25, insert the following paragraph:

- 1.1. Requirements or restrictions in relation to the retention of the data may include:
  - a requirement to take such steps as are necessary to ensure that data which is generated and processed by the CSP (including transitory information in the core systems) is made available to be retained.
  - a requirement to process the data to ensure that multiple items of data from a single or multiple CSP systems can be stored in a single clear record where appropriate to do so. This will ensure the volume of data retained is limited to that which is truly necessary.