

1 **Communications data authorisations etc to identify journalistic sources** [NewClause]

After section 23B of the Regulation of Investigatory Powers Act 2000 (procedure for certain data authorisations etc which require judicial approval) insert—

“23C Authorisations etc requiring judicial approval: journalistic sources

- (1) This section applies where—
 - (a) an authorisation under section 22(3) or (3B) has been granted or renewed, or a notice under section 22(4) has been given or renewed, for the purpose (wholly or partly) of identifying an individual who is the source of journalistic information, and
 - (b) the authorisation or notice has been granted, given or renewed by a person designated for the purposes of this Chapter by reference to an office, rank or position within—
 - (i) a police force,
 - (ii) the National Crime Agency, or
 - (iii) Her Majesty’s Revenue and Customs.
- (2) The authorisation or notice is not to take effect until such time (if any) as the relevant judicial authority has made an order approving the grant or renewal of the authorisation or (as the case may be) the giving or renewal of the notice.
- (3) But subsection (2) does not apply to an authorisation or notice which is necessary because of an imminent threat to life.
- (4) The relevant judicial authority may give approval under this section to the granting or renewal of an authorisation under section 22(3) or (3B) if, and only if, the relevant judicial authority is satisfied that—
 - (a) at the time of the grant or renewal—
 - (i) there were reasonable grounds for believing that the requirements of section 22(1) and (5) were satisfied in relation to the authorisation, and
 - (ii) the relevant conditions were satisfied in relation to the authorisation, and
 - (b) at the time when the relevant judicial authority is considering the matter, there remain reasonable grounds for believing that the requirements of section 22(1) and (5) are satisfied in relation to the authorisation.
- (5) The relevant judicial authority may give approval under this section to the giving or renewal of a notice under section 22(4) if, and only if, the relevant judicial authority is satisfied that—
 - (a) at the time of the giving or renewal of the notice—
 - (i) there were reasonable grounds for believing that the requirements of section 22(1) and (5) were satisfied in relation to the notice, and
 - (ii) the relevant conditions were satisfied in relation to the notice, and
 - (b) at the time when the relevant judicial authority is considering the matter, there remain reasonable grounds for believing that

the requirements of section 22(1) and (5) are satisfied in relation to the notice.

- (6) For the purposes of subsections (4) and (5) the relevant conditions are—
 - (a) that the individual was a designated person for the purposes of this Chapter,
 - (b) the grant, giving or renewal was not in breach of any restrictions imposed by virtue of section 25(3), and
 - (c) any other conditions that may be provided for by an order made by the Secretary of State were satisfied.
- (7) In this section—
 - “relevant judicial authority” means—
 - (a) in England and Wales, a Circuit judge,
 - (b) in Scotland, a sheriff, and
 - (c) in Northern Ireland, a county court judge, and
 - “source of journalistic information” means an individual who provides material intending the recipient to use it for the purposes of journalism or knowing that it is likely to be so used.
- (8) No order of the Secretary of State may be made under subsection (6) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

23D Procedure for judicial approval: journalistic sources

- (1) The public authority with which the designated person mentioned in section 23C(1) holds an office, rank or position may apply to the relevant judicial authority for an order under section 23C approving the grant or renewal of an authorisation or (as the case may be) the giving or renewal of a notice.
- (2) The applicant is not required to give notice of the application to—
 - (a) any person to whom the authorisation or notice which is the subject of the application relates, or
 - (b) such a person’s legal representatives.
- (3) Where, on an application under this section, the relevant judicial authority refuses to approve the grant or renewal of the authorisation concerned or (as the case may be) the giving or renewal of the notice concerned, the relevant judicial authority may make an order quashing the authorisation or notice.
- (4) In this section “relevant judicial authority” has the same meaning as in section 23C.”