

INVESTIGATORY POWERS BILL: BULK POWERS

What are they?

Access to bulk data is crucial in enabling the security and intelligence agencies to investigate known, high-priority threats and to identify emerging threats from individuals not previously known to them. The law provides for the use of interception, communications data and equipment interference powers in bulk. These can be used to obtain large volumes of data that are likely to include communications or other data relating to terrorists and serious criminals. Robust safeguards govern access to this data to ensure it is only examined where it is necessary and proportionate to do so.

Why do we need them?

The security and intelligence agencies frequently have only small fragments of intelligence or early unformed leads about people overseas who pose a threat to the UK. Equally, terrorists, criminals and hostile foreign intelligence services are increasingly sophisticated at evading detection by traditional means. Access to bulk data enables the security and intelligence agencies to:

- Obtain intelligence on overseas subjects of interest, including threats to UK citizens and our armed forces;
- Identify threats here in the UK, sometimes from fragments of intelligence;
- Establish and investigate links between known subjects of interest, at pace, in complex investigations.

Bulk powers are used to advance investigations both in the UK and overseas. They are integral to the work of the security and intelligence agencies.

What happens now?

Current legislation provides for investigatory powers to be used to acquire data in bulk:

- **Bulk Interception** – currently provided for under RIPA, this allows for the interception of large volumes of communications in order to acquire the communications of terrorists and serious criminals that would not otherwise be available.
- **Bulk Communications Data Acquisition** – currently provided for under section 94 of the Telecommunications Act 1984, this is used to identify subjects of interest within the UK and overseas, and to understand relationships between suspects in a way that would not be possible using only targeted communications data powers.
- **Bulk Equipment Interference** – currently provided for under the Intelligence Services Act 1994, equipment interference is used increasingly to mitigate the inability to acquire intelligence through conventional bulk interception and to access data from computers which may never otherwise have been obtainable.

The responsibility for authorising bulk warrants (or in the case of the Telecommunications Act 1984, issuing directions) currently rests with the Secretary of State. Additional safeguards, including robust internal safeguards, apply in relation to the accessing of material acquired under such warrants and directions. The security and intelligence agencies' handling arrangements for data acquired under section 94 of the Telecommunications Act 1984 were published alongside the draft Bill in November 2015.

What will happen in the future?

The Investigatory Powers Bill provides a clear statutory framework for all of the bulk powers available to the security and intelligence agencies and introduces robust, consistent safeguards across all of those powers.

What are the key provisions in the Bill?

- **The Bill will provide a clear statutory framework for the issue of bulk interception, communications data and equipment interference warrants**
- **The ability to seek bulk warrants is limited to the security and intelligence agencies**
- **A bulk warrant can only be issued if it is necessary in the interests of national security**
- **Bulk interception and bulk equipment interference warrants must be foreign-focused**
- **The Secretary of State cannot issue a bulk warrant until it has been approved by a Judicial Commissioner**
- **Access to any data obtained under a bulk warrant must be necessary for a specific operational purpose approved by the Secretary of State and a Judicial Commissioner**

A targeted examination warrant must be sought to select for examination content or protected material acquired under bulk interception and bulk equipment interference warrants in relation to a person known to be in the UK