



# House of Commons

Tuesday 15 July 2014

## COMMITTEE OF THE WHOLE HOUSE

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Amendments tabled as of 12.30 pm

*Manuscript amendments tabled on 15 July are marked with a ★*

### DATA RETENTION AND INVESTIGATORY POWERS BILL

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Mr George Howarth  
Mr Mark Field  
Hazel Blears  
Fiona Mactaggart

1

Clause 3, page 4, line 19, at end insert—

- “(5) In section 25 (interpretation of Chapter 11), subsection (1), after “in accordance with subsection (2);”, insert—  
““economic well-being of the United Kingdom” is defined as the security of critical national infrastructure, the conduct of defence contracts, the development, manufacture and design of UK defence systems, and the stability of the UK currency, banking and financial systems.”
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Edward Miliband  
Yvette Cooper  
Ms Rosie Winterton  
Emily Thornberry  
Mr Douglas Alexander  
Mr David Hanson

3

★ Clause 6, page 6, line 41, at end insert “and is subject to a reporting requirement as set out in subsection (1A).

- (1A) The Commissioner for the Interception of Communications must report on the operation of this Act six months following commencement of this Act, followed by subsequent reports every six months.”

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**Data Retention and Investigatory Powers Bill, *continued***

Edward Miliband  
 Ms Rosie Winterton  
 Yvette Cooper  
 Mr David Hanson  
 Mr Douglas Alexander  
 Emily Thornberry

4

★ Clause 6, page 7, line 1, leave out “5” and insert “*(Half-yearly reports by the Interception of Communications Commissioner)*”

Mr Tom Watson  
 Caroline Lucas  
 John Hemming  
 Mr Elfyn Llwyd  
 Mr David Davis  
 Mr Angus Brendan McNeil

Mr Roger Godsiff  
 Mr Khalid Mahmood  
 Jeremy Corbyn  
 Katy Clark  
 Ian Mearns  
 Ms Diane Abbott  
 Mr Dai Havard  
 Chris Williamson  
 Yasmin Qureshi

Jim Sheridan  
 Mr David Anderson  
 Mrs Linda Riordan  
 Jonathan Edwards  
 Grahame M. Morris  
 Mr David Winnick  
 Naomi Long  
 Mr Ronnie Campbell

Mr George Mudie  
 Teresa Pearce  
 Ian Lavery  
 Hywel Williams  
 John McDonnell  
 Mr Dennis Skinner  
 Mark Durkan  
 Sammy Wilson

2

Clause 6, page 7, line 2, leave out “2016” and insert “2014”

Edward Miliband  
 Ms Rosie Winterton  
 Yvette Cooper  
 Mr David Hanson  
 Mr Douglas Alexander  
 Emily Thornberry

5

★ Clause 6, page 7, line 2, leave out “5” and insert “*(Half-yearly reports by the Interception of Communications Commissioner)*”

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**Data Retention and Investigatory Powers Bill, *continued****NEW CLAUSES*

Edward Miliband  
Yvette Cooper  
Mr Douglas Alexander  
Ms Rosie Winterton  
Emily Thornberry  
Mr David Hanson

NC1

To move the following Clause—

**“Review of the powers, regulation, proportionality and oversight for communications and interception**

- (2) The Secretary of State must arrange—
  - (a) for the operation and future of the powers, regulation, proportionality and oversight for data retention, access and interception to be reviewed, and
  - (b) for a report on the outcome of the review to be produced and published.
- (3) Subsection (1) does not prevent the review from also dealing with other matters relating to the Regulation of Investigatory Powers Act 2000, the Intelligence Services Act 1994, oversight of the intelligence agencies and data privacy.
- (4) The arrangements made by the Secretary of State must provide for the review to begin as soon as practicable, be carried out by the Independent Reviewer of Terrorism Legislation, and include public consultation.
- (5) The full terms of reference must be established in consultation with the Independent Reviewer of Terrorism Legislation and relevant Select Committees of both Houses of Parliament.”

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Edward Miliband  
Yvette Cooper  
Mr Douglas Alexander  
Ms Rosie Winterton  
Emily Thornberry  
Mr David Hanson

NC2

To move the following Clause—

**“Oversight by the Interception of Communications Commissioner**

- (1) The Interception of Communications Commissioner must report on the operation of sections 1 to 5 of this Act within six months of this Act coming into force and on six-monthly intervals thereafter.”
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**Data Retention and Investigatory Powers Bill, *continued***

Dr Julian Huppert

NC3

To move the following Clause—

**“Transparency on data collection**

- (1) Any public authority requesting data requested from a communications service provider shall maintain proper records including—
    - (a) the category of offence being investigated;
    - (b) the length of time the data had been retained by the CSP when it was requested;
    - (c) the type of data requested, as per the definitions in section 21 of the Regulation of Investigatory Powers Act 2000.”
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Dr Julian Huppert

NC4

To move the following Clause—

**“Legal certainty for transparency reporting**

- (1) The Regulation of Investigatory Powers Act 2000 is amended as in subsection (2).
- (2) In section 54 (Tipping-off), after subsection (5) insert—
  - “(5A) In proceedings against any person for an offence under this section in respect of any disclosure, it shall be a defence for that person to show that the disclosure was made as part of an aggregated statistical disclosure covering a period of time greater than six months.””

***Member’s explanatory statement***

*This amendment would provide a defence against the “tipping-off” offence, which has been cited as a reason why companies cannot release transparency reports. This amendment would allow statistics to be made available at six monthly (or greater) intervals.*

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**Data Retention and Investigatory Powers Bill, *continued***

Sir William Cash  
 Bernard Jenkin  
 Sir Richard Shepherd  
 Sir Gerald Howarth  
 Richard Drax  
 Philip Davies

Mr David Nuttall  
 Steve Baker

Andrew Rosindell  
 Mr Graham Brady

Nigel Mills  
 Mark Reckless

NC5

★ To move the following Clause—

**“Effect and justiciability of this Act**

For the avoidance of doubt and notwithstanding sections 2 and 3 of the European Communities Act 1972, this Act shall have effect and shall be construed as having effect and shall be justiciable by the courts of the United Kingdom.”

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Edward Miliband  
 Ms Rosie Winterton  
 Yvette Cooper  
 Mr David Hanson  
 Mr Douglas Alexander  
 Emily Thornberry

NC6

★ To move the following Clause—

**“Half-yearly reports by the Interception of Communications Commissioner**

- (3) Section 58 of the Regulation of Investigatory Powers Act 2000 (reports by the Interception of Communications Commissioner) is amended as follows.
  - (4) In subsection (4) (annual reports) after “calendar year” insert “and after the end of the period of six months beginning with the end of each calendar year”.
  - (5) In subsection (6) (duty to lay annual reports before Parliament) after “annual report” insert “, and every half-yearly report,”.
  - (6) In subsection (6A) (duty to send annual reports to the First Minister) after “annual report” insert “, and every half-yearly report,”.
  - (7) In subsection (7) (power to exclude matter from annual reports) after “annual report” insert “, or half-yearly report,”.
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**Data Retention and Investigatory Powers Bill, *continued***

Edward Miliband  
Ms Rosie Winterton  
Yvette Cooper  
Mr David Hanson  
Mr Douglas Alexander  
Emily Thornberry

- ★ Title, line 7, after “Act;” insert “to make provision about additional reports by the  
Interception of Communications Commissioner;” 6
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