



House of Commons

Tuesday 15 July 2014

COMMITTEE OF THE WHOLE HOUSE

Amendments tabled as of 4 pm

Manuscript amendments tabled on 15 July are marked with a ★

DATA RETENTION AND INVESTIGATORY POWERS BILL

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.”

Data Retention and Investigatory Powers Bill, *continued*

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

★ Clause 6, page 7, line 1, leave out “5” and insert “*(Half-yearly reports by the
 Interception of Communications Commissioner)*” 4

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

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

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

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

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.”

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.

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
 Sir Edward Leigh

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.”

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

- (1) Section 58 of the Regulation of Investigatory Powers Act 2000 (reports by the Interception of Communications Commissioner) is amended as follows.
 - (2) 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”.
 - (3) In subsection (6) (duty to lay annual reports before Parliament) after “annual report” insert “, and every half-yearly report,”.
 - (4) In subsection (6A) (duty to send annual reports to the First Minister) after “annual report” insert “, and every half-yearly report,”.
 - (5) 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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