



House of Commons

Tuesday 15 July 2014

COMMITTEE OF THE WHOLE HOUSE PROCEEDINGS

DATA RETENTION AND INVESTIGATORY POWERS BILL

Clauses 1 and 2 agreed to.

Mr George Howarth
Mr Mark Field
Hazel Blears
Fiona Mactaggart

Withdrawn 1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.”

Clause agreed to.

Clauses 4 and 5 agreed to.

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

Withdrawn 3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

Agreed to 4

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

Secretary Theresa May

Agreed to 7

- ★ Clause 6, page 7, line 1, after “5” insert “and *(Review of investigatory powers and their regulation)*”
Member’s explanatory statement
This amendment is consequential on NC7

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

Agreed to 5

- ★ Clause 6, page 7, line 2, 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

Negatived on division 2

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

Clause, as amended, agreed to.

Data Retention and Investigatory Powers Bill, *continued*

NEW CLAUSES

Secretary Theresa May

Agreed to NC7

★ To move the following Clause—

“Review of investigatory powers and their regulation

- (1) The Secretary of State must appoint the independent reviewer of terrorism legislation to review the operation and regulation of investigatory powers.
- (2) The independent reviewer must, in particular, consider—
 - (a) current and future threats to the United Kingdom,
 - (b) the capabilities needed to combat those threats,
 - (c) safeguards to protect privacy,
 - (d) the challenges of changing technologies,
 - (e) issues relating to transparency and oversight,
 - (f) the effectiveness of existing legislation (including its proportionality) and the case for new or amending legislation.
- (3) The independent reviewer must, so far as reasonably practicable, complete the review before 1 May 2015.
- (4) The independent reviewer must send to the Prime Minister a report on the outcome of the review as soon as reasonably practicable after completing the review.
- (5) On receiving a report under subsection (4), the Prime Minister must lay a copy of it before Parliament together with a statement as to whether any matter has been excluded from that copy under subsection (6).
- (6) If it appears to the Prime Minister that the publication of any matter in a report under subsection (4) would be contrary to the public interest or prejudicial to national security, the Prime Minister may exclude the matter from the copy of the report laid before Parliament.
- (7) The Secretary of State may pay to the independent reviewer—
 - (a) expenses incurred in carrying out the functions of the independent reviewer under this section, and
 - (b) such allowances as the Secretary of State determines.
- (8) In this section “the independent reviewer of terrorism legislation” means the person appointed under section 36(1) of the Terrorism Act 2006 (and “independent reviewer” is to be read accordingly).”

Member’s explanatory statement

This clause sets up a review of the operation and regulation of investigatory powers, to be carried out by the independent reviewer of terrorism.

Data Retention and Investigatory Powers Bill, *continued*

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

Not called 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

Not called 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.”

Dr Julian Huppert

Withdrawn 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—

Data Retention and Investigatory Powers Bill, *continued*

- (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

Not called 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.

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

Negated on division 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.”

Data Retention and Investigatory Powers Bill, *continued*

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

Agreed to 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,”.

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

Agreed to 6

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

Secretary Theresa May

Agreed to 8

★ Title, line 7, after “Act;” insert “to make provision about a review of the operation and regulation of investigatory powers;”

Member’s explanatory statement

This amendment is consequential on NC7
