



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 14 April 2016

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 257 to 534 and NC8 to NC15

*Note: Some amendment numbers are missing from the numerical sequence.
This is due to duplication of material.*

PUBLIC BILL COMMITTEE

INVESTIGATORY POWERS BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [24 March 2016, as amended, 12 April 2016].

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoek
Sue Hayman

135

Clause **61**, page **49**, line **32**, leave out subsections (1) and (2) and insert—

- “(1) For the purposes of this Part, a relevant public authority is—
- (a) a police force maintained under section 2 of the Police Act 1996,
 - (b) the Metropolitan police force,
 - (c) the City of London police force,
 - (d) the Police Service of Scotland,
 - (e) the Police Service of Northern Ireland,

Investigatory Powers Bill, *continued*

- (f) the British Transport Police Force,
 - (g) the Ministry of Defence Police,
 - (h) the Royal Navy Police,
 - (i) the Royal Military Police,
 - (j) the Royal Air Force Police,
 - (k) the Security Service
 - (l) the Secret Intelligence Service,
 - (m) the GCHQ,
 - (n) the National Crime Agency and
 - (o) the Criminal Cases Review Commission.
- (2) For the purposes of authorisations sought pursuant to section 53(7)(g) a relevant public authority also includes—
- (a) a National Health Service Trust established under section 5 of the National Health Service and Community Care Act 1990 whose functions include the provision of emergency ambulance service,
 - (b) a fire and rescue authority under the Fire and Rescue Services Act 2004,
 - (c) the Northern Ireland Ambulance Service Health and Social Care trust,
 - (d) the Northern Ireland Fire and Rescue Service Board
 - (e) the Scottish Ambulance Service Board and
 - (f) the Welsh Ambulance Services National Health Service Trust.
- (3) For the purposes of authorisations sought pursuant to Section 53(7)(h), a relevant public authority also includes—
- (a) the Criminal Cases Review Commission and
 - (b) the Scottish Criminal Cases Review Commission”

Joanna Cherry
Gavin Newlands

236

Clause 61, page 49, line 34, leave out subsection (2) and insert—

- “(2) For the purposes of this Part, a relevant public authority is—
- (a) a police force maintained under section 2 of the Police Act 1996,
 - (b) the Metropolitan Police Force,
 - (c) the City of London Police Force,
 - (d) the Police Service of Scotland,
 - (e) the Police Service of Northern Ireland,
 - (f) the British Transport Police Force,
 - (g) the Ministry of Defence Police,
 - (h) the Royal Navy Police,
 - (i) the Royal Military Police,
 - (j) the Royal Air Force Police,
 - (k) the Security Service,
 - (l) the Secret Intelligence Service,
 - (m) GCHQ,
 - (n) the National Crime Agency,
 - (o) the Criminal Cases Review Commission, or
 - (p) the Scottish Criminal Cases Review Commission.
- (2A) For the purposes of authorisations sought pursuant to 53(7)(g), a relevant public authority also includes—

Investigatory Powers Bill, continued

- (a) a National Health Service Trust established under section 5 of the National Health Service and Community Care Act 1990 whose functions include the provision of emergency ambulance service,
 - (b) a fire and rescue authority under the Fire and Rescue Services Act 2004,
 - (c) the Northern Ireland Ambulance Service Health and Social Care trust,
 - (d) the Northern Ireland Fire and Rescue Service Board,
 - (e) the Scottish Ambulance Service Board, and
 - (f) the Welsh Ambulance Services National Health Service Trust.
- (2B) For the purposes of authorisations sought pursuant to Section 57(3)(h), a relevant public authority also includes—
- (a) the Criminal Cases Review Commission and
 - (b) the Scottish Criminal Cases Review Commission.”

Member’s explanatory statement

This amendment ensures that only police forces and security agencies may request a communications data warrant, except where the warrant is issued for the purpose of preventing death, in which circumstances emergency and rescue services also fall within the definition.

Mr John Hayes

105

Schedule 4, page 206, line 40, at end insert—

“An ambulance trust in England	Duty Manager of Ambulance Trust Control Rooms	All	(g)”
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Member’s explanatory statement

This amendment and amendments 106 and 108 replace the existing entry for ambulance trusts in England with a new entry containing a revised definition for such trusts and restricting the purposes for which data may be obtained.

Mr John Hayes

106

Schedule 4, page 207, leave out lines 24 to 35

Member’s explanatory statement

See the explanatory statement for amendment 105.

Mr John Hayes

107

Schedule 4, page 207, line 39, leave out—

“Group Manager (Control) All (b) and (d)”

Member’s explanatory statement

This amendment prevents the Northern Ireland Fire and Rescue Service Board from obtaining data for the purpose of preventing or detecting crime or of preventing disorder, or in the interests of public safety.

 Investigatory Powers Bill, *continued*

Mr John Hayes

108

Schedule 4, page 208, line 10, after “Schedule” insert “—
“ambulance trust in England” means—

- (a) an NHS trust all or most of whose hospitals, establishments and facilities are in England and which provides ambulance services, or
- (b) an NHS foundation trust which provides such services,”

Member’s explanatory statement*See the explanatory statement for amendment 105.*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

136

Page 50, line 22, leave out Clause 62

Joanna Cherry
Gavin Newlands

237

Page 50, line 35, leave out Clause 63

Joanna Cherry
Gavin Newlands

238

Page 51, line 9, leave out Clause 64

Member’s explanatory statement

This amendment to Clause 64 would delete the provision that states that local authorities are relevant public authorities for the purposes of the Bill and would delete associated Clauses 65 and 66.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

239

Page 51, line 30, leave out Clause 65

Joanna Cherry
Gavin Newlands

240

Page 52, line 6, leave out Clause 66

Joanna Cherry
Gavin Newlands

241

Clause 67, page 53, line 8, leave out subsections (4)(a) and (b) and insert—

- “(a) is an officer appointed by the Investigatory Powers Commissioner;
- (b) works subject to the supervision of the Investigatory Powers Commissioner; and is responsible for advising—
 - (i) officers of the relevant public authorities about applying for authorisations; or
 - (ii) designated senior officers of public authorities about granting authorisations.”

Member’s explanatory statement

The amendment provides for the SPoC scheme to be operated under the authority of the Investigatory Powers Commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

137

Clause 67, page 53, line 25, leave out “, and”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

138

Clause 67, page 53, line 26, at end insert—

- “() the public interest in the protection of privacy and the integrity of personal data; and
- () the public interest in the integrity of communications systems and computer networks.”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

298

★ Clause 67, page 53, line 26, at end insert—

“(e) the public interest in the protection of privacy and the integrity of personal data; and

(f) the public interest in the integrity of communications systems and computer networks.”

Member’s explanatory statement

This amendment would include a specific duty to consider the public interest in the protection of individual privacy and the security of communications systems and computer networks.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

139

Clause 67, page 53, line 37, leave out “, and”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

140

Clause 67, page 53, line 38, at end insert—

“() the public interest in the protection of privacy and the integrity of personal data; and

() the public interest in the integrity of communications systems and computer networks.”

Joanna Cherry
Gavin Newlands

299

★ Clause 67, page 53, line 38, at end insert—

“(e) the public interest in the protection of privacy and the integrity of personal data; and

(f) the public interest in the integrity of communications systems and computer networks.”

Member’s explanatory statement

See Members explanatory statement to amendment 298.

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

141

Clause 68, page 54, leave out lines 3 to 13 and insert—

- () An application for an order shall be made on notice to the journalist or journalists affected unless the Judicial Commissioner determines that an application without such notice is required in order to avoid prejudice to the investigation.
- () Paragraphs 7 – 9 of Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply in relation to the service of a notice of application for an order under subsection (1) as if the application were for an order under Schedule 1 Police and Criminal Evidence Act 1984.
- () Criminal Procedure Rules may make provision about proceedings under this section where the Judicial Commissioner determines that an application without such notice is required.
- () A Judicial Commissioner may only make an order if the person making the application has convincingly established that—
 - (a) the order is directed to one or more of the legitimate aims specified in Article 10.2 of the Convention, and
 - (b) there is an overriding public interest necessitating the order, and
 - (c) reasonable alternative measures to the order do not exist or have been exhausted, and
 - (d) the order is proportionate to the legitimate aim or aims being pursued.
- () The costs of any application and of anything done or to be done in pursuance of an order made under it shall be in the discretion of the Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

142

Clause 68, page 54, line 5, leave out from “data” to “and” on line 7 and insert “further to this Part”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

143

Clause 68, page 54, line 18, leave out “considers” and insert “determines”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

144

Clause 68, page 54, line 19, leave out subsections (5) (a) and (b) and insert—

- “() that the conduct permitted by the authorisation is necessary for one or more of the purposes in section 53(7); and
- () that the conduct permitted by the authorisation is proportionate to what is sought to be achieved by that conduct.”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

145

Clause 68, page 54, line 29, leave out subsection (7) and insert—

- “() The Investigatory Powers Commissioner may for the purposes of approving authorisations under this Section appoint Deputy Judicial Commissioners.
- () A “Deputy Judicial Commissioner” must be—
 - (a) in relation to England and Wales, a justice of the peace,
 - (b) in relation to Scotland, a sheriff, and
 - (c) in relation to Northern Ireland, a district judge (magistrates’ courts) in Northern Ireland.
- () An authorisation under this Section may not grant authorisation in relation to the obtaining by a relevant public authority of communications data—
 - (a) insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- () For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) In connection with the giving of legal advice or
 - (ii) In connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- () An application which contains a statement that the purpose of a warrant is to access communications data in connection with communications made for the

Investigatory Powers Bill, *continued*

purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.

- () A Judicial Commissioner may issue an authorisation sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications data relates to communications made with the intent of furthering a criminal purpose;
 - (b) that the data is likely to be of substantial value to the investigation in connection with which the application is made; and
 - (c) that the data concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the data have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the authorisation is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the data is accessed,
 - (ii) the importance of the prosecution and
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege,
- () A code of practice issued under Schedule 6 must contain provision about—
 - (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.
- () Where an authorisation issued under this Part would seek to authorise any activity which may involve access to special procedure material, the following subclauses apply.
- () Special procedure material subject to subsection (1) will include—
 - (a) journalistic material other than material which a person holds in confidence and
 - (b) communications sent by, or intended for, a member of the relevant legislature.
- () The special procedure authorisation may only be granted on application to a Judicial Commissioner.
- () The Judicial Commissioner must be satisfied that there are reasonable grounds to believe that—
 - (a) a criminal offence has been committed,
 - (b) the material is likely to be of substantial value to the investigation of that offence,
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail and
 - (d) it is in the public interest that the warrant is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) the importance of the prosecution,
 - (iii) the importance of maintaining public confidence in the integrity of journalists' work product, and/or communications with members of relevant legislatures and

Investigatory Powers Bill, *continued*

- (iv) the public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () Where data could reasonably be obtained by means of a search and seizure order pursuant to the Police and Criminal Evidence Act 1984, a warrant under this Part will not be in the public interest.
- () An application for an authorisation concerning journalistic material held in confidence or information for the purpose of identifying or confirming a source of journalistic information, may only be considered by the Investigatory Powers Commissioner, who must be satisfied that there are reasonable grounds to believe—
 - (a) a criminal offence has been committed,
 - (b) the communications data is likely to be of substantial value to the investigation of that offence,
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail and
 - (d) it is in the public interest that the authorisation is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed;
 - (ii) the importance of the prosecution;
 - (iii) the importance of maintaining public confidence in the integrity of journalists’ work product and
 - (iv) the public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () In considering an authorisation concerning journalistic material held in confidence, the Investigatory Powers Commissioner must give notice to the journalist concerned, unless it would not be in the public interest to do so.
- () If an authorisation is considered without notice, the Investigatory Powers Commissioner must appoint a Special Advocate to represent the interests of the journalist and the person to whom confidence is owed, and the wider public interest in the integrity of journalists sources and freedom of expression, including as protected by Article 10 ECHR.
- () Journalistic material is held in confidence for the purposes of this section if—
 - (a) it is held subject to such an undertaking, restriction or obligation and
 - (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Joanna Cherry
Gavin Newlands

242

Clause 68, page 54, line 29, leave out subsection (7) and insert—

- “() The Investigatory Powers Commissioner may for the purposes of approving authorisations under this Section appoint Deputy Judicial Commissioners.
- () A “Deputy Judicial Commissioner” must be—
 - (a) in relation to England and Wales, a justice of the peace,
 - (b) in relation to Scotland, a sheriff, and
 - (c) in relation to Northern Ireland, a district judge (magistrates’ courts) in Northern Ireland.

Investigatory Powers Bill, *continued*

- () An authorisation under this Section may not grant authorisation in relation to the obtaining by a relevant public authority of communications data—
 - (a) insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- () For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice, or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- () An application which contains a statement that the purpose of a warrant is to access communications data in connection with communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- () A Judicial Commissioner may issue an authorisation sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications data relates to communications made with the intent of furthering a criminal purpose;
 - (b) that the data is likely to be of substantial value to the investigation in connection with which the application is made;
 - (c) that the data concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the data have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the authorisation is granted, having regard to the—
 - (i) benefit likely to accrue to the investigation and prosecution if the data is accessed;
 - (ii) importance of the prosecution; and
 - (iii) importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- () A code of practice issued under Schedule 6 must contain provision about—
 - (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.
- () Where an authorisation issued under this Part would seek to authorise any activity which may involve access to special procedure material, the following subclauses apply.
- () Special procedure material subject to subsection (1) will include—

Investigatory Powers Bill, *continued*

- (a) journalistic material other than material which a person holds in confidence;
 - (b) communications sent by, or intended for, a member of the relevant legislature.
- () The special procedure authorisation may only be granted on application to a Judicial Commissioner.
- () The Judicial Commissioner must be satisfied that there are reasonable grounds to believe that—
- (a) a criminal offence has been committed;
 - (b) the material is likely to be of substantial value to the investigation of that offence;
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
 - (d) it is in the public interest that the warrant is granted, having regard to the—
 - (i) benefit likely to accrue to the investigation and prosecution if the information is accessed;
 - (ii) importance of the prosecution;
 - (iii) importance of maintaining public confidence in the integrity of journalists' work product; and
 - (iv) public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () In considering an authorisation concerning journalistic material held in confidence, the Investigatory Powers Commissioner must give notice to the journalist concerned, unless it would not be in the public interest to do so.
- () If an authorisation is considered without notice, the Investigatory Powers Commissioner must appoint a Special Advocate to represent the interests of the journalist and the person to whom confidence is owed, and the wider public interest in the integrity of journalists sources and freedom of expression, including as protected by Article 10 ECHR.
- () Journalistic material is held in confidence for the purposes of this section if—
- (a) it is held subject to such an undertaking, restriction or obligation;
 - (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Member's explanatory statement

This amendment proposes special procedures for communications data subject to legal professional privilege and for the protection of journalistic material and the communications data of politicians. It also provides for the Investigatory Powers Commissioner to appoint Deputy Judicial Commissioners to consider applications for the authorisation of access to Communications Data.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

243

Page 54, line 33, leave out Clause 69

Member's explanatory statement

This amendment is consequential on amendments to clause 67, which provide for the senior point of contact scheme to be operated under the authority of the Investigatory Powers Commissioner.

Joanna Cherry
Gavin Newlands

244

Page 55, line 39, leave out Clause 70

Member's explanatory statement

See explanatory statement for amendment 243.

Joanna Cherry
Gavin Newlands

245

Page 56, line 16, leave out Clause 71

Member's explanatory statement

See explanatory statement for amendment 243.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

146

Clause 72, page 57, line 27, leave out from “by” to “and” in line 29 and insert “a warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

147

Clause 72, page 57, line 30, leave out “authorisation or notice” and insert “warrant”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Clause 72, page 57, line 35, leave out from “subsection (1)” to end of line 40

Member’s explanatory statement

This amendment ensures that if conduct cannot be justified it must remain unlawful.

246

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 72, page 57, line 36, leave out paragraph (b)

148

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 73, page 58, line 33, at end insert—

“(4) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”

149

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Page 58, line 34, leave out Clause 74

227



 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

150

Clause 76, page 59, line 26, after “Kingdom”, insert “the notice shall be served at that person’s principal office outside the United Kingdom where it is established for the provision of services. Where it is considered unfeasible or inappropriate in the circumstances,”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

151

Clause 76, page 59, line 39, leave out subsection (4) and insert—
 “(4) Subsections (1) or (2) of section 57 shall not be applicable where the taking of any steps by a relevant operator outside the United Kingdom—
 (a) would cause the operator to act contrary to any laws or restrictions under the law of the country or territory where it is established, for the provision of services, or
 (b) could be achieved via a notice served pursuant to an international mutual assistance agreement or subject to an EU mutual assistance instrument.”

Joanna Cherry
 Gavin Newlands

247

Page 59, line 21, leave out Clause 76

Member’s explanatory statement

This amendment and amendment 248 would delete provisions which purport to give communications data access authorisations (authorisations and notices issued under Part 3) and data retention notices (notices issued under Part 4) extraterritorial effect.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

164

Clause 78, page 61, line 5, leave out subsection (1) and insert—
 “(1) A Judicial Commissioner may issue a data retention warrant under this Part to authorise the retention of relevant communications data if the Judicial Commissioner considers that the authorisation is necessary and proportionate for one or more of the following purposes—
 (a) in the interests of national security, or

Investigatory Powers Bill, *continued*

- (b) for the purpose of preventing or detecting serious crime, or
- (c) for the purpose of preventing death or serious injury.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

165

Clause 78, page 61, line 10, leave out “A retention notice may” and insert “A data retention warrant must”

Joanna Cherry
Gavin Newlands

303

★ Clause 78, page 61, line 12, leave out “of all data or any description of data” and insert “of specified relevant communications data”

Joanna Cherry
Gavin Newlands

304

★ Clause 78, page 61, line 14, leave out paragraph (2)(d)

Joanna Cherry
Gavin Newlands

305

★ Clause 78, page 61, line 16, leave out paragraph (2)(e)

Joanna Cherry

306

★ Clause 78, page 61, line 18, at end insert—
“(2) a retention notice may not require a telecommunications operator to retain any data belonging to a third party data, unless that third party data is retained by the telecommunications operator for their own business purposes.”

As an Amendment to Joanna Cherry’s proposed Amendment (No. 306):—

Gavin Newlands

(a)

★ Line 1, leave out “notice” and insert “warrant”.

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry
Gavin Newlands

Clause 78, page 61, line 19, leave out “notice” and insert “warrant” **154**

Joanna Cherry
Gavin Newlands

★ Clause 78, page 61, line 19, leave out “(or description of operators)” and insert “or operators” **317**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry
Gavin Newlands

Clause 78, page 61, line 30, leave out “retention notice” and insert “retention warrant” **155**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry
Gavin Newlands

Clause 78, page 61, line 30, leave out second “notice” and insert “warrant” **235**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry
Gavin Newlands

Clause 78, page 61, line 32, leave out “notice” and insert “warrant” **156**

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 33, leave out “notice” and insert “warrant”

157

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 34, leave out “notice” and insert “warrant”

158

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 36, leave out “notice” and insert “warrant”

159

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 78, page 61, line 36, at end insert “, and

(c) only when approved by the Investigatory Powers Commissioner.

(5A) In deciding whether to approve a notice, the Investigatory Powers Commissioner must determine whether a notice is—

(a) that the conduct required by the notice is necessary for one or more of the purposes in section 53(7); and

(b) that the conduct required by the notice is proportionate to what is sought to be achieved by that conduct.”

152

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoch
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 37, leave out “notice” and insert “warrant”

160

Joanna Cherry
Gavin Newlands

★ Clause 78, page 61, line 37, leave out “(or description of operators)” and insert “or operators”

315

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoch
Sue Hayman

Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Investigatory Powers Commissioner”

153

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoch
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

161

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoch
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 78, page 61, line 41, leave out “notice” and insert “warrant”

162

Joanna Cherry
Gavin Newlands

★ Clause 78, page 61, line 42, leave out “(or description of operators)” and insert “or operators”

319

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

320

- ★ Clause 78, page 62, line 13, leave out subsection (9) and insert—
- “(9) In this Part “relevant communications data” means—
- (a) communications data of the kind mentioned in the Schedule to the Data Retention (EC Directive) Regulations 2009 (SI 2009/859), or
 - (b) relevant internet data not falling within paragraph (a).
- (9A) In this part “relevant internet data” means communications data which may be used to identify, or assist in identifying, the sender or recipient of a communication (whether or not a person).”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoek
Sue Hayman

Joanna Cherry

Gavin Newlands

166

Clause 79, page 62, line 26, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoek
Sue Hayman

Joanna Cherry

Gavin Newlands

220

Clause 79, page 62, line 26, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoek
Sue Hayman

Joanna Cherry

Gavin Newlands

168

Clause 79, page 62, line 28, leave out “notice” and insert “warrant”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry Gavin Newlands

Clause 79, page 62, line 30, leave out “notice” and insert “warrant”

169

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry Gavin Newlands

Clause 79, page 62, line 31, leave out “notice” and insert “warrant”

170

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry Gavin Newlands

Clause 79, page 62, line 32, leave out “notice” and insert “warrant”

171

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry Gavin Newlands

Clause 79, page 62, line 33, leave out “notice” and insert “warrant”

172

Joanna Cherry
 Gavin Newlands

★ Clause 79, page 62, line 33, leave out “(or description of operators)” and insert “or operators”

328

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

175

Clause 79, page 62, line 34, at end insert—

- “() the public interest in the protection of privacy and the integrity of personal data; and
- () the public interest in the integrity of communications systems and computer networks.”

Joanna Cherry
Gavin Newlands

329

★ Clause 79, page 62, line 34, at end insert—

- “(a) the public interest in the protection of privacy and the integrity of personal data; and
- (b) the public interest in the integrity of communications systems and computer networks.”

Member’s explanatory statement

This amendment establishes a specific duty to consider the public interest in the protection of individual privacy and the security of communications systems and computer networks.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

173

Clause 79, page 62, line 35, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

174

Clause 79, page 62, line 35, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

332

★ Clause 80, page 62, line 37, leave out “Secretary of State” and insert “Judicial

Investigatory Powers Bill, *continued*

Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 62, line 38, leave out “notice” and insert “warrant”

176

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 62, line 40, leave out “back to the Secretary of State” and insert “to the Investigatory Powers Commissioner for review”

198

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 62, line 40, leave out “Secretary of State” and insert “Judicial Commissioner”

179

Joanna Cherry
Gavin Newlands

★ Clause 80, page 62, line 40, leave out “notice” and insert “warrant”

335

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 62, line 41, leave out “notice” and insert “warrant”

177

Joanna Cherry
Gavin Newlands

★ Clause 80, page 62, line 42, leave out subsection (3)

338

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 62, line 42, leave out “notice” and insert “warrant”

178

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 5, leave out “notice” and insert “warrant”

180

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 6, leave out “notice” and insert “warrant”

181

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”

190

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 80, page 63, line 7, leave out “Secretary of State” and insert “the Investigatory Powers Commissioner”

199

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 63, line 7, leave out “notice” and insert “warrant”

182

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 8, leave out “Secretary of State” and insert “Judicial Commissioner”

191

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 8, leave out “notice” and insert “warrant”

183

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 63, line 10, leave out “Secretary of State” and insert “the Investigatory Powers Commissioner”

200

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 10, leave out “Secretary of State” and insert “Judicial Commissioner”

192

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 80, page 63, line 12, leave out subsection (b)

201

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 14, leave out “notice” and insert “warrant”

184

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 16, leave out “notice” and insert “warrant”

185

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 19, leave out “Secretary of State” and insert “Judicial Commissioner”

193

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 24, leave out “Secretary of State” and insert “Judicial Commissioner”

194

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 25, leave out “Secretary of State” and insert “Judicial Commissioner” **195**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 63, line 25, leave out “Secretary of State” and insert “Investigatory Powers Commissioner” **202**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 63, line 25, leave out “and the Commissioner” **249**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 27, leave out “notice” and insert “warrant” **186**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 80, page 63, line 28, leave out “notice” and insert “warrant” **187**

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 30, leave out “notice” and insert “warrant”

188

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 80, page 63, line 31, leave out “Secretary of State” and insert “Investigatory Powers Commissioner”

203

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 31, leave out “Secretary of State” and insert “Judicial Commissioner”

196

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 80, page 63, line 33, leave out “Secretary of State” and insert “Judicial Commissioner”

197

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry Gavin Newlands
 Clause 80, page 63, line 33, leave out “notice” and insert “warrant” 189

Joanna Cherry
 Gavin Newlands

★ Clause 83, page 64, line 10, leave out “(or description of operators)” and insert “or operators” 376

Joanna Cherry
 Gavin Newlands

★ Clause 83, page 64, line 11, leave out “notices” and insert “warrants” 356
Member’s explanatory statement
This amendment, and others to Clause 83, would provide for Judicial Commissioners to issue data retention warrants rather than the Secretary of State.

Joanna Cherry
 Gavin Newlands

★ Clause 83, page 64, line 12, leave out “notices” and insert “warrants” 357
Member’s explanatory statement
This amendment, and others to Clause 83, would provide for Judicial Commissioners to issue data retention warrants rather than the Secretary of State.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 83, page 64, line 13, leave out “Secretary of State” and insert “Judicial Commissioner” 204

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

210

Clause **83**, page **64**, line **13**, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

205

Clause **83**, page **64**, line **14**, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

206

Clause **83**, page **64**, line **15**, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
 Gavin Newlands

361

★ Clause **83**, page **64**, line **16**, leave out “(or description of operators)” and insert “or operators”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

222

Clause **83**, page **64**, line **21**, at end insert “and
 () the variation has been approved by the Investigatory Powers
 Commissioner.”

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 22, leave out “notice” and insert “warrant”

211

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

207

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 27, leave out “notice” and insert “warrant”

212

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 28, leave out “notice” and insert “warrant”

213

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 31, leave out “notice” and insert “warrant”

214

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 32, leave out “notice” and insert “warrant”

215

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 83, page 64, line 34, leave out “notice” and insert “warrant”

216

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 36, leave out “notice” and insert “warrant”

217

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 83, page 64, line 37, leave out “notice” and insert “warrant”

218

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

Clause 83, page 64, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

208

Joanna Cherry
Gavin Newlands

★ Clause 83, page 64, line 39, leave out “notice” and insert “warrant”

370

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

372

★ Clause 83, page 64, line 40, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

209

Clause 83, page 64, line 41, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

374

★ Clause 83, page 65, line 1, leave out “(or description of operators)” and insert “or operators”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

219

Clause 83, page 65, line 7, leave out “notice” and insert “warrant”

Joanna Cherry
Gavin Newlands

375

★ Clause 83, page 65, line 8, leave out “(or description of operators)” and insert “or operators”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

221

Clause 83, page 65, line 9, leave out “notice” and insert “warrant”

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 84, page 65, line 20, after “not”, insert “, without reasonable excuse.” 225

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 84, page 65, line 21, after “person”, insert “except the Investigatory Powers Commissioner or a Judicial Commissioner” 223

Joanna Cherry
Gavin Newlands

★ Clause 84, page 65, line 21, after “person”, insert “except the Investigatory Powers Commissioner or a Judicial Commissioner” 379

Member’s explanatory statement

This amendment would make clear that the contents of any notice may be revealed to the Investigatory Powers Commissioner or the Judicial Commissioners.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 84, page 65, line 26, leave out “Secretary of State” and insert “Investigatory Powers Commissioner” 224

Joanna Cherry
Gavin Newlands

★ Clause 84, page 65, line 26, leave out “Secretary of State” and insert “Investigatory Powers Commissioner” 380

Member’s explanatory statement

This amendment transfers responsibility for decisions on disclosure from the Secretary of State to the Investigatory Powers Commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 84, page 66, line 15, at end insert— 226

Investigatory Powers Bill, *continued*

- “(2B) No notice shall be served under subsection (1) where the relevant telecommunications operator outside the United Kingdom.
- (a) is already subject to a comparable retention requirement in the country or territory where it is established, for the provision of services, or
 - (b) where there is no comparable retention requirement under its domestic law, any extraterritorial requirement is limited to the making of preservation requests to the telecommunications operator.”

Joanna Cherry
Gavin Newlands

248

Page 66, line 10, leave out Clause 86

Member’s explanatory statement

See explanatory statement for amendment 247.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

381

- ★ Clause 88, page 66, line 38, leave out “other information” and insert “other specified data”

Member’s explanatory statement

This amendment seeks to more clearly outline what material may be obtained by hacking.

Joanna Cherry
Gavin Newlands

382

- ★ Clause 88, page 67, line 40, leave out “other than material which is—”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

445

- ★ Clause 88, page 67, line 40, leave out from “other” to end of line 43

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

383

- ★ Clause 88, page 67, line 41, leave out paragraphs (a) and (b)

Member's explanatory statement

This amendment requires that an examination warrant is required for the examination of all data, removing the exception of equipment data and the broad category of 'not private information' which is collected under bulk warrants.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

446

- ★ Clause 89, page 68, line 13, leave out from "information" to end of line 15

Joanna Cherry
Gavin Newlands

384

- ★ Clause 89, page 68, line 13, leave out "disregarding any meaning arising from the fact of the communication or the existence of the item of information or from any data relating to that fact"

Member's explanatory statement

This amendment acknowledges that "data" relating to the fact of a communication or the existence of information has meaning and must not be exempt from privacy protections afforded to other categories of data.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

385

- ★ Clause 90, page 68, line 24, leave out paragraph (b)

Member's explanatory statement

This amendment, and others to Clause 90, refine the matters to which targeted equipment interference warrants may relate by removing vague and broad categories including "equipment interference for training purposes".

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

★ Clause 90, page 68, line 33, leave out paragraph (f)

386

Joanna Cherry
Gavin Newlands

★ Clause 90, page 68, line 35, leave out paragraph (g)

387

Joanna Cherry
Gavin Newlands

★ Clause 90, page 68, line 38, leave out paragraph (h)

388

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

★ Clause 90, page 68, line 41, at end insert—

389

“(1A) A targeted equipment interference warrant may only be issued in relation to any of the matters that fall under subsection (1) if the persons, organisations or location to which the warrant relates are named or otherwise identified.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 90, page 68, line 44, leave out subsection (2)(b)

456

Joanna Cherry
Gavin Newlands

★ Clause 90, page 69, line 1, leave out paragraph (d)

391

Joanna Cherry
Gavin Newlands

★ Clause 90, page 69, line 3, leave out paragraph (e)

392

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

458

★ Clause 90, page 69, line 4, at end insert—

“(2A) A targeted examination warrant may only be issued in relation to any of the matters that fall under subsection (2) if the persons, organisations or location to which the warrant relates are named or otherwise identified.”

Joanna Cherry
 Gavin Newlands

497

★ Clause 91, page 69, line 6, leave out “the Secretary of State”

Joanna Cherry
 Gavin Newlands

394

★ Clause 91, page 69, line 6, after “Power”, insert “of Judicial Commissioners”

Member’s explanatory statement

This amendment, and others to Clause 91, would give the power to issue equipment interference and examination warrants to Judicial Commissioners rather than the Secretary of State, as well as removing the responsibility of Scottish ministers to issue warrants for targeted equipment interference and targeted examination within Scotland, replacing dual political authorisation processes with a single judicial authorisation process for all targeted equipment interference warrants and targeted examination warrants within the UK.

Joanna Cherry
 Gavin Newlands

498

★ Clause 91, page 69, line 6, after “services”, insert “and law enforcement chiefs”

Joanna Cherry
 Gavin Newlands

395

★ Clause 91, page 69, line 7, leave out “The Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
 Gavin Newlands

396

★ Clause 91, page 69, line 9, leave out “The Secretary of State” and insert “Judicial Commissioners”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

397

- ★ Clause 91, page 69, line 11, leave out “The Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

398

- ★ Clause 91, page 69, line 14, leave out “The Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

399

- ★ Clause 91, page 69, line 17, leave out paragraph (d) and insert—
“(d) the Judicial Commissioner has reasonable grounds for believing that the material sought is likely to be of substantial value to the investigation or operation to which the warrant relates.”

Joanna Cherry
Gavin Newlands

400

- ★ Clause 91, page 69, line 20, leave out “the Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

401

- ★ Clause 91, page 69, line 22, leave out “the Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

402

- ★ Clause 91, page 69, line 31, leave out “the Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

468

- ★ Clause 91, page 69, line 33, leave out “the Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

469

- ★ Clause 91, page 69, line 35, leave out “the Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands

470

- ★ Clause 91, page 69, line 38, leave out “the Secretary of State” and insert “Judicial

 Investigatory Powers Bill, *continued*

Commissioners”

Joanna Cherry
Gavin Newlands

403

★ Clause 91, page 69, line 43, leave out paragraph (d)

Joanna Cherry
Gavin Newlands

404

★ Clause 91, page 70, line 2, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

405

★ Clause 91, page 70, line 8, after “crime”, insert “where there is reasonable suspicion that a serious criminal offence has been or is likely to be committed”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

406

★ Clause 91, page 70, line 9, leave out paragraph (c)

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

463

★ Clause 91, page 70, line 12, leave out subsection (6)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

465

★ Clause 91, page 70, line 18, leave out from “include” to end of line 19 and insert—

“(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and

(b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—

Investigatory Powers Bill, *continued*

- (i) the risk of collateral interference and intrusion, and
- (ii) the risk to the integrity of communications systems and computer networks, and
- (iii) the risk to public cybersecurity.”

Joanna Cherry
Gavin Newlands

407

- ★ Clause 91, page 70, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

408

- ★ Clause 91, page 70, line 25, at end insert—
“(10) Targeted equipment interference is only lawful if authorised under this Act.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

464

- ★ Clause 91, page 70, line 26, at end insert—
“(10) A warrant may only authorise targeted equipment interference or targeted examination as far as the conduct authorised relates—
(a) to the offence as specified under subsection (5)(b), or
(b) to some other indictable offence which is connected with or similar to the offence as specified under subsection (5)(b)”

Joanna Cherry
Gavin Newlands

410

- ★ Clause 93, page 71, line 21, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

411

- ★ Clause 93, page 71, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

412

- ★ Clause 93, page 71, line 25, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

413

- ★ Clause 93, page 71, line 28, leave out “Secretary of State” and insert “Judicial

 Investigatory Powers Bill, *continued*

Commissioner”

Joanna Cherry
Gavin Newlands

414

- ★ Clause 93, page 71, line 31, leave out paragraph (d) and insert—
 “(d) the Judicial Commissioner has reasonable grounds for believing that the material sought is likely to be of substantial value to the investigation or operation to which the warrant relates.”

Member’s explanatory statement

These amendments would introduce a requirement that warrants are only granted where there are reasonable grounds for believing material to be obtained will be of substantial value to the investigation or operation, and requires a threshold of reasonable suspicion that a serious criminal offence has been committed in order for a warrant to be granted.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

466

- ★ Clause 93, page 71, line 35, leave out from “include” to end of line 36 and insert—
 “(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
 (b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
 (i) the risk of collateral interference and intrusion, and
 (ii) the risk to the integrity of communications systems and computer networks, and
 (iii) the risk to public cybersecurity”

Joanna Cherry
Gavin Newlands

415

- ★ Clause 93, page 71, line 35, leave out “whether what is sought to be achieved by the warrant could reasonably be achieved by other means” and insert—
 “(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
 (b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
 (i) the risk of collateral interference and intrusion, and
 (ii) the risk to the integrity of communications systems and computer networks, and
 (iii) the risk to public cybersecurity.”
-

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

467

★ Page 71, line 40, leave out Clause 94

Mr John Hayes

257

★ Clause 95, page 72, line 33, leave out “the Scottish Ministers have” and insert “a member of the Scottish Government has”

Member’s explanatory statement

Clause 95(2) provides that a decision to issue a warrant under Clause 92 must be taken personally by a member of the Scottish Government. This amendment corrects Clause 95(5)(b) so that it also refers to a member of the Scottish Government.

Joanna Cherry
Gavin Newlands

417

★ Page 72, line 18, leave out Clause 95

Joanna Cherry
Gavin Newlands

418

★ Clause 96, page 72, line 35, leave out “officers” and insert “chiefs”

Joanna Cherry
Gavin Newlands

419

★ Clause 96, page 72, line 36, leave out “law enforcement chief described in Part 1 or 2 of the table in Schedule 6” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

420

★ Clause 96, page 72, line 37, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6”

Joanna Cherry
Gavin Newlands

421

★ Clause 96, page 72, line 40, leave out “law enforcement chief” and insert “Judicial Commissioner”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

422

- ★ Clause 96, page 72, line 42, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

423

- ★ Clause 96, page 73, line 1, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

424

- ★ Clause 96, page 73, line 4, leave out paragraph (d)

Joanna Cherry
Gavin Newlands

425

- ★ Clause 96, page 73, line 7, leave out “law enforcement chief described in Part 1 of the table in Schedule 6” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

426

- ★ Clause 96, page 73, line 8, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6”

Joanna Cherry
Gavin Newlands

427

- ★ Clause 96, page 73, line 10, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

428

- ★ Clause 96, page 73, line 14, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

429

- ★ Clause 96, page 73, line 17, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

430

- ★ Clause 96, page 73, line 20, leave out paragraph (d)

 Investigatory Powers Bill, *continued*

- Joanna Cherry
Gavin Newlands
- 431
- ★ Clause 96, page 73, line 23, leave out subsection (3)
- Joanna Cherry
Gavin Newlands
- 432
- ★ Clause 96, page 73, line 29, leave out paragraphs (b) and (c)
- Joanna Cherry
Gavin Newlands
- 433
- ★ Clause 96, page 73, line 35, after “Where”, insert “an application for an equipment interference warrant is made by a law enforcement chief and”
- Joanna Cherry
Gavin Newlands
- 434
- ★ Clause 96, page 73, line 39, leave out subsections (6) to (10)
- Joanna Cherry
Gavin Newlands
- 435
- ★ Clause 96, page 74, line 13, leave out “whether what is sought to be achieved by the warrant could reasonably be achieved by other means” and insert—
- “(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
 - (b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
 - (i) the risk of collateral interference and intrusion, and
 - (ii) the risk to the integrity of communications systems and computer networks, and
 - (iii) the risk to public cybersecurity.”
- Joanna Cherry
Gavin Newlands
- 436
- ★ Clause 96, page 74, line 16, leave out subsections (12) and (13)
- Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoack
Sue Hayman
- 459
- ★ Page 72, line 35, leave out Clause 96
-

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

437

- ★ Schedule 6, page 213, line 15, leave out Part 2
-

Mr John Hayes

258

- ★ Clause 97, page 75, line 4, leave out from “a” to “under” and insert “decision to issue a warrant”
Member’s explanatory statement
This amendment, and amendments 259 to 262, each make a minor drafting change to take account of the fact that clause 97 may also apply in a case where a warrant has already been issued (see Clause 98).

Mr John Hayes

259

- ★ Clause 97, page 75, line 6, leave out from “a” to “under” and insert “decision to issue a warrant”
Member’s explanatory statement
See the note to amendment 258.

Mr John Hayes

260

- ★ Clause 97, page 75, line 8, leave out from “a” to “under” and insert “decision to issue a warrant”
Member’s explanatory statement
See the note to amendment 258.

Mr John Hayes

261

- ★ Clause 97, page 75, line 10, leave out from “a” to “under” and insert “decision to issue a warrant”
Member’s explanatory statement
See the note to amendment 258.

Mr John Hayes

262

- ★ Clause 97, page 75, line 12, leave out from “a” to “under” and insert “decision to issue a warrant”
Member’s explanatory statement
See the note to amendment 258.

Joanna Cherry
Gavin Newlands

438

- ★ Page 74, line 36, leave out Clause 97
-

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

439

- ★ Clause 98, page 75, line 26, leave out “considered” and insert “had reasonable grounds for believing there was an emergency situation posing immediate danger of death or serious physical injury or that the physical security or integrity of the nation was endangered”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

440

- ★ Clause 98, page 75, line 28, after “issued” insert “immediately”
-

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

492

- ★ Clause 99, page 76, leave out line 10 and subsection (4) and insert “(4A)”

Joanna Cherry
Gavin Newlands

441

- ★ Clause 99, page 76, line 10, leave out paragraph (b)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

442

- ★ Clause 99, page 76, line 12, leave out subsection (4) and insert—
“(4A) Where the judicial commissioner refuses to approve an urgent warrant, they must direct that all of the material obtained under the warrant is destroyed, unless there are exceptional circumstances.”
-

 Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 100, page 77, line 3, after “items”, insert “presumptively”

499

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 100, page 77, line 8, after “items”, insert “presumptively”

500

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 100, page 77, line 13, leave out paragraph (a) and insert—

501

“(a) that compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise or require interference with equipment for the purpose of obtaining or (in the case of a targeted examination warrant) the selection for examination of those items, and”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

★ Page 76, line 39, leave out Clause 100

471

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

460

★ Clause 101, page 78, line 2, after “service”, insert “or to a law enforcement chief”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

461

★ Clause 101, page 78, line 6, leave out subsection (2)(c)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

266

★ Clause 101, page 78, line 18, leave out “or a description of the person or organisation” and insert “or another identifier of the person or organisation.”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

265

★ Clause 101, page 78, leave out lines 21 to 27

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

474

★ Clause 101, page 78, line 27, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation”

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

473

★ Clause 101, page 78, line 28, column 2, at beginning insert “The name and”

Joanna Cherry
 Gavin Newlands

268

★ Clause 101, page 78, line 31, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

269

★ Clause 101, page 78, line 36, leave out “description” and insert “specification”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

476

★ Clause 101, page 78, line 36, column 2, at beginning insert “The name and”

Joanna Cherry
 Gavin Newlands

270

★ Clause 101, page 78, line 38, column 2, at beginning insert “A description”
 insert “The name and”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

271

★ Clause 101, page 78, line 40, leave out “a description of as many of the locations as it is reasonably practicable to describe” and insert “specification of each location”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

★ Clause 101, page 79, leave out lines 3 to 7

272

Joanna Cherry
Gavin Newlands

★ Clause 101, page 79, leave out lines 8 to 12

273

Joanna Cherry
Gavin Newlands

★ Clause 101, page 79, leave out lines 13 to 18

274

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

★ Clause 101, page 79, line 19, leave out “describe” and insert “specify”

275

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 101, page 79, line 21, leave out paragraph (b) and insert—
“(b) precisely and explicitly the method and extent of the proposed intrusion and the measures taken to minimise access to irrelevant and immaterial information”

452

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 101, page 79, line 22, at end insert—
“(c) the basis for the suspicion that the target is connected to a serious crime or a specific threat to national security;
(d) in a declaration with supporting evidence—

453

Investigatory Powers Bill, *continued*

- (i) the high probability that evidence of the serious crime or specific threat to national security will be obtained by the operation authorised, and
- (ii) how all less intrusive methods of obtaining the information sought have been exhausted or would be futile, and
- (e) in a separate “Cyber-Security Impact Assessment” all potential risks and damage to the security of the device targeted and communications systems more generally and how those risks and/or damage will be eliminated or corrected.”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

276

- ★ Clause 101, page 79, line 29, leave out “or a description of the person or organisation” and insert “or another identifier of the person or organisation.”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

457

- ★ Clause 101, page 79, leave out lines 31 to 36

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

278

- ★ Clause 101, page 79, line 37, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation”

Joanna Cherry
Gavin Newlands

279

- ★ Clause 101, page 80, leave out lines 3 to 7

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

280

★ Clause 101, page 80, leave out lines 8 to 12

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

281

★ Clause 102, page 80, line 21, leave out “fifth working day” and insert “twenty four hours”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

282

★ Clause 102, page 80, line 23, leave out “6” and insert “1”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

481

★ Clause 103, page 80, line 35, leave out from ‘by’ to the end of line 36 and insert “a Judicial Commissioner”

Joanna Cherry
Gavin Newlands

283

★ Clause 103, page 80, line 35, leave out “an instrument issued by the appropriate person (see subsection 3))” and insert “by a Judicial Commissioner”

Member’s explanatory statement

This amendment, and others to Clause 103, would provide for a Judicial Commissioner to renew warrants rather than the Secretary of State. Provision is also made for a test for renewal.

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

284

- ★ Clause 103, page 80, line 38, leave out “appropriate person” and insert “Judicial Commissioner”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

285

- ★ Clause 103, page 80, line 40, leave out “appropriate person” and insert “Judicial Commissioner”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

286

- ★ Clause 103, page 80, line 43, leave out “appropriate person” and insert “Judicial Commissioner”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

287

- ★ Clause 103, page 81, line 3, leave out paragraph (d) and insert—
- “(d) that the Judicial Commissioner is satisfied that the applicant has explained—
- (i) to what extent the previous warrant achieved the stated purpose, and
 - (ii) why the previous warrant failed to fully achieve the stated purpose, and
 - (iii) why the conduct proposed is likely to support the achievement of the stated purpose.”

Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

454

★ Clause 103, page 81, line 4, at end insert—

“(e) with the text “that the appropriate person receives and considers an explanation of why the information sought has not yet been obtained.”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

288

★ Clause 103, page 81, line 5, leave out subsection (3)

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

289

★ Clause 103, page 81, line 27, leave out subsection (5)

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

290

★ Clause 103, page 81, line 30, leave out subsection (6)

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

291

★ Clause 103, page 81, line 33, leave out subsection (7)

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

292

- ★ Clause 103, page 81, line 36, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

502

- ★ Clause 104, page 83, line 22, at end insert—

“() Where section 100 (*items subject to legal privilege*) applies in relation to a decision to make a modification of a warrant as mentioned in subsection (2)(a), (c) or (d), other than a decision to which subsection (7) applies, section 97 (*approval of warrants by Judicial Commissioners*) applies to the decision as it applies in relation to a decision to issue such a warrant (and accordingly any reference in that section to the person who decided to issue the warrant is to be read as a reference to the person who decided to renew it).”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

503

- ★ Clause 105, page 84, line 33, at end insert—

“() Where, by virtue of section 104(10), section 100 (*items subject to legal privilege*) applies in relation to the making of a modification of a warrant pursuant to section 104(7), this section applies as if each reference in subsections (2) and (5) to (8) to a designated senior official were a reference to a Judicial Commissioner.”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

293

- ★ Clause 109, page 87, line 39, leave out subsection (3)

Member's explanatory statement

This amendment would remove the provision which allows a targeted equipment interference warrant to be served on a person outside the UK for the purpose of requiring that person to take action outside the UK.

Joanna Cherry
Gavin Newlands

294

- ★ Page 88, line 7, leave out Clause 110

Member's explanatory statement

This amendment would remove the provision setting out how warrants may be served outside the UK.

Joanna Cherry
Gavin Newlands

295

- ★ Page 88, line 35, leave out Clause 111
-

Joanna Cherry
Gavin Newlands

296

- ★ Clause 113, page 91, line 22, at end insert—

“(A1) Material obtained via a warrant under this Part may only be shared with overseas authorities in accordance with the terms of an international information sharing treaty.”

Member's explanatory statement

This amendment would require that information obtained via an equipment interference warrant is only shared with overseas authorities where a mutual legal assistance treaty has been put in place for the purpose of doing so.

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

496

- ★ Clause 116, page 93, line 39, leave out subsection (3) and insert—

“(3) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”

Joanna Cherry
 Gavin Newlands

297

- ★ Clause 116, page 93, line 42, at end insert—

“(3A) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”

Member’s explanatory statement

This amendment would provide a defence to the criminal offence of unauthorised disclosure in relation to a warrant issued under this Part. The offence includes disclosure of the existence and content of a warrant and disclosure of the steps taken to implement a warrant.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

531

- ★ Clause 123, page 99, line 19, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

520

- ★ Clause 131, page 104, line 9, at end insert—

“(3B) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established,

Investigatory Powers Bill, *continued*

for the provision of services with which the United Kingdom has entered in to an international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment would exclude the extraterritorial provision in cases where any mutual assistance arrangement exists between the UK and the provider’s jurisdiction. This amendment would continue to enable government to seek voluntary assistance from CSPs in non-MLA countries.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

528

★ Clause 131, page 104, line 23, at end insert—

“(7) A warrant may be implemented only to the extent required for the purpose for which the warrant was issued.”

Member’s explanatory statement

This amendment would bring the implementation of warrants into line with section 16(8) of PACE 1984.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

504

★ Clause 135, page 108, line 12, after “items”, insert “presumptively”.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

505

★ Clause 135, page 108, line 14, at end insert “and

(c) where paragraph (b)(i) applies, compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise or require the selection for examination of those items.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

506

★ Clause 135, page 108, line 16, leave out from “a” to “has” and insert “Judicial

 Investigatory Powers Bill, *continued*

Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

507

★ Clause 135, page 108, line 18, leave out “senior official” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

508

★ Clause 135, page 108, line 19, leave out “official” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

509

★ Clause 135, page 108, line 22, leave out from “privilege” to end of line 25

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

510

★ Clause 135, page 108, line 26, after “item”, insert “presumptively”.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

511

★ Clause 136, page 108, line 40, at end insert—

Investigatory Powers Bill, *continued*

- “(3) Section 25 (*items subject to legal privilege*) applies in relation to an application for a bulk interception warrant as it applies in relation to an application for a targeted interception warrant.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

532

- ★ Clause 139, page 111, line 16, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

525

- ★ Clause 144, page 114, line 19, at end insert—

“(13) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 139.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

521

- ★ Clause 147, page 115, line 39, at end insert—

“(3B) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established, for the provision of services with which the United Kingdom has entered in to an

Investigatory Powers Bill, *continued*

international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment would exclude the extraterritorial provision in cases where any mutual assistance arrangement exists between the UK and the provider’s jurisdiction. This amendment would continue to enable government to seek voluntary assistance from CSPs in non-MLA countries.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

529

- ★ Clause 147, page 116, line 6, at end insert—

“(6) A warrant may be implemented only to the extent required for the purpose for which the warrant was issued.”

Member’s explanatory statement

This amendment would bring the implementation of warrants into line with section 16(8) of PACE 1984.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

522

- ★ Clause 148, page 116, line 10, at beginning insert “Where such a warrant is to be given to a person outside the United Kingdom, the warrant shall be served at that person’s principal office outside the United Kingdom where it is established, for the provision of services. Where it is considered unfeasible or inappropriate in the circumstances,”

Member’s explanatory statement

The Home Secretary confirmed at second reading that a UK agency would only serve a notice on an overseas entity that is capable of providing assistance under the warrant. UK agencies today routinely use secure means of communication to transmit notices directly to the main office of overseas CSPs.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

523

- ★ Clause 149, page 116, line 43, at end insert “which for a relevant operator outside the United Kingdom shall include—

Investigatory Powers Bill, *continued*

- (a) any steps which would cause the operator to act contrary to any laws or restrictions under the law of the country or territory where it is established, for the provision of services, or
- (b) where a warrant could be served pursuant to an international mutual assistance agreement or subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment clarifies the reasonableness test for overseas CSPs.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

533

- ★ Clause 157, page 123, line 16, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

526

- ★ Clause 164, page 128, line 10, at end insert—

“(14) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 157.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

524

★ Clause 167, page 129, line 39, at end insert—

“(3b) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established, for the provision of services with which the United Kingdom has entered in to an international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment excludes the extraterritorial provision in cases where any mutual assistance arrangement exists between the UK and the provider’s jurisdiction. This amendment would continue to enable government to seek voluntary assistance from CSPs in non-MLA countries.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

530

★ Clause 167, page 130, line 12, at end insert—

“(7) A warrant may be implemented only to the extent required for the purpose for which the warrant was issued.”

Member’s explanatory statement

This amendment would bring the implementation of warrants into line with section 16(8) of PACE 1984.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

512

★ Clause 171, page 133, line 38, after “items”, insert “presumptively”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

513

★ Clause 171, page 133, line 40, at end insert “and

(c) where paragraph (b)(i) applies, compelling evidence indicates that the items in question consist of, or relate to, communications made for a

Investigatory Powers Bill, *continued*

criminal purpose such that it is necessary to authorise or require the selection for examination of those items.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 171, page 133, line 42, leave out from “a” to “has” and insert “Judicial Commissioner” **514**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 171, page 133, line 44, leave out “senior official” and insert “Judicial Commissioner” **515**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 171, page 133, line 45, leave out “official” and insert “Judicial Commissioner” **516**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 171, page 134, line 2, leave out from “privilege” to end of line 5 **517**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 171, page 134, line 6, after “item”, insert “presumptively” **518**

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

519

★ Clause 172, page 134, line 17, at end insert—

“(2) Section 100 (*items subject to legal privilege*) applies in relation to an application for a bulk equipment interference warrant as it applies in relation to an application for a targeted equipment interference.”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

534

★ Clause 179, page 138, line 23, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

527

★ Clause 186, page 143, line 16, at end insert—

“(12) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 179.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

Investigatory Powers Bill, continued

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

80

Clause 225, page 176, line 44, at end insert “and for the purposes (and only the purposes) of this Act, including the application of paragraphs (a), (b) and (c), a “criminal purpose” includes the purpose of—

- (i) doing or facilitating anything involving an imminent threat of death or serious injury or an imminent and serious threat to national security, or
- (ii) concealing, or impeding the detection or prevention of, the doing or facilitation of any of those things;”.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

81

Clause 225, page 177, line 6, at end insert—

“presumptively subject to legal privilege”, in relation to an item, means that disregarding any question of criminal purpose, the item falls to be treated as subject to legal privilege;”.

NEW CLAUSES

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

NC1

To move the following Clause—

“Power of Secretary of State to certify warrants

- (1) The Secretary of State may certify a warrant in those cases where—
 - (a) The Secretary of State has reasonable grounds to believe that the conduct authorised by the warrant is necessary pursuant to section 18(2)(a) (national security) and relates to—
 - (i) the defence of the United Kingdom by Armed Forces; or
 - (ii) the foreign policy of the United Kingdom.
 - (b) The Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (2) A warrant certified by the Secretary of State under subsection (1) is subject to approval by a Judicial Commissioner.

Investigatory Powers Bill, *continued*

- (3) In deciding whether to approve a warrant certified by the Secretary of State under subsection (1), the Judicial Commissioner must determine whether—
 - (a) the warrant is capable of certification by the Secretary of State under subsection (1); and
 - (b) in the opinion of the Judicial Commissioner, approving the warrant is necessary on relevant grounds under section 18(2)(a) and subsection (1)(a) or (b) of this section.
- (4) Where a Judicial Commissioner refuses to approve a warrant certified by the Secretary of State under this Section, the Judicial Commissioner must produce written reasons for that decision.
- (5) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a warrant under subsection (3), the Secretary of State, or any special advocate appointed may ask the investigatory Powers Commissioner to decide whether to approve the warrant.”

Member’s explanatory statement

This new clause is intended to replace existing Clause 21 and provides for the Secretary of State to certify warrants in cases concerning defence or foreign policy before they are considered by a judicial commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

NC2

To move the following Clause—

“Items subject to legal privilege

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
 - (a) a communication, insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- (2) For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice, or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
- (3) Communications made with the intention of furthering a criminal purpose are not subject to legal privilege.

Investigatory Powers Bill, *continued*

- (4) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (5) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
- (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
 - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made;
 - (c) that the material concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail; and
 - (e) it is in the public interest that the warrant is granted, having regard to the—
 - (i) benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) the importance of the prosecution, or
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (6) A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1); and
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

Member’s explanatory statement

This new clause is intended to replace existing clause 25 and seeks to clarify the approach to legal privilege in line with existing law.

Joanna Cherry
Gavin Newlands

NC3

To move the following Clause—

“Tort or delict of unlawful interception

Any interception of a communication which is carried out without lawful authority at any place in the United Kingdom by, or with the express or implied consent of, a person having the right to control the operation or the use of a private telecommunication system shall be actionable by the sender or recipient, or intended recipient, of the communication if it is either—

- (a) an interception of that communication in the course of its transmission by means of that private system; or

Investigatory Powers Bill, *continued*

- (b) an interception of that communication in the course of its transmission, by means of a public telecommunication system, to or from apparatus comprised in that private telecommunication system.”

Member’s explanatory statement

This new clause creates a civil wrong of unlawful interception.

Joanna Cherry
Gavin Newlands

NC4

To move the following Clause—

“Tort or delict of unlawfully obtaining communications data

The collection of communications data from a telecommunications operator, telecommunications service, telecommunications system or postal operator without lawful authority shall be actionable as a civil wrong by any person who has suffered loss or damage by the collection of the data.”

Member’s explanatory statement

This new clause creates a civil wrong of unlawful obtaining of communications data.

Joanna Cherry
Gavin Newlands

NC5

To move the following Clause—

“Power of Secretary of State to certify warrants

- (1) The Secretary of State may certify an application for a warrant in those cases where the Secretary of State has reasonable grounds to believe that an application is necessary pursuant to section 18(2)(a) (national security) and involves—
 - (a) the defence of the United Kingdom by Armed Forces; or
 - (b) the foreign policy of the United Kingdom.
- (2) A warrant may be certified by the Secretary of State if—
 - (a) the Secretary of State considers that the warrant is necessary on grounds falling within section 18; and
 - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (3) Any warrant certified by the Secretary of State subject to subsection (1) is subject to approval by a Judicial Commissioner.
- (4) In deciding to approve a warrant pursuant to this section, the Judicial Commissioner must determine whether—
 - (a) the warrant is capable of certification by the Secretary of State subject to subsection (1);
 - (b) the warrant is necessary on relevant grounds subject to section 18(2)(a) and subsection (1)(a) or (b); and
 - (c) the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.

Investigatory Powers Bill, *continued*

- (5) Where a Judicial Commissioner refuses to approve the person's decision to approve a warrant under this section, the Judicial Commissioner must produce written reasons for the refusal.
- (6) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, approves or refuses to approve a warrant under this Section, the person, or any Special Advocate appointed, may ask the Investigatory Powers Commissioner to decide whether to approve the decision to issue the warrant."

Joanna Cherry
Gavin Newlands

NC6

To move the following Clause—

“Items subject to legal privilege

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
 - (a) a communication, insofar as the communication consists of matters subject to legal privilege;
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- (2) For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice; or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (3) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (4) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
 - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made; and
 - (c) that the material concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the warrant is granted, having regard to the—

Investigatory Powers Bill, *continued*

- (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed;
 - (ii) the importance of the prosecution; and
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (5) A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

Member’s explanatory statement

This new clause clarifies the approach to legal professional privilege on the face of the Bill and brings it into line with the spirit of existing case-law, the common law and PACE.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

NC7

☆ To move the following Clause—

“Persons who may apply for issue of warrant

- (1) Each of the following organisations may apply for a communications data retention warrant—
- (a) a police force maintained under section 2 of the Police Act 1996,
 - (b) the Metropolitan Police Force,
 - (c) the City of London Police Force,
 - (d) the Police Service of Scotland,
 - (e) the Police Service of Northern Ireland,
 - (f) the British Transport Police Force,
 - (g) the Ministry of Defence Police,
 - (h) the Royal Navy Police,
 - (i) the Royal Military Police,
 - (j) the Royal Air Force Police,
 - (k) the Security Service,
 - (l) the Secret Intelligence Service,
 - (m) GCHQ, and
 - (n) the National Crime Agency.”

Investigatory Powers Bill, *continued*Joanna Cherry
Gavin Newlands

NC8

- ★ To move the following Clause—

“Equipment interference: risk assessment

A person making an application for a warrant involving equipment interference must make a detailed assessment of—

- (a) the risk to the security or integrity of systems or networks that the proposed activity may involve;
- (b) the risk to the privacy of those not being specifically targeted;
- (c) the steps they propose to take to minimise the risks in subsection (a) and (b).”

Joanna Cherry
Gavin Newlands

NC9

- ★ To move the following Clause—

“Critical national infrastructure: risk assessment

The person making an application for a warrant under this part must make a detailed assessment of the risks of the proposed activity to any critical national infrastructure.”

Joanna Cherry
Gavin Newlands

NC10

- ★ To move the following Clause—

“Requirements that must be met by warrants

- (1) A warrant issued under this Part must name or otherwise identify the person or persons, organisation, premises, or location to which the warrant relates.
- (2) A warrant issued under this Part must describe the investigation or operation to which the warrant relates..
- (3) A warrant issued under this Part must relate to one or more of the following purposes—
 - (a) in the interests of national security, or
 - (b) for the purpose of preventing or detecting serious crime, where there is reasonable suspicion that a serious criminal offence has been or is likely to be committed, or
 - (c) for the purpose of preventing death or injury.

Investigatory Powers Bill, *continued*

- (4) A warrant may only be issued under this Part if there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation or operation to which the warrant relates.”
-

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

NC11

★ To move the following Clause—

“Confidential and privileged material

- (1) Where any conduct under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the application must contain—
- (a) a statement that the conduct will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, and
 - (b) an assessment of how likely it is that the material is likely to cover special procedure material.
- (2) Where any conduct under this Part is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the application must contain—
- (a) a statement that the conduct will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, and
 - (b) an assessment of how likely it is that the material is likely to cover excluded procedure material.
- (3) Where a warrant issued under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the procedure set out at section 5 below must be followed.
- (4) Where a warrant issued under this Part will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the procedure set out at section 6 below must be followed.
- (5) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant if—
- (a) there are reasonable grounds for believing that an indictable offence has been committed, and
 - (b) there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation in connection to the offence at (a), and
 - (c) other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
 - (d) it is in the public interest having regard to—

Investigatory Powers Bill, *continued*

- (i) the public interest in the protection of privacy and the integrity of personal data, and
 - (ii) the public interest in the integrity of communications systems and computer networks, and
 - (iii) the democratic importance of freedom of expression under article 10 ECHR to grant the warrant; or
 - (iv) the democratic interest in the confidentiality of correspondence with members of a relevant legislature; or
 - (v) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (6) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant in accordance with provisions made in Schedule 1 of the Police and Criminal Evidence Act and Schedule 5 of the Terrorism Act.
- (7) An application for a warrant under this Part must not be granted where the information could be sought using a warrant under schedule 1 PACE, unless seeking this information under PACE would defeat the purpose of the investigation.
- (8) Special procedure material means—
- (a) special material as defined in section 14 of the Police and Criminal Evidence Act 1984;
 - (b) correspondence sent by or intended for a member of the relevant legislature.
- (9) Excluded material procedure has the same meaning as in section 11 of the Police and Criminal Evidence Act 1984.
- (10) A warrant under this Part may not authorise any conduct undertaken for the purpose of accessing any material relating to matters subject to legal privilege.
- (11) For the purposes of subsection (10), “legal privilege” means—
- (a) communications between a professional legal adviser and their client or any person representing their client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and their client or any person representing their client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice, or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings;
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (12) Where the purpose of the warrant is to conduct interference to obtain material that would normally be subject to legal privilege but that falls within subsection (11)(d), the interference and examination conduct authorised must relate—
- (a) to the offence as specified under subsection (5)(a), or
 - (b) to some other indictable offence which is connected with or similar to the offence as specified under subsection (5)(a).”
-

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

NC12

★ To move the following Clause—

“Notification

- (1) Upon completion of conduct authorised by a warrant under this Part, or the cancellation of a warrant issued under this Part, a Judicial Commissioner must notify the affected party, in writing, of—
 - (a) the conduct that has taken place, and
 - (b) the provisions under which the conduct has taken place.
- (2) The notification under subsection (1) must be sent within thirty days of the completion of the conduct or cancellation of the warrant.
- (3) A Judicial Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (2) if the Judicial Commissioner assesses that notification may defeat the purposes of an ongoing serious crime or national security investigation relating to the affected party.
- (4) A Judicial Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (3).”

Member’s explanatory statement

This amendment would introduce a requirement that all equipment interference produces a verifiable audit trail. This will be particularly vital to the success and legitimacy of prosecutions. It is recommended that further provision for the independent verification of audit trails is included in Part 8 (Oversight Arrangements).

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

NC13

★ To move the following Clause—

“Audit trail of equipment interference

Any conduct authorised under a warrant issued under this Part must be conducted in a verifiable manner, so as to produce a chronological record of documentary evidence detailing the sequence of activities (referred to hereafter as “the audit trail”).”

Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

NC14

★ To move the following Clause—

“Authorisations in relation to items subject to legal privilege

- (1) Subsections (2) and (3) apply if—
 - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part, and
 - (b) the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (3) The person to whom the application is made may grant the authorisation only if the person considers—
 - (a) that compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise the acquisition of the communications data in question, and
 - (b) that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of intercepted material*), including specific arrangements for the handling, retention, use and destruction of such items.
- (4) Subsections (5) and (6) apply if—
 - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part,
 - (b) the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
 - (c) subsections (2) and (3) do not apply.
- (5) The application must contain—
 - (a) a statement that the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
 - (b) an assessment of how likely it is that the relevant communications data will include communications data which contains, or might tend to reveal the content of, such items.
- (6) The person to whom the application is made may grant the authorisation only if the person considers that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of material*), including specific arrangements for the handling, retention, use and destruction of any communications data which contains, or might tend to reveal the content of, items subject to legal privilege.
- (7) Subsections (1) to (6) of section 68 (*commissioner approval for authorisations in relation to journalistic sources*) apply to an authorisation to which this section applies as they apply to an authorisation in relation to the obtaining by a relevant

Investigatory Powers Bill, *continued*

public authority of communications data for the purpose mentioned in subsection (1)(a) of that section.

- (8) In this section “relevant communications data” means any communications data the obtaining of which is authorised by the authorisation.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

NC15

- ★ To move the following Clause—

“Safeguards relating to items subject to legal privilege

- (1) Section [*Authorisations in relation to items subject to legal privilege*] applies, with the necessary modifications, in relation to an application for a bulk acquisition warrant as it applies in relation to an application for an authorisation under Part 3.
- (2) Section 135 [*additional safeguards for items subject to legal privilege*] applies, with the necessary modifications, to the selection for examination of communications data obtained under a bulk acquisition warrant as it applies to the selection for examination of intercepted content obtained under a bulk interception warrant.”

ORDER OF THE HOUSE [15 MARCH 2016]

That the following provisions shall apply to the Investigatory Powers Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 5 May 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
5. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Investigatory Powers Bill, *continued**Other proceedings*

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [24 MARCH 2016, AS AMENDED, 12 APRIL 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 24 March) meet—
- (a) at 2.00 pm on Thursday 24 March;
 - (b) at 9.25 am and 2.00 pm on Tuesday 12 April;
 - (c) at 11.30 am and 2.00 pm on Thursday 14 April;
 - (d) at 9.25 am and 2.00 pm on Tuesday 19 April;
 - (e) at 11.30 am and 2.00 pm on Thursday 21 April;
 - (f) at 9.25 am and 2.00 pm on Tuesday 26 April;
 - (g) at 11.30 am and 2.00 pm on Thursday 28 April;
 - (h) at 4.30 pm and 7.00 pm on Tuesday 3 May;
 - (i) at 11.30 am and 2.00 pm on Thursday 5 May;
- (2) the Committee shall hear oral evidence on Thursday 24 March in accordance with the following Table:

TABLE

<i>Time</i>	<i>Witness</i>
Until no later than 12.00 pm	David Anderson Q.C., independent reviewer of terrorism legislation
Until no later than 12.30 pm	Don't Spy on Us; Liberty
Until no later than 1.00 pm	International Institute for Strategic Studies; Lord Evans of Weardale
Until no later than 2.30 pm	NSPCC; Mr Ray McClure
Until no later than 3.00 pm	BT
Until no later than 3.30 pm	National Crime Agency; HM Revenue and Customs
Until no later than 4.00 pm	National Anti-Fraud Network
Until no later than 4.30 pm	Lord Judge, Chief Surveillance Commissioner; Interception of Communications Commissioner's Office
Until no later than 5.00 pm	The Rt. Hon. the Lord Reid of Cardowan; The Rt. Hon. Charles Clarke

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 to 10; Schedule 2; Clauses 11 to 48; Schedule 3; Clauses 49 to 61; Schedule 4; Clauses 62 to 74; Schedule 5; Clauses 75 to 96; Schedule 6; Clauses 97 to 207; Schedule 7;

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Clauses 208 to 212; Schedule 8; Clauses 213 to 231; Schedule 9; Clause 232; Schedule 10; Clause 233; new Clauses; new Schedules; remaining proceedings on the Bill;

- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 5 May.
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NOTICES WITHDRAWN

The following Notices were withdrawn on 23 March 2016:

1

The following Notices were withdrawn on 13 April 2016:

163, 167
