

# Investigatory Powers Bill

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FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 7th July 2016, as follows –*

|                    |                    |
|--------------------|--------------------|
| Clauses 1 to 7     | Clauses 80 to 100  |
| Schedule 1         | Schedule 6         |
| Clauses 8 to 12    | Clauses 101 to 126 |
| Schedule 2         | Clauses 203 to 216 |
| Clauses 13 to 53   | Schedule 7         |
| Schedule 3         | Clauses 217 to 220 |
| Clauses 54 to 57   | Clauses 127 to 202 |
| Clause 221         | Clauses 232 to 241 |
| Schedule 8         | Schedule 9         |
| Clauses 222 to 231 | Clause 242         |
| Clauses 58 to 66   | Schedule 10        |
| Schedule 4         | Clause 243         |
| Clauses 67 to 79   | Title              |
| Schedule 5         |                    |

[Amendments marked ★ are new or have been altered]

Amendment  
No.

**After Clause 206**

LORD PADDICK  
BARONESS HAMWEE

**191** Insert the following new Clause –

**“Notification by the Investigatory Powers Commissioner**

- (1) The Investigatory Powers Commissioner is to notify the subject or subjects of the use of the investigatory functions mentioned in section 205(1) to (3), including –
- (a) the interception or examination of communications,
  - (b) the retention, accessing or examination of communications data or secondary data,
  - (c) equipment interference,
  - (d) access or examination of data retrieved from a bulk personal dataset,

**After Clause 206 - continued**

- (e) covert human intelligence sources,
  - (f) entry or interference with property.
- (2) The Investigatory Powers Commissioner must only notify subjects of investigatory powers under subsection (1) upon completion of the relevant conduct or the cancellation of the authorisation or warrant.
  - (3) The notification under subsection (1) must be sent by writing within 30 days of the completion of the relevant conduct or cancellation of the authorisation or warrant.
  - (4) The Investigatory Powers Commissioner must issue the notification under subsection (1) in writing, including details of—
    - (a) the conduct that has taken place,
    - (b) the provisions under which the conduct has taken place, and
    - (c) any known errors that took place within the course of the conduct.
  - (5) The Investigatory Powers Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (3) if the Commissioner assesses that notification may defeat the purposes of an ongoing serious crime or national security operation or investigation.
  - (6) The Investigatory Powers Commissioner must consult the person to whom the warrant is addressed in order to fulfil an assessment under subsection (5).”

**Clause 207**

LORD PADDICK  
BARONESS HAMWEE

- 191A** Page 159, line 37, leave out “must” and insert “may”
- 191B** Page 159, line 38, leave out “the Commissioner considers that”
- 191BA** Page 159, line 40, leave out “a serious error” and insert “not trivial”
- 191C** Page 159, line 41, leave out paragraph (b)
- 191D** Page 159, line 44, leave out “significant” and insert “or may cause”
- 191E** Page 160, line 1, leave out subsection (3)
- 191F** Page 160, line 3, at end insert—  
“( ) In making a decision under subsection (1), the Investigatory Powers Commissioner must, in particular, consider the matters that are the subject of section 2.”
- 191FA** Page 160, line 7, leave out “contrary to the public interest or”
- 191G** Page 160, line 22, after “rights,” insert “and to be proportionate,”

**Clause 207 - continued**

- 191GA** Page 160, line 22, after “rights,” insert “and other details”
- 191GB** Page 160, line 36, after “authority” insert “or a telecommunications operator”
- 191H** Page 160, line 39, leave out paragraph (b)
- 191J** Page 160, line 42, at end insert “and include recommendations in reports under section 210”

**Clause 208**

LORD PADDICK  
BARONESS HAMWEE

- 191K** Page 160, line 47, leave out “require” and insert “request”

**Clause 210**

LORD PADDICK  
BARONESS HAMWEE

- 191L** Page 163, line 22, after “about” insert “the operation of this Act including”

EARL HOWE

- 192** Page 163, line 28, at end insert –  
“( ) information about the operational purposes specified during the year in warrants issued under Part 6 or 7,”

LORD PADDICK  
BARONESS HAMWEE

- 192A** Page 163, line 42, after “about” insert “the operation of this Act including”

**Clause 211**

LORD PADDICK  
BARONESS HAMWEE

- 192B★** Page 164, line 30, at end insert –  
“( ) A Judicial Commissioner undertaking activities under subsection (1) must apply safeguards to protect privacy.”

- 192C** Page 165, line 2, after “any” insert “public authority or”

**After Clause 211**

EARL HOWE

**193** Insert the following new Clause –**“Referrals by the Intelligence and Security Committee of Parliament**

- (1) Subsection (2) applies if the Intelligence and Security Committee of Parliament refers a matter to the Investigatory Powers Commissioner with a view to the Commissioner carrying out an investigation, inspection or audit into it.
- (2) The Investigatory Powers Commissioner must inform the Intelligence and Security Committee of Parliament of the Commissioner’s decision as to whether to carry out the investigation, inspection or audit.”

LORD JANVRIN

THE MARQUESS OF LOTHIAN

**194** Insert the following new Clause –**“Referrals by the Intelligence and Security Committee of Parliament (No. 2)**

- (1) Subsections (2) and (3) apply if the Intelligence and Security Committee of Parliament refers a matter to the Investigatory Powers Commissioner with a view to the Commissioner carrying out an investigation, inspection or audit into it.
- (2) The Investigatory Powers Commissioner must inform the Intelligence and Security Committee of Parliament of the Commissioner’s decision as to whether to carry out the investigation, inspection or audit.
- (3) The Investigatory Powers Commissioner must, subject to the provisions of paragraph 4 of Schedule 1 to the Justice and Security Act 2013 (access to information), provide the Intelligence and Security Committee of Parliament with the outcome of any investigation, inspection or audit which is carried out.”

**Clause 213**

LORD PADDICK

BARONESS HAMWEE

**194ZA** Page 165, line 27, at end insert “funds to cover”**194A** Page 165, line 29, after “such” insert “support, assistance,”**194B** Page 165, line 31, at end insert –

- “( ) The Investigatory Powers Commissioner may lay before Parliament written representations with regard to the matters that are the subject of this section.”

**After Clause 213**

LORD ROSSER  
BARONESS HAYTER OF KENTISH TOWN

**194BA** Insert the following new Clause –

**“Representations to Parliament**

The Investigatory Powers Commissioner may lay before Parliament written representations on matters that appear to the Commissioner to be of importance, relating to the funding, staff, accommodation, equipment and other facilities that the Commissioner considers necessary for the carrying out of the Commissioner’s functions.”

**Clause 214**

LORD PADDICK  
BARONESS HAMWEE

**194C** Page 165, line 33, leave out “modify” and insert “extend or augment”

LORD ROSSER  
BARONESS HAYTER OF KENTISH TOWN

**194CA** Page 165, line 33, leave out “modify the” and insert “extend and augment the oversight”

**194CB** Page 165, line 34, at end insert “in order that those functions are able to keep up with technological or other developments”

**Schedule 7**

LORD PADDICK  
BARONESS HAMWEE

**194CC** Page 225, line 5, at end insert –  
“( ) consult persons likely to be interested,”

**194CD** Page 226, line 4, leave out “take into account” and insert “have regard to”

**194CE** Page 226, line 6, leave out “take into account” and insert “have regard to”

**After Clause 218**

LORD PADDICK  
BARONESS HAMWEE  
LORD ROSSER

**194D** Insert the following new Clause –

**“Rules of the Investigatory Powers Tribunal**

- (1) Section 69 of the Regulation of Investigatory Powers Act 2000 (tribunal rules) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Tribunal Procedure Committee”.

**After Clause 218 - continued**

- (3) In subsection (6) for “Secretary of State” substitute “Tribunal Procedure Committee”.
- (4) Omit subsection (12).”

LORD PADDICK  
BARONESS HAMWEE

**194DA★** Insert the following new Clause –

**“Salaries and expenses of the Investigatory Powers Tribunal**

Schedule 3 to the Regulation of Investigatory Powers Act 2000 is amended as follows –

- (a) in paragraph 4(1) for “with the approval of the Treasury” substitute “after consultation with the President of the Investigatory Powers Tribunal”;
- (b) in paragraph 4(2) for “Secretary of State” substitute “President of the Investigatory Powers Tribunal”.”

**Clause 220**

LORD PADDICK  
BARONESS HAMWEE

**194E** Page 171, line 8, leave out “is to continue to” and insert “shall”

**194F** Page 171, line 20, after “State” insert “or the Investigatory Powers Commissioner”

**194G** Page 171, line 26, at end insert –

- “( ) The Investigatory Powers Commissioner shall keep the performance of the Board under review and report on it in his or her annual report made under section 210.”

**After Clause 220**

LORD ROSSER  
LORD PADDICK

**194H** Insert the following new Clause –

**“Technology Advisory Panel**

- (1) Within six months of the passing of this Act a Technology Advisory Panel shall be established.
- (2) The Panel shall be appointed by and report directly to the Investigatory Powers Commissioner.
- (3) The purpose of the Panel shall be to advise the Secretary of State and the Investigatory Powers Commissioner on –
  - (a) the impact of changing technology on the exercise of investigatory powers; and

**After Clause 220 - continued**

- (b) the availability and development of techniques to use investigatory powers while minimising interference with privacy.”

**Clause 129**

LORD PADDICK  
BARONESS HAMWEE

- 194J** Page 103, line 2, leave out from “security” to end of line 4
- 194K** Page 103, line 11, leave out “may” and insert “is likely to”
- 194L** Page 103, line 38, leave out “only” and insert “primarily”

**Clause 130**

LORD PADDICK  
BARONESS HAMWEE

- 194M** Page 104, line 11, after “requirement,” insert—  
“( ) the domestic law of the operator’s place of business,”

**Clause 131**

LORD PADDICK  
BARONESS HAMWEE

- 194N** Page 104, line 15, after “State’s” insert “reasoning and”
- 194P** Page 104, line 29, at end insert “, and  
( ) the arrangements required under section 141”

**EARL HOWE**

- 195** Page 104, line 30, after “must” insert “—  
(a) ”
- 196** Page 104, line 31, at end insert “, and  
( ) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).”

**Clause 133**

EARL HOWE

**197** Page 105, line 10, leave out subsection (4) and insert—

“(4) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which intercepted content or secondary data obtained under bulk interception warrants may be selected for examination.”

LORD PADDICK

BARONESS HAMWEE

**197A** Page 105, line 11, leave out “may still be general purposes” and insert “shall be specified”**197B** Page 105, line 13, leave out “may” and insert “must”

EARL HOWE

**198** Page 105, line 14, leave out from “issued,” to end of line 16 and insert “are specified in the list of operational purposes.

(5A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.

(5B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 129(1)(b) or (2).

(5C) At the end of each relevant three-month period the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.

(5D) In subsection (5C) “relevant three-month period” means—

(a) the period of three months beginning with the day on which this section comes into force, and

(b) each successive period of three months.

(5E) The Prime Minister must review the list of operational purposes at least once a year.”

**Clause 135**

EARL HOWE

**199** Page 105, line 31, leave out “before it would otherwise cease to have effect” and insert “during the renewal period”**200** Page 106, line 10, at end insert—

“( ) “The renewal period” means the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

**201** Page 106, line 16, at end insert “, but with the omission of paragraph (d) of subsection (1)”



**Clause 136**

LORD PADDICK  
BARONESS HAMWEE

- 201ZA** Page 107, line 21, at end insert –  
“( ) The persons mentioned in subsection (7) must keep under review whether any operational purpose specified in a warrant remains a purpose for which the examination of intercepted or secondary data obtained under the warrant is or may be necessary.”
- 201ZB★** Page 107, line 26, at end insert –  
“( ) The removal of an operational purpose in accordance with subsection (9) is a major modification.”
- 201ZC** Page 107, line 40, leave out subsection (13)

**Clause 137**

LORD PADDICK  
BARONESS HAMWEE

- 201ZD** Page 108, line 12, leave out “fifth” and insert “third”

**Clause 141**

LORD PADDICK  
BARONESS HAMWEE

- 201ZE** Page 111, line 21, after “warrant” insert “only”

**Clause 142**

LORD PADDICK  
BARONESS HAMWEE

- 201ZF** Page 111, line 44, leave out from “selection” to “is” in line 45 and insert “for examination of the intercepted content or secondary data in question”
- 201ZG** Page 112, line 1, leave out from “selection” to “is” in line 2 and insert “for examination of the intercepted content or secondary data in question”
- 201ZH** Page 112, line 4, leave out “any of the intercepted content” and insert “the intercepted content in question”
- 201ZJ** Page 112, line 28, after “time” insert “(unless the individual is believed to have arrived in the British Islands within the previous 28 days)”

**After Clause 142**

LORD BUTLER OF BROCKWELL  
LORD PADDICK  
BARONESS HAMWEE

**201A** Insert the following new Clause—

**“Offence of unauthorised examination of material**

- (1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 142 is guilty of an offence.
- (2) In this section “relevant person” means a member of the intelligence services.
- (3) Subsection (1) does not apply to a relevant person who shows that he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales—
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003),
    - (ii) to a fine, or
    - (iii) to both;
  - (b) on summary conviction in Scotland—
    - (i) to imprisonment for a term not exceeding 12 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (c) on summary conviction in Northern Ireland—
    - (i) to imprisonment for a term not exceeding 6 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

**Clause 146**

LORD PADDICK  
BARONESS HAMWEE

**201B★** Page 114, line 36, leave out from “security” to end of line 38

**201C★** Page 115, line 4, leave out “may” and insert “is likely to”

LORD LUCAS

**202** Page 115, line 16, at end insert—

“( ) for the purpose of suppressing less serious crimes perpetrated on a large scale using the internet,”

**Clause 146 - continued**

EARL HOWE

**203** Page 115, line 23, at end insert –

“( ) The fact that the communications data which would be obtained under a warrant relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary in the interests of national security or on that ground and a ground falling within subsection (2).”

LORD PADDICK  
BARONESS HAMWEE**203A** Page 115, line 34, after “obtaining” insert “and excluding third party data not already in the possession of the operator”

LORD LUCAS

**204** Page 115, line 36, at end insert –

“( ) where speed is of the essence, to collaborate with a person specified in the warrant to source and analyse data in real time,”

LORD PADDICK  
BARONESS HAMWEE**204A★** Page 116, line 1, leave out “to data whether or not” and insert “only to data”**204B★** Page 116, line 2, at end insert –

“( ) A bulk acquisition warrant may not require data which relates to or includes internet connection records.”

**Clause 147**

EARL HOWE

**205** Page 116, line 20, after “must” insert “ –  
(a) ”**206** Page 116, line 21, at end insert “, and

( ) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).”

**Clause 149**

EARL HOWE

207 Page 117, line 1, leave out subsection (4) and insert –

“( ) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which communications data obtained under bulk acquisition warrants may be selected for examination.”

LORD PADDICK

BARONESS HAMWEE

207A★ Page 117, line 2, leave out “may still be general purposes” and insert “shall be specified”

EARL HOWE

208 Page 117, line 5, leave out from “issued,” to end of line 7 and insert “are specified in the list of operational purposes.

- (5A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.
- (5B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 146(1)(a) or (2).
- (5C) At the end of each relevant three-month period the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
- (5D) In subsection (5C) “relevant three-month period” means –
  - (a) the period of three months beginning with the day on which this section comes into force, and
  - (b) each successive period of three months.
- (5E) The Prime Minister must review the list of operational purposes at least once a year.”

**Clause 151**

EARL HOWE

209 Page 117, line 22, leave out “before it would otherwise cease to have effect” and insert “during the renewal period”

210 Page 117, line 43, at end insert –

“( ) “The renewal period” means the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

LORD PADDICK

BARONESS HAMWEE

210ZA★ Page 118, line 8, leave out subsection (5)

**Clause 152**

LORD PADDICK  
BARONESS HAMWEE

**210ZB★** Page 119, line 7, at end insert –

“( ) The persons mentioned in subsection (7) must keep under review whether any operational purpose specified in a warrant remains a purpose for which the examination of intercepted or secondary data obtained under the warrant is or may be necessary.”

**210ZC★** Page 119, line 12, at end insert –

“( ) The removal of an operational purpose in accordance with subsection (9) is a major modification.”

**Clause 153**

LORD PADDICK  
BARONESS HAMWEE

**210ZD★** Page 119, line 40, leave out “fifth” and insert “third”

**Clause 157**

LORD PADDICK  
BARONESS HAMWEE

**210ZE** Page 122, line 18, at end insert –

“( ) Subject to subsection (3), the implementing authority shall not be liable for any breach of the warrant caused by an act or omission of the operator.”

**Clause 158**

LORD PADDICK  
BARONESS HAMWEE

**210ZF** Page 123, line 15, at end insert –

“( ) in the case of internet connection records as defined by section 59 it is necessary in respect of an individual suspected of having committed an offence”

**210ZG** Page 123, line 40, leave out “instead”

**After Clause 159**

LORD BUTLER OF BROCKWELL  
LORD PADDICK  
BARONESS HAMWEE

**210A** Insert the following new Clause –

**“Offence of unauthorised examination of data**

(1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 159 is guilty of an offence.

**After Clause 159 - continued**

- (2) In this section “relevant person” means a member of the intelligence services.
- (3) Subsection (1) does not apply to a relevant person who shows he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
- (4) A person guilty of an offence under this section is liable –
  - (a) on summary conviction in England and Wales –
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003),
    - (ii) to a fine, or
    - (iii) to both;
  - (b) on summary conviction in Scotland –
    - (i) to imprisonment for a term not exceeding 12 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (c) on summary conviction in Northern Ireland –
    - (i) to imprisonment for a term not exceeding 6 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

**Clause 164**

LORD PADDICK  
BARONESS HAMWEE

**210B★** Page 127, line 23, leave out from “security” to end of line 25

**210C★** Page 127, line 32, leave out “may” and insert “is likely to”

**Clause 165**

EARL HOWE

**211** Page 128, line 23, after “must” insert “–  
(a) ”

**212** Page 128, line 24, at end insert “, and  
( ) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).”

**Clause 167**

LORD PADDICK  
BARONESS HAMWEE

**212A** Page 129, line 10, at end insert “and is reported to the Judicial Commissioner”

**Clause 169**

EARL HOWE

**213** Page 130, line 22, leave out subsection (5) and insert –

“(5) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which material obtained under bulk equipment interference warrants may be selected for examination.”

LORD PADDICK  
BARONESS HAMWEE

**213A★** Page 130, line 23, leave out “may still be general purposes” and insert “shall be specified”

EARL HOWE

**214** Page 130, line 26, leave out from “issued,” to end of line 28 and insert “are specified in the list of operational purposes.

(6A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.

(6B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 164(1)(b) or (2).

(6C) At the end of each relevant three-month period, the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.

(6D) In subsection (6C), “relevant three-month period” means –

(a) the period of three months beginning with the day on which this section comes into force, and

(b) each successive period of three months.

(6E) The Prime Minister must review the list of operational purposes at least once a year.”

**Clause 171**

EARL HOWE

**215** Page 131, line 13, leave out “before the end of the relevant” and insert “during the renewal”

**216** Page 131, line 34, at end insert –

“( ) “The renewal period” means –

**Clause 171 - continued**

- (a) in the case of an urgent warrant which has not been renewed, the relevant period;
- (b) in any other case, the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

**217** Page 132, line 8, at end insert –

“( ) In this section –

“the relevant period” has the same meaning as in section 170;

“urgent warrant” is to be read in accordance with subsection (3) of that section.”

**Clause 172**

LORD PADDICK  
BARONESS HAMWEE

**217A★** Page 133, line 4, at end insert –

“( ) The persons mentioned in subsection (8) must keep under review whether any operational purpose specified in a warrant remains a purpose for which the examination of intercepted or secondary data obtained under the warrant is or may be necessary.”

**217B★** Page 133, line 8, at end insert –

“( ) The removal of an operational purpose in accordance with subsection (10) is a major modification.”

**217C★** Page 133, line 22, leave out subsection (14)

**Clause 173**

LORD PADDICK  
BARONESS HAMWEE

**217D★** Page 133, line 41, leave out “fifth” and insert “third”

**Clause 182**

EARL HOWE

**218** Page 140, line 36, leave out “section” and insert “Part”

**Clause 183**

LORD PADDICK  
BARONESS HAMWEE

**218A★** Page 141, line 9, leave out from “Part” to the second “a” in line 13

**218B★** Page 141, line 13, at end insert “is a warrant”



**After Clause 184**

EARL HOWE

**219** Insert the following new Clause –**“Restriction on use of class BPD warrants**

- (1) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers –
  - (a) that the bulk personal dataset consists of, or includes, health records, or
  - (b) that a substantial proportion of the bulk personal dataset consists of sensitive personal data.
- (2) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers that the nature of the bulk personal dataset, or the circumstances in which it was created, is or are such that its retention, or retention and examination, by the intelligence service raises novel or contentious issues which ought to be considered by the Secretary of State and a Judicial Commissioner on an application by the head of the intelligence service for a specific BPD warrant.
- (3) In subsection (1) –
 

“health records” has the same meaning as in section 187;

“sensitive personal data” means personal data consisting of information about an individual (whether living or deceased) which is of a kind mentioned in section 2(a) to (f) of the Data Protection Act 1998.”

LORD PADDICK

BARONESS HAMWEE

**219A** [*As an amendment to Amendment 219*]

In subsection (2), after “considers” insert “(following consultation with the Judicial Commissioner)”

**Clause 185**

EARL HOWE

**220** Page 142, line 23, at end insert –

- “( ) The fact that a class BPD warrant would authorise the retention, or the retention and examination, of bulk personal datasets relating to activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary on grounds falling within subsection (3)(a).”

LORD PADDICK

BARONESS HAMWEE

*The above-named Lords give notice of their intention to oppose the Question that Clause 185 stand part of the Bill.*

**Clause 186**

EARL HOWE

- 221** Page 142, line 38, after “but” insert “either –  
 (i) the intelligence service is prevented by section (*Restriction on use of class BPD warrants*)(1) or (2) from retaining, or retaining and examining, the bulk personal dataset in reliance on the class BPD warrant, or  
 (ii) ”

- 222** Page 142, line 45, at end insert –  
 “() Where subsection (3)(b)(i) applies, the application must include an explanation of why the intelligence service is prevented by section (*Restriction on use of class BPD warrants*)(1) or (2) from retaining, or retaining and examining, the bulk personal dataset in reliance on a class BPD warrant.”

- 223** Page 143, line 22, at end insert –  
 “() The fact that a specific BPD warrant would authorise the retention, or the retention and examination, of bulk personal datasets relating to activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary on grounds falling within subsection (5)(a).”

LORD PADDICK

BARONESS HAMWEE

- 223A** Page 143, line 26, after “replacements” insert “(without addition)”

*The above-named Lords give notice of their intention to oppose the Question that Clause 186 stand part of the Bill.*

**Clause 187**

LORD PADDICK

BARONESS HAMWEE

- 223B★** Page 143, line 39, after “circumstances” insert “relating to national security”

- 223C** Page 144, line 12, leave out “was” and insert “would be”

**Clause 188**

LORD PADDICK

BARONESS HAMWEE

- 223D** Page 144, line 25, at end insert “or section 187(3)”

EARL HOWE

- 224** Page 144, line 39, after “must” insert “–  
 (a) ”

**Clause 188 - continued**

- 225** Page 144, line 40, at end insert “, and  
 ( ) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).”

**Clause 189**

EARL HOWE

- 226** Page 145, line 5, leave out “believed” and insert “considered”

**Clause 192**

EARL HOWE

- 227** Page 147, line 8, leave out subsection (5) and insert –  
 “(5) The operational purposes specified in a class BPD warrant or a specific BPD warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which data contained in bulk personal datasets retained in reliance on class BPD warrants or specific BPD warrants may be selected for examination.”

LORD PADDICK  
BARONESS HAMWEE

- 227A★** Page 147, line 10, leave out “may still be general ones” and insert “shall be specified”

EARL HOWE

- 228** Page 147, line 12, leave out from “issued,” to end of line 17 and insert “are specified in the list of operational purposes.
- (6A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.
- (6B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 185(3)(a) or (as the case may be) section 186(5)(a).
- (6C) At the end of each relevant three-month period, the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
- (6D) In subsection (6C), “relevant three-month period” means –
- (a) the period of three months beginning with the day on which this section comes into force, and
- (b) each successive period of three months.
- (6E) The Prime Minister must review the list of operational purposes at least once a year.

**Clause 192 - continued**

- (6F) In this Part, “the specified operational purposes”, in relation to a class BPD warrant or a specific BPD warrant, means the operational purposes specified in the warrant in accordance with this section.”

**Clause 194**

EARL HOWE

- 229** Page 147, line 43, leave out “before the end of the relevant” and insert “during the renewal”

- 230** Page 148, line 21, at end insert –

“( ) “The renewal period” means –

- (a) in the case of an urgent specific BPD warrant which has not been renewed, the relevant period;
- (b) in any other case, the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

- 231** Page 148, line 27, at end insert –

“( ) In this section –

“the relevant period” has the same meaning as in section 193;

“urgent specific BPD warrant” is to be read in accordance with subsection (3) of that section.”

**Clause 195**LORD PADDICK  
BARONESS HAMWEE

- 231ZA★** Page 149, line 16, at end insert –

“( ) The persons mentioned in subsection (7) must keep under review whether any operational purpose specified in a warrant remains a purpose for which the examination of intercepted or secondary data obtained under the warrant is or may be necessary.”

- 231ZB★** Page 149, line 21, at end insert –

“( ) The removal of an operational purpose in accordance with subsection (9) is a major modification.”

**Clause 196**LORD PADDICK  
BARONESS HAMWEE

- 231ZC★** Page 150, line 2, leave out “fifth” and insert “third”

**Clause 199**

LORD PADDICK  
BARONESS HAMWEE

**231ZD** Page 152, line 41, leave out subsection (3)

**231ZE** Page 153, line 1, leave out “3 months” and insert “1 month”

**After Clause 200**

LORD BUTLER OF BROCKWELL  
LORD PADDICK  
BARONESS HAMWEE

**231A** Insert the following new Clause—

**“Offence of unauthorised examination of bulk personal datasets**

- (1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 200 is guilty of an offence.
- (2) In this section “relevant person” means a member of the intelligence services.
- (3) Subsection (1) does not apply to a relevant person who shows that he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales—
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003),
    - (ii) to a fine, or
    - (iii) to both;
  - (b) on summary conviction in Scotland—
    - (i) to imprisonment for a term not exceeding 12 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (c) on summary conviction in Northern Ireland—
    - (i) to imprisonment for a term not exceeding 6 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

**Clause 202**

EARL HOWE

**232** Page 155, line 3, at end insert—

““personal data” has the meaning given by section 182(2);”

**Clause 202 - continued**

- 233 Page 155, line 7, at end insert –  
     ““the specified operational purposes” has the meaning given by section  
     192(6F);”
- 234 [*Withdrawn*]

**Clause 232**

LORD PADDICK  
 BARONESS HAMWEE

- 234A Page 179, line 21, leave out “5” and insert “2”

**Clause 233**

LORD PADDICK  
 BARONESS HAMWEE

- 235 Page 180, line 27, after “provided” insert “by that operator”

**Clause 235**

LORD PANNICK  
 LORD LESTER OF HERNE HILL  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD MACKAY OF CLASHFERN

- 236 Page 184, line 27, at end insert –  
     “and for the purposes of this Act only, including the application  
     of paragraphs (a), (b) and (c) of this definition, 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,”

BARONESS JONES OF MOULSECOOMB

- 236A Page 184, line 36, at end insert –  
     ““national security” means the protection of the existence of the nation  
     and its territorial integrity, or political independence against force or  
     the threat of force,”

**Clause 235 - continued**

LORD PANNICK  
 LORD LESTER OF HERNE HILL  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD MACKAY OF CLASHFERN

- 237** Page 184, line 40, 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,”

**Clause 236**

EARL HOWE

- 238** Page 187, line 33, at end insert “(and paragraph 4A of Schedule 9)”

**Clause 238**

LORD PADDICK  
 BARONESS HAMWEE

- 238A** Page 189, line 4, leave out “or 242(2)”
- 238B** Page 189, line 4, leave out “or repeal” and insert “, repeal or modify”
- 239** Page 189, line 7, at end insert –  
 “( ) section (*Evidence*),”
- 240** Page 189, line 7, at end insert –  
 “( ) section 63,”
- 240A** Page 189, line 13, at end insert –  
 “( ) section 242, in the case of regulations modifying an enactment,”
- 240B** Page 189, line 18, leave out “242(2)” and insert “242”

EARL HOWE

- 241** Page 189, line 26, at end insert –  
 “( ) regulations under section 50(3),”

**Schedule 9**

EARL HOWE

- 242** Page 236, line 29, at end insert –  
 “Definitions of “other relevant crime” and “serious crime”  
 4A(1) The definitions of –  
 (a) “other relevant crime” in section (*Restrictions in relation to internet connection records*)(6), and

**Schedule 9 - continued**

- (b) “serious crime” in section 235(1),  
are to be read, until the appointed day, as if for the words “the age of 18 (or, in relation to Scotland or Northern Ireland, 21)” there were substituted “the age of 21”.
- (2) In sub-paragraph (1), “the appointed day” means the day on which the amendment made to section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 by paragraph 211 of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force.”

**Clause 242**

LORD PADDICK  
BARONESS HAMWEE

- 242A** Page 191, line 35, at end insert “passed or made before the day on which this Act is passed, but may not modify a provision made by or under an enactment passed or made after that date”

BARONESS HAYTER OF KENTISH TOWN  
LORD ROSSER

*The above-named Lords give notice of their intention to oppose the Question that Clause 242 stand part of the Bill.*

**Schedule 10**

EARL HOWE

- 243** Page 243, line 5, at end insert –  
“*Immigration Act 2016*  
In section 7(2)(b) of the Immigration Act 2016 (information gateways: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.”

**Clause 243**

LORD PADDICK  
BARONESS HAMWEE

- 244** Page 191, line 38, after “and (3)” insert “and section 222(1A)”

- 245** Page 192, line 1, after “Sections” insert “222, 223,”

BARONESS HOLLINS  
BARONESS O'NEILL OF BENGARVE  
LORD DUBS  
LORD BLENCATHRA

- 246** Page 192, line 2, at end insert –  
“( ) Section (*Interception without lawful authority to be actionable*) comes into force on the day following that on which this Act is passed.”



# Investigatory Powers Bill

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FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*1 September 2016*

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