STATUTORY INSTRUMENTS

2018 No. 349

INVESTIGATORY POWERS

The Investigatory Powers (Disclosure of Statistical Information) Regulations 2018

Made - - - - 8th March 2018

Laid before Parliament 13th March 2018

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 58(8)(a), 133(6)(a) and 267(1)(c) of the Investigatory Powers Act 2016 [F1].

Annotations:
F1 2016 c. 25.

Citation and commencement

1. These Regulations may be cited as the Investigatory Powers (Disclosure of Statistical Information) Regulations 2018 and come into force on the day on which section 58(8) of the Act comes into force.

Interpretation

2. In these Regulations—

"the Act" means the Investigatory Powers Act 2016;

"relevant warrant" means—

(a) a warrant under Chapter 1 of Part 2 of the Act;

(b) a warrant under Part 5 of the Act;

(c) a bulk interception warrant under Chapter 1 of Part 6 of the Act, or

(d) a bulk equipment interference warrant under Chapter 3 of Part 6 of the Act.

"user" means—

(a) in relation to a postal operator, a person to whom the operator provides, or has provided, a postal service, or

(b) in relation to a telecommunications operator, a person to whom the operator provides, or has provided, a telecommunications service.

Disclosure of statistical information

3. A disclosure by a postal operator or telecommunications operator falls within sections 58(8)(a) or 133(6)(a) of the Act (meaning of "excepted disclosure": disclosure of statistical information) if the disclosure—

(a) consists of statistical information of a description specified in regulation 4, 5 or 6, and

(b) is made in accordance with regulations 7 to 10.

Disclosure relating to a total number of relevant warrants

4. Statistical information is of a description specified by this regulation if it relates to the total number of relevant warrants in relation to which the postal operator or telecommunications operator has provided assistance—

(a) to an intercepting authority in accordance with section 41(2) (implementation of targeted interception warrants and mutual assistance warrants) or 149(1) of the Act (implementation of bulk interception warrants), or

(b) to an implementing authority in accordance with sections 126(1) (implementation of targeted equipment interference warrants) or 190(1) of the Act (implementation of bulk equipment interference warrants).

Disclosure relating to a total number of users

5.—(1) Statistical information is of a description specified by this regulation if it relates to the total number of users to which paragraph (2) applies.

(2) This paragraph applies to a user if—

(a) a factor, or combination of factors, relating to the user was specified by a warrant in accordance with section 31(8) of the Act (requirement to specify factors to be used to identify communications), and

(b) that factor, or combination of factors, identified communications in relation to which the postal operator or telecommunications operator has provided assistance to an intercepting authority in accordance with section 41(2) of the Act.

Disclosure relating to a total number of factors

6.—(1) Statistical information is of a description specified by this regulation if it relates to the total number of factors, or combinations of factors, to which paragraph (2) applies.

(2) This paragraph applies to a factor, or combination of factors, which—

(a) was specified by a warrant in accordance with section 31(8) of the Act, and

(b) identified communications in relation to which the **[**F2postal operator or**]** telecommunications operator has provided assistance to an intercepting authority in accordance with section 41(2) of the Act.

Annotations:

F2 Words in reg. 6(2)(b) inserted (27.6.2018) by The Investigatory Powers (Consequential Amendments etc.) Regulations 2018 (S.I. 2018/682), regs. 1(3), **6**