Draft Order laid before Parliament under section 25(5) of the Regulation of Investigatory Powers Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2003 No.

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Communications Data) Order 2003

Made - - - -	*2003*
Coming into force - -	*2003*

Whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by paragraph (g) of the definition of "relevant public authority" in section 25(1) of the Regulation of Investigatory Powers Act 2000(**1**) and by sections 25(2) and (3) and 78(5) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Communications Data) Order 2003 and shall come into force one month after the day on which it is made.

(2) In this Order—

"the 2000 Act" means the Regulation of Investigatory Powers Act 2000;

"authorisation" means an authorisation under section 22(3) of the 2000 Act; and

"notice" means a notice under section 22(4) of the 2000 Act.

Prescribed offices, ranks and positions

2. The offices, ranks and positions listed in columns 2 and 3 of Schedule 1 (being offices, ranks and positions with the relevant public authorities in column 1 of that Schedule) are hereby prescribed for the purposes of section 25(2) of the 2000 Act, subject to the restrictions in articles 6, 7 and 10.

Additional public authorities

3. The public authorities set out in column 1 of Parts I, III and IV of Schedule 2 are hereby specified as relevant public authorities for the purposes of section 25(1) of the 2000 Act.

(**1**) 2000 c. 23.

Prescribed offices, ranks and positions in the additional public authorities

4. The offices, ranks and positions listed in columns 2 and 3 of Parts I, II, III and IV of Schedule 2 (being offices, ranks and positions with the relevant public authorities in column 1 of that Schedule) are hereby prescribed for the purposes of section 25(2) of the 2000 Act, subject to the restrictions in articles 6, 7, 8 and 9.

More senior offices, ranks and positions

5.—(1) Where an office, rank or position with a relevant public authority listed in column 2 of Schedule 1 or column 2 of Schedule 2 is prescribed by virtue of article 2 or 4, all more senior offices, ranks or positions with that authority are also prescribed for the purposes of section 25(2) of the 2000 Act, subject to article 11.

(2) Where an office, rank or position with a relevant public authority is described in column 2 of Schedule 1 or column 2 of Schedule 2 by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (1) to all more senior offices, ranks or positions with that authority is a reference to all more senior offices, ranks or positions with that agency, unit, branch, division or part.

Restrictions on the granting of authorisations or the giving of notices

6. The restriction in this article is that an individual holding an office, rank or position which is listed in column 2 or 3 of Schedule 1 or column 2 or 3 of Schedule 2 may not grant an authorisation or give a notice unless he believes it is necessary on the grounds set out in one or more of the paragraphs of section 22(2) of the 2000 Act listed in the corresponding entry in column 4 of those Schedules.

7.—(1) The restriction in this paragraph is that an individual holding an office, rank or position which is listed in column 2 of Schedule 1 or column 2 of Schedule 2 may only grant an authorisation or give a notice that he believes is necessary on grounds other than those set out in paragraphs (a), (b), (c) and (g) of section 22(2) of the 2000 Act where that authorisation or notice satisfies the condition in paragraph (3).

(2) The restriction in this paragraph is that an individual holding an office, rank or position which is listed in column 3 of Schedule 1 or column 3 of Schedule 2 may only grant an authorisation or give a notice which satisfies the condition set out in paragraph (3).

(3) The condition referred to in paragraphs (1) and (2) is that the only communications data authorised to be obtained by the authorisation, or required to be obtained or disclosed by the notice, is communications data falling within section 21(4)(c) of the 2000 Act.

8.—(1) The restriction in this article is that an individual holding an office, rank or position which is listed in column 2 of Part II or Part III of Schedule 2 may only grant an authorisation or give a notice which satisfies the condition set out in paragraph (2).

(2) The condition referred to in paragraph (1) is that the only communications data authorised to be obtained by the authorisation, or required to be obtained or disclosed by the notice, is communications data falling within section 21(4)(b) or (c) of the 2000 Act.

9.—(1) The restriction in this article is that an individual holding an office, rank or position which is listed in column 2 of Part IV of Schedule 2 may only grant an authorisation or give a notice which satisfies the condition set out in paragraph (2).

(2) The condition referred to in paragraph (1) is that the only communications data authorised to be obtained by the authorisation, or required to be obtained or disclosed by the notice, is communications data relating to a postal service.

10.—(1) The restriction in this article is that an individual holding an office, rank or position with the Commissioners of Inland Revenue (being a relevant public authority listed in Schedule 1) may only grant an authorisation or give a notice which satisfies the condition set out in paragraph (2).

(2) The condition referred to in paragraph (1) is that the only communications data falling with section 21(4)(a) of the 2000 Act authorised to be obtained by the authorisation, or required to be obtained or disclosed by the notice is communications data relating to a postal service.

11. The restrictions on the granting of authorisations and the giving of notices that apply to an individual holding an office, rank or position with a relevant public authority listed in column 2 of Schedule 1 or column 2 of Schedule 2 shall also apply to all individuals holding all more senior offices, ranks or positions with that authority that are prescribed by article 5.

Home Office
2003

Parliamentary Under-Secretary of State

SCHEDULE 1

Article 2

INDIVIDUALS IN PUBLIC AUTHORITIES WITHIN SECTION 25(1) OF THE 2000 ACT

(1) *Relevant public authorities*	*(2)* *Prescribed offices etc (All authorisations/ notices)*	*(3)* *Additional prescribed offices etc (Authorisations/ notices relating solely to communications data falling within section 21(4)(c))*	*(4)* *Purposes within section 22(2) for which an authorisation may be granted or a notice given*
Police Forces			
A police force maintained under section 2 of the Police Act 1996(**2**) (police forces in England and Wales outside London)	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
A police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967(**3**)	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
The metropolitan police force	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
The City of London police force	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
The Police Service of Northern Ireland(**4**)	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
The Ministry of Defence Police	Superintendent	Inspector	(a)(b)(c)(g)
The Royal Navy Regulating Branch	Provost Marshal	—	(a)(b)(c)(g)
The Royal Military Police	Lieutenant Colonel	Major	(a)(b)(c)(g)
The Royal Air Force Police	Wing Commander	Squadron Leader	(a)(b)(c)(g)
The British Transport Police	Superintendent	Inspector	(a)(b)(c)(d)(e)(g)
The National Criminal Intelligence Service	Superintendent, Level 2 or any individual	Inspector, Level 4 or any individual on	(a)(b)(c)(d)(e)(g)

(**2**) 1996 c. 16.
(**3**) 1967 c. 77.
(**4**) A police force within the definition of relevant public authority in section 25(1) of the 2000 Act as defined in section 81(1) of the 2000 Act as amended by section 78(2) of the Police (Northern Ireland) Act 2000 (2000 c. 32).

(1) Relevant public authorities	*(2) Prescribed offices etc (All authorisations/ notices)*	*(3) Additional prescribed offices etc (Authorisations/ notices relating solely to communications data falling within section 21(4)(c))*	*(4) Purposes within section 22(2) for which an authorisation may be granted or a notice given*
	on secondment to the National Criminal Intelligence Service who holds any other office, rank or position in any relevant public authority listed in column 2 of Schedule 1	secondment to the National Criminal Intelligence Service who holds any other office, rank or position in any relevant public authority listed in column 3 of Schedule 1	
The National Crime Squad	Superintendent, Band I or any individual on secondment to the National Crime Squad who holds any other office, rank or position in any relevant public authority listed in column 2 of Schedule 1	Inspector, Band F or any individual on secondment to the National Crime Squad who holds any other office, rank or position in any relevant public authority listed in column 3 of Schedule 1	(a)(b)(c)(d)(e)(g)
The Commissioners of Customs and Excise	Band 9	Band 7 or 8	(b)(f)
The Commissioners of Inland Revenue	Band C1	Band C2	(b)(f)
The Intelligence Services			
Government Communications Headquarters	GC8	—	(a)(b)(c)
The Security Service	General Duties 3 or any other Officer at Level 3	General Duties 4	(a)(b)(c)
The Secret Intelligence Service	Grade 6 or equivalent	—	(a)(b)(c)