

## **Draft Communications Data Bill**

**“My Government intends to bring forward measures to maintain the ability of the law enforcement and intelligence agencies to access vital communications data under strict safeguards to protect the public, subject to scrutiny of draft clauses.”**

### **The purpose of the draft Bill is to:**

- The draft Bill would protect the public by ensuring that law enforcement agencies and others continue to have access to communications data so that they can bring offenders to justice.

### **What is communications data:**

- Communications data is information about a communication, not the communication itself. Communication data is NOT the content of any communication - the text of an email, or conversation on a telephone.
- Communications data includes the time and duration of the communication, the telephone number or email address which has been contacted and sometimes the location of the originator of the communication.

### **The main benefits of the draft Bill would be:**

- The ability of the police and intelligence agencies to continue to access communications data which is vital in supporting their work in protecting the public.
- An updated framework for the collection, retention and acquisition of communications data which enables a flexible response to technological change.

### **The main elements of the draft Bill are:**

- Establishing an updated framework for the collection and retention of communications data by communication service providers (CSPs) to ensure communications data remains available to law enforcement and other authorised public authorities.
- Establishing an updated framework to facilitate the lawful, efficient and effective obtaining of communications data by authorised public authorities including law enforcement and intelligence agencies.
- Establishing strict safeguards including: a 12 month limit of the length of time for which communications data may be retained by CSPs and measures to protect the data from unauthorised access or disclosure. (It will continue to be the role of the Information Commissioner to keep under review the operation

of the provisions relating to the security of retained communications data and their destruction at the end of the 12 month retention period)

- Providing for appropriate independent oversight including: extending the role of the Interception of Communications Commissioner to oversee the collection of communications data by communications service providers; providing a communications service provider with the ability to consult an independent Government / Industry body (the Technical Advisory Board) to consider the impact of obligations placed upon them; extending the role of the independent Investigatory Powers Tribunal (made up of senior judicial figures) to ensure that individuals have a proper avenue of complaint and independent investigation if they think the powers have been used unlawfully.
- Removing other statutory powers with weaker safeguards to acquire communications data.

**Existing legislation in this area is:**

- Regulation of Investigatory Powers Act 2000
- The Data Retention (EC Directive) Regulations 2009

**Devolution:**

The Bill would apply to England, Wales, Scotland and Northern Ireland and relates to non-transferred matters.

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