STATUTORY INSTRUMENTS

2015 No. 926

INVESTIGATORY POWERS

The Retention of Communications Data (Code of Practice) Order 2015

Made - - - - 24th March 2015

Coming into force in accordance with Article 1

This Order is made in exercise of the power conferred on the Secretary of State by section 71(5) of the Regulation of Investigatory Powers Act 2000(**a**) ("the Act").

The Secretary of State has:

(1) in accordance with section 71(3) of the Act, prepared and published a draft revised Code of Practice relating to the exercise and performance of the powers and duties that are conferred or imposed otherwise than on the Surveillance Commissioners or the relevant judicial authority by or under section 1(1) to 1(6) of the Data Retention and Investigatory Powers Act 2014 and has considered representations made to her about it;

(2) in accordance with section 71(4) of the Act, laid before both Houses of Parliament a draft of that Code of Practice.

A draft of this Order has been laid before, and approved by resolution of, each House of Parliament in accordance with section 71(9) of the Act.

Accordingly, the Secretary of State makes the following Order—

1. This Order may be cited as the Retention of Communications Data (Code of Practice) Order 2015 and comes into force on the day after the day on which it is made.

2. The Code of Practice entitled "Retention of Communications Data", laid before each House of Parliament on 4th March 2015, relating to the retention of Communications Data under section 1(1) to (6) of the Data Retention and Investigatory Powers Act 2014, comes into force on the day after the day on which this Order is made.

Home Office
24th March 2015

James Brokenshire
Minister of State

(**a**) 2000 c. 23; section 71 was amended by the Protection of Freedoms Act 2012 (c. 9), section 115(1) and Schedule 9, Part 3, paragraphs 6 and 14, and by S.I. 2008/219, 2011/1340, 2012/2042 and 2012/2075. Section 71 was modified by S.I. 2014/2042, pursuant to section 2(4)(c) of the Data Retention and Investigatory Powers Act 2014 (c. 27).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the code of practice on Retention of Communications Data prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (c. 23) as modified by the Data Retention Regulations 2014 (S.I. 2014 / 2042). The purpose of the code is to set out guidance relating to the retention by communications service providers of communications data under section 1 of the Data Retention and Investigatory Powers Act 2014 (c. 27).

Under section 72(1) of the Regulation of Investigatory Powers Act 2000, a person exercising any power or duty in relation to which provision may be made by a code of practice under section 71 must, in doing so, have regard to the code's provisions (as far as applicable).

The code is laid before Parliament with this Order. A full regulatory impact assessment of the effect that the Data Retention and Investigatory Powers Act 2014 will have on the costs of business was published with that Act and with the Data Retention Regulations 2014. No separate assessment has been produced for this Order.

The code of practice will be published by the Stationery Office and copies may be obtained from the Stationery Office bookshops or online shop. The code of practice will also be available on the Regulation of Investigatory Powers Codes of Practice pages of the gov.uk website.

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