

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

OTHER AUTHORISATIONS

Part Iii: Investigation of Electronic Data Protected by Encryption Etc

Section 49: Notices requiring disclosure

Senior officer is defined in [section 49\(10\)](#)

260. *Subsection (7)* states that the requirement in subsections (5) and (6) does not apply where there are special circumstances to the case which mean that the purposes for which a notice is given would be defeated if it was served on a senior officer in an organisation (e.g. where that senior officer is a suspect in a criminal investigation).
261. *Subsection (8)* specifies the persons to whom a disclosure may be made by the recipient of a notice.
262. *Subsection (9)* ensures that a key which has been used solely for the purpose of generating electronic signatures does not have to be disclosed in response to a notice.
- electronic signature is defined in [section 56\(1\)](#)*
263. The effect of Schedule 2, which is introduced by *subsection (11)*, is to set authorisation levels (described in Schedule 2) for permission to serve a notice under section 49. The level of authority required will vary depending on the power under which the protected information was, or is likely to be, lawfully obtained.