



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 2

#### LAWFUL INTERCEPTION OF COMMUNICATIONS

### CHAPTER 3

#### OTHER PROVISIONS ABOUT INTERCEPTION

*Restrictions on use or disclosure of material obtained under warrants etc.*

#### **58 Section 57: meaning of “excepted disclosure”**

- (1) For the purposes of section 57 a disclosure made in relation to a warrant is an “excepted disclosure” if it falls within any of the Heads set out in—
- (a) subsection (2) (disclosures authorised by warrant etc.);
  - (b) subsection (4) (oversight bodies);
  - (c) subsection (5) (legal advisers);
  - (d) subsection (8) (disclosures of a general nature).
- (2) Head 1 is—
- (a) a disclosure authorised by the warrant;
  - (b) a disclosure authorised by the person to whom the warrant is or was addressed or under any arrangements made by that person for the purposes of this section;
  - (c) a disclosure authorised by the terms of any requirement to provide assistance in giving effect to the warrant (including any requirement for disclosure imposed by virtue of section 41(5) or, in the case of a warrant under Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000 (“RIPA”), section 11(9) of RIPA).

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*Status: This is the original version (as it was originally enacted).*

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- (3) But subsection (2)(b) does not apply in the case of a mutual assistance warrant that is or was addressed to a person falling within section 18(1)(h) (competent authorities of overseas countries or territories).
- (4) Head 2 is—
- (a) in the case of a warrant under Chapter 1 of this Part, a disclosure made to, or authorised by, a Judicial Commissioner;
  - (b) in the case of a warrant under Chapter 1 of Part 1 of RIPA, a disclosure made to, or authorised by, the Interception of Communications Commissioner or a Judicial Commissioner;
  - (c) a disclosure made to the Independent Police Complaints Commission for the purposes of facilitating the carrying out of any of its functions;
  - (d) a disclosure made to the Intelligence and Security Committee of Parliament for the purposes of facilitating the carrying out of any of its functions.
- (5) Head 3 is—
- (a) a disclosure made by a legal adviser—
    - (i) in contemplation of, or in connection with, any legal proceedings, and
    - (ii) for the purposes of those proceedings;
  - (b) a disclosure made—
    - (i) by a professional legal adviser (“L”) to L’s client or a representative of L’s client, or
    - (ii) by L’s client, or by a representative of L’s client, to L,in connection with the giving, by L to L’s client, of advice about the effect of the relevant provisions (see subsection (7)).
- (6) But a disclosure within Head 3 is not an excepted disclosure if it is made with the intention of furthering a criminal purpose.
- (7) In subsection (5)(b) “the relevant provisions” means—
- (a) in the case of a warrant under Chapter 1 of this Part, the provisions of this Part;
  - (b) in the case of a warrant under Chapter 1 of Part 1 of RIPA, the provisions of that Chapter.
- (8) Head 4 is—
- (a) a disclosure that—
    - (i) is made by a postal operator or a telecommunications operator in accordance with a requirement imposed by regulations made by the Secretary of State, and
    - (ii) consists of statistical information of a description specified in the regulations;
  - (b) a disclosure of information that does not relate to any particular warrant under Chapter 1 of this Part or under Chapter 1 of Part 1 of RIPA but relates to any such warrants in general.
- (9) Nothing in this section affects the operation of section 56 (which, among other things, prohibits the making of certain disclosures in, for the purposes of or in connection with legal proceedings).