

## Investigatory Powers Act 2016

### Investigatory Powers Commissioner (Directed Oversight Function)

#### (The Principles) Direction 2020

The Prime Minister, in exercise of the powers conferred by section 230 of the Investigatory Powers Act 2016 (“the Act”), and in accordance with a non-statutory agreement between the Secretary of State for the Home Department and the Investigatory Powers Commissioner, directs the Investigatory Powers Commissioner as follows:

#### Citation and Commencement

1. This direction may be cited as the Investigatory Powers Commissioner (Directed Oversight Function) (The Principles) Direction 2020.
2. This Direction comes into force on 1 January 2020.

#### Additional review functions

3. The Investigatory Powers Commissioner must keep under review the compliance of persons falling within paragraph 4 with the guidance referred to in paragraph 5 in relation to the circumstances set out in paragraph 6.
4. The persons are:
  - a. In accordance with section 230 (1) of the Act:
    - i. Officers of the UK’s intelligence and security agencies (the Agencies);
    - ii. Any part of Her Majesty’s Armed Forces, or of the Ministry of Defence, so far as engaging in intelligence activities.
  - b. And on an agreed, non-statutory basis:
    - i. Officers and staff of SO15, Metropolitan Police Service (by virtue of the Secretary of State for the Home Department’s letter of xx December 2019 to the Investigatory Powers Commissioner); and
    - ii. Officers of the National Crime Agency (by virtue of the Secretary of State for the Home Department’s letter of xx December 2019 to the Investigatory Powers Commissioner).
5. The guidance is **The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees** which was published on 18 July 2019.
6. The circumstances are those in which one or more persons falling with paragraph 4 are:

- a. Interviewing a person in the detention of a foreign authority, or soliciting intelligence from a detainee via a foreign authority;
- b. Passing intelligence to a foreign authority concerning an individual detained by that authority;
- c. Passing intelligence to a foreign authority when detention is sought or when personnel know or believe detention will occur as a result of intelligence being passed;
- d. Passing intelligence to a foreign authority concerning an individual when detention is sought and there is a real risk that the foreign authority will unlawfully kill the individual in an extra-judicial killing rather than the individual being taken into custody;
- e. Receiving unsolicited intelligence that has been obtained from a detainee in the custody of a foreign authority.

Signed:

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a series of loops and a long horizontal stroke.

Date:

19 Dec 2019