

Subject: committee question on notice
Date: Wednesday, 4 February 2015 3:32:19 PM

Dear Jessica,

During Professor Williams' evidence last Friday, the Committee asked a question as to whether a Single Point of Contact (SPoC), as used in the United Kingdom, would be a useful safeguard to include in the Data Retention Bill.

A SPoC is an accredited individual (or group of individuals) in a public authority who acts as a 'gatekeeper' before requests for communications data are submitted to a senior authorising officer. For example, if a junior police officer wanted to access communications data under Part 1, Chapter 2 of the Regulation of Investigatory Powers Act 2000 (UK), he or she would first submit an application to the SPoC. The SPoC would then consider the merits and lawfulness of that request, and provide advice on its drafting, before sending it to a senior designated officer to be authorised.

We believe that such a scheme could be a useful addition to the Bill currently before the Committee, but it would not resolve the Bill's major issues. A SPoC regime would not add any external oversight or political accountability to the proposed data retention regime, as it would operate internally within enforcement agencies and criminal law enforcement agencies. It would also not resolve other key issues raised by the Bill, such as whether local councils should have access to metadata for the purpose of enforcing fines and the like. We believe that the government should focus on resolving these key issues in the primary legislation.

Kind regards,

Keiran Hardy