

**UK Government's response to the concerns raised in relation to the proposed legislation
"Investigatory Powers Bill" and as posted on the Platform**

(as transmitted by UK Permanent Representation to the Council of Europe)

The UK is committed to preserving and protecting a free media and freedom of expression, which are essential elements of a democratic society. The UK ensures extensive protections for whistleblowers through legislation so that, when individuals have concerns about their organisation, they can raise these in confidence if they wish and free from fear of reprisal.

This includes the willingness of sources to provide information to journalists anonymously. Accordingly, the UK Government recognises that requests for communications data intended to identify journalistic sources should be subject to judicial approval. The revised Communications Data Code of Practice, introduced earlier this year, requires public authorities to seek judicial authorisation for all such requests.

The draft Investigatory Powers Bill will put this requirement into primary legislation. Under the new legislation, all requests by public authorities for communications data in order to identify or confirm a journalistic source will require judicial approval. All applications to intercept communications must be authorised by a Secretary of State and approved by a Judicial Commissioner. Further, a code of practice will require the Secretary of State to apply particular consideration in cases where the subject of the interception might reasonably assume a high degree of privacy, or where confidential information is involved. The code will specify further safeguards which must apply when seeking a warrant and to the retention and dissemination of any confidential material that may be required. It will also make clear that any case where confidential information is retained should be notified to the Investigatory Powers Commissioner.