



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

26 March 2020

Dear Home Secretary,

CORONAVIRUS ACT 2020 – NOTIFICATION TO REQUEST POWERS BE EXERCISED

I recognise that the country is facing a national crisis following the outbreak of the COVID-19 pandemic. Doubtless in common with many of the public authorities I oversee, IPCO is experiencing unprecedented challenges. Therefore, I welcome the specific measures concerning investigatory powers and their oversight that have been included in the Coronavirus Act 2020 (“the Act”).

As you will be aware, s. 22 of the Act provides for the appointment of temporary Judicial Commissioners if I notify you that as a result of the effects of coronavirus, there is a shortage of persons able to carry out functions conferred on Judicial Commissioners by the Police Act 1997, the Regulation of Investigatory Powers Act 2000, the Regulation of Investigatory Powers (Scotland) Act 2000 and the Investigatory Powers Act 2016 and that, in my opinion, the power needs to be exercised in order to deal with that shortage.

You will also be aware that s. 23 of the Act provides for the extension of the “relevant period” for urgent warrants if I notify you that such measures are required in response to the effects that coronavirus is having, or is likely to have, on the capacity of Judicial Commissioners to carry out their functions.

Regrettably, I have no doubt that both these situations arise. Current Government advice to take precautionary measures to mitigate the risk of contracting the virus is of particular importance to the Judicial Commissioners due to their age. All but two of the Judicial Commissioners are over the age of 70 and should, under the present guidance, be self-isolating for the foreseeable future. This means they cannot attend the office to consider applications for warrants in a secure environment. It is also necessary to take account of the inevitably reduced staffing levels both in IPCO and within applicant public authorities which are ordinarily necessary to support the current arrangements.

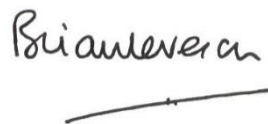
These measures strike a proportionate balance between ensuring that IPCO can continue to take steps to mitigate the risk to its staff and the Judicial Commissioners, whilst leaving the substance of the legislative oversight regime intact. It is, in my opinion, now necessary to exercise the powers in both ss. 22 and 23 of the

Act to provide vital flexibility both for IPCO and applicant public authorities to meet the resourcing challenges posed by the pandemic.

I do hope that you and your staff are remaining healthy in these difficult times.

With kind regards,

Yours sincerely,

A handwritten signature in black ink that reads "Brian Leveson". The signature is written in a cursive style and is positioned above a horizontal line.

The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner