



Mr Patrick Seurre

19th July 2016

Dear Mr Seurre,

Re – Complaint under the Regulation of Investigatory Powers (Monetary
Penalty Notices and Consents for Interceptions) Regulations 2011
("the Regulations")

As a consequence of your recent correspondence to my office I have reviewed the information you have supplied to me concerning the activities of Three.

To move matters forward, I would be grateful if you will clarify whether or not you have evidence that indicates your communications were intercepted by Three. If you have, I need you to share with me the specific circumstances and examples of your communications being intercepted if you have them available. Also, details of any damage caused to you as the complainant.

I think it worth pointing out the Regulations make explicit that they only apply if-

- a person has unlawfully intercepted a communication at a place in the UK; and
- the communication was intercepted in the course of its transmission by means of a public telecommunication system; and
- the person was not, at the time of the interception, making an attempt to act in accordance with an interception warrant which might explain the interception concerned; and
- the person has not committed an offence under section 1(1) RIPA (intentional unlawful interception).

If the first three elements described above apply but consent as described in section 3(1) of the Regulation of Investigatory Powers Act 2000 (RIPA) is absent, then a criminal offence within the meaning of section 1(1) is likely to apply.

The intentional and unlawful interception of communications (whether communications transmitted by means of a public postal service or a public telecommunication system) remains a criminal offence. Where a person's conduct amounts to or is considered to amount to intentional unlawful interception (the offence in section 1(1) RIPA), that conduct should continue to be referred to the police.

You have also raised issues in your correspondence to my office about the laws and regulations concerning the interception of communications and how they relate to the provision of systems and their management to enable access to the Internet.

The role of Commissioner does not extend to developing the Government's policy in matters related to interception or commenting on the deployment of products by communication providers to manage their networks or value added services. The Home Office owns the policy and can be contacted by writing to them at the address they have published in the recent public consultations in relation to the code of practice accompanying RIPA on: commsdata@homeoffice.x.gsi.gov.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stanley Burnton', written in a cursive style.

Sir Stanley Burnton
Interception of Communications Commissioner