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Dear Sally,

I would like to thank you for attending the debate on the Data Retention and Acquisition Regulations 2018 on Tuesday 30 October, and for your valuable contribution.

During the debate you referred to my previous speech in committee where I noted that communications data is used in the protection of citizens from crime and terrorism and queried how terrorism investigations were relevant to the definition of serious crime the Government had proposed. I was doing so to highlight the importance of this investigative technique and set the context of these powers for my noble Lords.

When investigating terrorism, law enforcement and intelligence officers will, in most of cases, be acquiring communications data for the statutory purpose of protecting national security. There will also be instances, however, when the statutory crime purpose is used. You may be aware that the police and intelligence agencies use a range of techniques to disrupt terrorists before any acts of terrorism are committed; these include arrest and prosecution for non-terrorism related crimes. Using communications data to investigate crimes can therefore contribute to protecting citizens from terrorism, although I would not use this to justify the serious crime definition we have set in relation to communications data retention and acquisition.

As I wrote in my letter to noble Lords who attended the debate in committee on Wednesday 24 October, of which you now have a copy, we have given considerable thought to this issue. I understand that you continue to have concerns but I hope that my letter and what I said during the debate go some way to reassuring you that we are taking the European Court of Justice's ruling seriously and interpreting it properly in our national context.

I hope you find this letter helpful. I will also send a copy to Lord Paddick and Lord Rosser and place a copy in the House library.

*Yours ever,
Zahida.*

BARONESS MANZOOR CBE

Baroness Hamwee
House of Lords