



Lucy Watts
The Home Office
2 Marsham Street
London SW1P 4DE

14 December 2010

Dear Ms Watts

**REGULATION OF INVESTIGATORY POWERS ACT 2000: PROPOSED
AMENDMENTS AFFECTING LAWFUL INTERCEPTION**

UKCTA is a regulatory trade association promoting the interests of competitive fixed-line telecommunications companies competing against BT, as well as each other, in the residential and business markets. Its role is to develop and promote the interests of its members to Ofcom and the Government. Details of membership of UKCTA can be found at www.ukcta.com. UKCTA welcomes the opportunity to respond to this consultation since the subject matters which it encompasses are of fundamental importance to our member companies.

Some UKCTA members have become aware that the Home Office has issued a consultation on proposed reform of the Regulation of Investigatory Powers Act 2000, but has not consulted widely nor for the normal 12 week consultation period. UKCTA members, by the very nature of their businesses, have a very real and direct interest in the provisions of the Act and would normally have expected to have been consulted on any proposed reform. Indeed we understand that the Home Office has not only restricted those to be consulted but has limited the time for their proposals to be considered. Rather than the twelve week consultation period laid down in the government's own guidance, respondents have been permitted only 4 weeks. This is an unacceptably short period in which to expect stakeholders to prepare comprehensive responses.

The Government's proposals have potentially very far reaching consequences for both communications providers and the way the Internet in general currently operates. As such we would have expected to see the consultation go into much more detail than has been the case. The consultation document is almost completely lacking in the sort of detail which UKCTA members would need in order to submit a comprehensive response. In particular we are disappointed to note that the Government has failed to set out its options and the underlying reasoning in support

of each option. There is little sign that the Government recognises the potential impact on industry of its proposals. For instance, there is a growing concern that the reforms might render industry's perfectly legitimate traffic management techniques and security measures to counter things such as spam and malware illegal. Despite this, the issue is simply not mentioned in the consultation document.

We are aware that the reforms proposed have been prompted by a need to address a deficiency in the transposition of the Privacy directives so we do not object to the need for reform, rather we are concerned that the Home Office is rushing ahead with their own preferred solution without properly consulting industry and without regard for the unintended consequences of which they have already been warned by other industry groups. This is causing a great deal of uncertainty and anxiety among communications providers. If the Home Office is unwilling to consult adequately they should at least give a public assurance that the reforms proposed will not impact on normal business practices such as traffic and network management, and contextual behavioural advertising.

UKCTA has an established track record of working with Government and regulators and we stand ready to work with the Home Office and other stakeholders to ensure that the changes which the Home Office wish to introduce are fit for purpose. Rather than rushing to impose reform on industry, UKCTA believes that proper consultation and dialogue is required in order to fully consider the implications of what is proposed.

We strongly urge the Home Office to reconsider its approach and to engage fully with industry in order to arrive at a workable solution which helps both Government and Industry to achieve their respective aims.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Domhnall Dods', is written over a faint circular stamp.

Domhnall Dods
Head of Government Relations
UKCTA