

The Investigatory Powers Tribunal

INFORMATION LEAFLET for Complaint Form T2
Regulation of Investigatory Powers Act 2000 (RIPA)
Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)

These Acts establish an independent Tribunal to consider all complaints and Human Rights Act claims which fall within its jurisdiction. Complainants are entitled to lodge either a complaint or a claim under the Human Rights Act or both using the relevant form(s).

Under Section 68 of RIPA, the Tribunal is entitled to determine its own procedures. The Investigatory Powers Tribunal Rules 2000 are set out in Statutory Instrument 2000 No. 2662 and are available on the Tribunal website.

What complaints can the Tribunal consider?

If you wish to make a complaint, please complete Form T2. A complaint is brought by a complainant sending to the Tribunal a form and other information in accordance with Rule 8 of the Investigatory Powers Tribunal Rules:

“8 (2) The form must be signed by the complainant and must:

- (a) state the name, address and date of birth of the complainant;
- (b) state the person or authority whose conduct, to the best of the complainant's knowledge or belief, is the subject of the complaint; and
- (c) describe, to the best of the complainant's knowledge or belief, that conduct.

(3) The complainant must also supply, either in or with the form, a summary of the information on which the claim is based.”

QUESTION 1: ORGANIZATIONS AGAINST WHICH A COMPLAINT CAN BE MADE

The Tribunal can consider investigating complaints against any public authority which holds RIPA powers (or other legislation which can be investigated by the Tribunal). There are a significant number of public authorities who hold RIPA powers. The main authorities against whom complaints can be made is available at the end of this information leaflet with the most current list available under the 'public authorities' section of IPT website (www.ipt-uk.com)

QUESTION 2: NATURE OF COMPLAINT

You must supply, either in or alongside the T2 form, a summary of the information, and other documentary evidence where appropriate, on which your complaint is based.

The conduct alleged must have taken place in relation to you, your property or your communications and must involve or have involved one or more of the following.

- **Conduct by or on behalf of any of the intelligence services (ie, the Security Service (MI5), Secret Intelligence Service (SIS or MI6) and Government Communications Headquarters (GCHQ)).**

- **The interception of communications by post or telecommunications.**
- **Surveillance which has resulted, or is likely to result, in private information being obtained.**
- **Surveillance concerning you which has been, or is being, carried out in relation to anything taking place on any residential premises or in any private vehicle.**
- **The use of a Covert Human Intelligence Source, e.g. the use of a personal relationship to obtain information about you without you knowing about it.**
- **Any entry on or interference with property or interference with wireless telegraphy.**
- **Obtaining data relating to a communications system.**
- **The giving of a notice under section 49 relating to investigation of electronic data protected by encryption.**
- **The carrying out of surveillance by a foreign police or customs officer (within the meaning of section 76A of RIPA).**

If your complaint is not covered by any of the categories listed above the Tribunal cannot consider investigating it. In this case you should make your complaint direct to the Public Authority in question.

QUESTIONS 3, 4, AND 5: DETAILS OF COMPLAINT

You must supply, either in or with the T2 form, a summary of the information, and other documentary evidence where appropriate, on which your complaint is based, i.e. what happened, where and when.

QUESTION 6: EVIDENCE

You should provide an indication of other evidence which may be available from other sources and which you believe will support your complaint.

QUESTION 7: EVENTS LONGER THAN A YEAR AGO

Normally the Tribunal will only consider investigating complaints made within one year of the occurrence of the event(s) to which they relate. If the events began more than a year ago and continued into the past year or are continuing, the Tribunal can investigate them. The Tribunal may consider investigating older complaints on a discretionary basis. If your complaint relates to events that occurred more than a year ago you must provide an explanation for the delay in submitting your complaint.

QUESTION 8: REMEDIES

Please specify the remedy you are seeking. The Tribunal has power in appropriate cases to award compensation, to quash or cancel any warrant or authorisation, to order destruction of records and to make other orders as it thinks fit.

How to apply to the Tribunal

You apply to the Tribunal by completing Form T2 (complaint form.) This form sets out the information which the Tribunal requires in order to consider commencing an investigation.

The T2 form must be signed by the complainant and must be legible, written in black or dark ink and in block capitals.

Copies of the T2 form can be downloaded from the Tribunal website

www.ipt-uk.com

or obtained from the Tribunal Secretary by writing to:

The Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

Or by telephoning the Tribunal on: 020 7035 3711

Form T2 and supporting documentation should be sent to the Tribunal Secretary at the above address. You should not under any circumstances write directly to the members of the Tribunal.

Investigation by the Tribunal

The Tribunal will write to you acknowledging receipt of your complaint forms. If your complaint falls within its jurisdiction to investigate and is not frivolous or vexatious, the Tribunal will then initiate its investigation into whether any activity you have alleged was carried out in relation to you, your property or your communications and, if it was, whether the conduct was properly authorised. It will then consider whether your complaint is justified.

Confidentiality

The Tribunal can only disclose to other parties involved in the investigation procedure your name, address, date of birth and the identity of the body against whom you are making the complaint. Your consent is required to reveal any other details about you or the basis of your complaint. The Tribunal will only reveal such details with your consent to the extent necessary to enable your complaint to be properly investigated. You do not need to give your consent to that but, if you do not, it may prevent a full investigation of your complaint from taking place. For example, if your complaint is that your telephone has been tapped, your consent to disclose the telephone number concerned would be necessary to enable an investigation to take place.

The Outcome

The Tribunal will advise you as soon as it can whether or not it has found in your favour. Were the Tribunal to find in your favour, it will, where permissible, provide you with a summary of its determination and any findings of fact. If it upholds your complaint the Tribunal may, after considering representations from you, also order such remedial action as it considers appropriate. If the Tribunal does not make a determination in your favour, it is not permitted to provide an explanation of the reasons for its decision under (RIPA section 68(4)(b))

Also Available

Form T1 (Human Rights Act Claim Form)

T1 Information Leaflet

Form T2 (Complaint Form)

Legislation

If you wish to consult the legislation relating to your complaint, you can do so via the Tribunal website www.ipt-uk.com/. Legislation not found there may be found on the website of the Office of Public Sector Information www.opsi.gov.uk/

Some of the legislation you may also wish to consult is as follows:

Regulation of Investigatory Powers Act 2000 (RIPA)
Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)
Investigatory Powers Tribunal Rules (Statutory Instrument 2000 No. 2665)
Intelligence Services Act 1994
Security Service Act 1989 and 1996
Police Act 1997

KEY PUBLIC AUTHORITIES WHICH CAN BE INVESTIGATED BY THE INVESTIGATORY POWERS TRIBUNAL.

The most up-to-date list of public authorities the IPT can investigate is available under the 'public authorities' section of the IPT website www.ipt-uk.com. The most relevant public authorities in the UK are listed below:

- **The Intelligence Services**
 - **Security Service(SS also known as mi5)**
 - **Secret Intelligence Service (SIS also known as mi6),**
 - **Government Communications Headquarters (GCHQ))**
- **UK Police Forces including**
 - **Metropolitan Police**
 - **Scottish Police Forces**
 - **Police Service Northern Ireland**
- **Serious Organised Crime Agency (SOCA)**
- **Armed Forces (Army, Navy, Air Force)**
- **Military Police Forces (Army, Navy, Air Force)**
- **Ministry of Defence Police**
- **British Transport Police**
- **Ministry of Justice - National Offender Management Service (NOMS) (originally Home Office HM Prison Service in SI 2001 No.1126)**
- **Ambulance Services (England, Wales, Scotland, NI)**
- **Fire Services (England, Wales, Scotland, NI)**
- **Scottish Crime and Drugs Enforcement Agency (SCDEA)**
- **HM Revenue and Customs (HMRC)**
- **Ministry of Defence (MOD)**
- **All Local Authorities**
- **Department of Business, Innovation and Skills**
- **Department for Environment, Food and Rural Affairs**
- **Dept of Health (Medicines and Healthcare Products Regulatory Agency)**