



Information leaflet for Complaint Form T2

The Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Investigatory Powers Act 2016) establishes 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 2018 (the Rules) are set out in Statutory Instrument 2018 No. 1334 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 9 of the Rules:

“9 (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 who, to the best of the complainant’s knowledge or belief, is the respondent; and
- (c) describe, to the best of the complainant’s knowledge or belief, the conduct to which the complaint relates.

(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: Organisations 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.

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:

- (i) **Conduct by the intelligence services.** Conduct which you believe to have been carried out in relation to you, by or on behalf of, any of the UK intelligence services. That conduct may relate to you, your property or your communications (whether or not it involves the use of an investigatory power)
- (ii) **Interception of communications.** Your communications by post or your telecommunications (including email) have been intercepted, or you wish to challenge the issue or maintenance of a warrant for such interception, or authorisations to examine intercepted content or protected material.
- (iii) **Communications data and secondary data.** Conduct for or in connection with the obtaining of secondary data or communications data from postal or telecommunication systems, the retention of such data (excluding any conduct which is subject to review by the Information Commissioner), the giving or varying of a retention notice or the issue or maintenance of warrants relating to such data.

- (iv) **Bulk data.** Relating to the issue, modification, or maintenance of a bulk acquisition warrant, or bulk personal dataset warrant, and the retention and examination of material following the expiry of a bulk personal dataset warrant.
- (v) **Interference with property and equipment.** There has been entry onto or interference with your property or with your wireless telegraphy or you wish to challenge the issue or maintenance of a warrant for such interference.
- (vi) **Surveillance.** Surveillance by a public authority (or by a foreign police or customs officer operating in the UK) in relation to anything taking place on any residential premises or in any private vehicle; and/ or surveillance by a public authority (or by a foreign police or customs officer operating in the UK) which may have resulted in private information about you being obtained.
- (vii) **Covert human intelligence.** Covert human intelligence has been used in relation to you, e.g. a public authority has used, or is using, a personal or other relationship for the purpose of getting information about you or you have been tasked as a covert human intelligence source by a public authority for covert purposes.
- (viii) **Encryption.** You have been given a notice under section 49 of RIPA relating to investigation of electronic data protected by encryption.
- (ix) **Technical Capability and/or National Security Notice.** The giving and/or varying of a national security and/or technical capability notice to a telecommunications and/or postal operator as well as conduct under a notice.

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 claim..

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 legible and must be signed by the complainant.

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

Or requested via email from the email address on our website.

Or obtained from the Investigatory Powers Tribunal by writing to:

The Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

You can also telephone the Tribunal on: **020 7035 3711**

Form T2 and supporting documentation should be sent to the Investigatory Powers Tribunal at the above address or submitted via the email address above. You should not under any circumstances write directly to the members of the Tribunal.

Investigation by the Tribunal

The Tribunal will acknowledge receipt of your complaint forms and provide you with a unique reference number. If your complaint falls within its jurisdiction to investigate and is not considered to be unsustainable 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 calls have been intercepted, 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. Where permissible, the Tribunal will provide you with reasons, finding of facts, a summary determination or a determination depending on the outcome of the complaint. If the Tribunal upholds your claim it may, after considering representations from you, also order such remedial action as it considers appropriate.

Right of Appeal

Section 67A of RIPA provides for a right of appeal from decisions and determinations of the Tribunal on points of law that raise an important point of principle or practice, or if there is some other compelling reason for granting leave to appeal.

Also available

- Form T2 (Complaint Form)
- T1 Information Leaflet
- Form T1 (Human Rights Act Claim 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/

You may also wish to consult the following legislation:

- Investigatory Powers Act 2016
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)
- Investigatory Powers Tribunal Rules (Statutory Instrument 2018 No. 1334)
- 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

While this is not a full list of public authorities which can be investigated the most relevant public authorities are listed below:

- The Intelligence Services
- UK Police Forces including
 - Metropolitan Police
 - Police Scotland
 - Police Service Northern Ireland
 - British Transport Police
- National Crime Agency (NCA)
- Armed Forces (Army, Navy, Air Force)
- Ministry of Defence Police
- Ministry of Justice - HM Prison & Probation Service
- Ambulance and Fire Services (England, Wales, Scotland, NI)
- HM Revenue and Customs (HMRC)
- Ministry of Defence (MOD)
- All Local Authorities
- Department for Environment, Food and Rural Affairs
- Department of Works and Pensions