

IN THE INVESTIGATORY POWERS TRIBUNAL

BETWEEN:

RICHARD PENDLEBURY

Claimant

-and-

GREATER MANCHESTER POLICE

Respondent

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ORDER

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UPON the Claimant's claim and complaint against the Respondent

AND UPON the Tribunal hearing Counsel for the Respondent and Counsel to the Tribunal in OPEN at a hearing on 17 January 2023

AND UPON the Tribunal issuing a judgment on 5 April 2023

IT IS HEREBY ORDERED THAT:

1. The Tribunal makes a declaration that the Respondent acted unlawfully in authorising an application for the acquisition of communications data relating to the Claimant's mobile phone from communications services providers on 13 March 2015 (Application 106960), in that:
  - 1.1 The application was a disproportionate interference with the Claimant's right to respect for his private life, home and correspondence under Article 8 of the European Convention on Human Rights; and
  - 1.2 The authorisation was contrary to paragraph 3.11 of the Acquisition and Disclosure of Communications Data Code of Practice (2008), because the designated person responsible for granting the authorisation (Chief Superintendent Sykes) was directly involved in the relevant investigation, without any justification being given for his undertaking the role of the designated person in such circumstances.
2. The Respondent should destroy all primary records of the communications data supplied to it under Application 106960 forthwith.
3. The relevant appellate court for the purposes of an appeal under section 67A of the Regulation of Investigatory Powers Act 2000 is the Court of Appeal of England and Wales.