



Information leaflet for Human Rights Act Claim Form T1

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 claims under the Human Rights Act 1998 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 Human Rights Act claims can the Tribunal Consider?

If you consider that your human rights and freedoms established in the Human Rights Act have been infringed by any of the authorities listed below or on the IPT website, please complete Form T1. Proceedings under section 7 of the Human Rights Act are brought by a complainant sending to the Tribunal a form and other information in accordance with Rule 8 of the 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 each respondent against which the proceedings are brought;
- (c) describe the nature of the claim (including details of the Convention right which it is alleged has been infringed) and of the complainant's interest; and
- (d) specify the remedy which the complainant seeks.

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

Please note the Tribunal cannot give you advice as to whether it has the power to investigate any particular claim in advance of you submitting the claim. Whether the Tribunal has the power to do so will depend on the nature of the conduct giving rise to the claim and the public authority against whom the claim is made. You may wish to seek legal advice if you are in doubt.

Question 1: Which organisation (or organisations) do you believe has infringed your human rights?

The Tribunal can investigate complaints against any organisation that holds powers under the Investigatory Powers Act 2016 or other similar legislation. With regards claims brought under the Human Rights Act the Tribunal can consider claims against public authorities in respect the use of a range of covert, intrusive and surveillance powers set out in section 65(5) RIPA.

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 Work and Pensions

Where the claim is under the Human Rights Act and the conduct complained of concerns directed or intrusive surveillance, or is about the conduct of a covert human intelligence source (CHIS) then the Tribunal can only consider the complaint if it is conduct by or on behalf of an immigration officer or a person holding any office, rank or position with-

- any of the intelligence services;
- any of His Majesty's forces;
- any police force;
- the Police Investigations and Review Commissioner;
- the National Crime Agency;
- the Competition and Markets Authority;
- the Commissioners for Her Majesty's Revenue and Customs;

unless it relates to either an equipment or a bulk equipment interference warrant.

Question 2: Which of your human rights do you believe has been infringed?

The rights which may found a Human Rights claim are contained in the Human Rights Act, schedule 1, paragraph 1. The text of the Human Rights Act can be found at www.legislation.gov.uk

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.

Questions 3: At which place or places?

If applicable, please give the full address of the property and/or telephone number to which the claim relates.

Questions 4 and 5: What happened and on what date did it happen?

You must supply, either in or with the T1 form, a summary of the information, and other documentary evidence where appropriate, on which your claim is based and the date it is alleged to have occurred, i.e. what happened, where and when.

Question 6: Is there any evidence other than your own?

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 claims made within one year of the occurrence of the event(s) to which they relate (see s7(5) of the Human Rights Act 1998). 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 claims on a discretionary basis. If your claim relates to events that occurred more than a year ago you must provide an explanation for the delay in submitting your claim.

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 T1 (Human Rights Act Claim Form) This form sets out the information which the Tribunal requires in order to consider commencing an investigation.

The T1 form must be legible and must be signed by the complainant.

Copies of the T1 form can be downloaded from the Tribunal website.

Or requested via email by contacting the email address generalenquiries@ipt-uk.com.

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 T1 and supporting documentation should be sent to the Investigatory Powers Tribunal at the above address or submitted via the email address generalenquiries@ipt-uk.com. 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 claim. Your consent is required to reveal any other details about you or the basis of your claim. The Tribunal will only reveal such details with your consent to the extent necessary to enable your claim 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 claim from taking place. For example, if your claim 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)
- T2 Information Leaflet
- Form T1 (Human Rights Act Claim Form)

Legislation

If you wish to consult the legislation relating to your claim, you can do so via the Tribunal website. 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 2018 (Statutory Instrument 2018 No. 1334)
- Intelligence Services Act 1994
- Security Service Act 1989 and 1996
- Police Act 1997