



Internet Telephony Services Providers' Association

**ITSPA response to the House of Commons Public Bill Committee on the
Investigatory Powers Bill 2015-16**

About ITSPA

The Internet Telephony Services Providers' Association (ITSPA) represents over 90 UK businesses involved with the supply of next generation communication services over data networks to industry and residential customers within the UK. Our traditional core members are VoIP providers. ITSPA pays close attention to both market and regulatory framework developments on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within both national and international markets.

Please note that certain aspects of the ITSPA response may not necessarily be supported by all ITSPA members. Individual members may respond separately to the Committee where a position differs. However, the ITSPA Council is confident that this response reflects the views of the overwhelming majority of ITSPA members.

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>

Response

Outlined below is a short response from ITSPA to the House of Commons Public Bill Committee on the Investigatory Powers Bill. This outlines ITSPA's general position and in particular highlights concerns around encryption and equipment interference.

Whilst many ITSPA members support the need for law enforcement and the security services to, where justifiable, obtain data and intercept communications to prevent and detect crime, the balance of privacy versus this need is a matter for elected representatives and we do not take a formal position on it. Where we have concerns is for the ability of our members, on a technical or operational basis, to comply with the plans incorporated in this Bill. However, we do acknowledge that a number of concerns from previous attempts to introduce similar legislation have been resolved, including the development of stronger oversight mechanisms and a streamlining of the current legal powers, which have become extremely complicated and unwieldy for communications providers to understand.



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ITSPA also understands that the most significant changes will only affect Communications Service Providers (CSPs) who have been served with an appropriate data retention notice. Given that most of our members are SMEs (who have not been served with a notice), we understand the Bill will not have a major impact on the majority of ITSPA's membership. Our larger members who have already been served with retention notices would have already had detailed discussions with the Home Office. Should data retention notices become more widespread across the industry we are pleased that the principle of cost recovery for industry remains in place. Should this change, this would be a major concern for our industry.

ITSPA has been involved in further discussion between industry and Government in recent weeks and has been monitoring the initial discussions as the Bill passes through Parliament. Some of our concerns around specific aspects remain, particularly in relation to the ambiguity in the text of the Bill concerning encrypted communications, both from a security point of view and also around the future threat to innovation and investment in UK companies.

ITSPA believes that the uncertainty around the scope of influence of the IP Bill could impact UK business and in particular its growing and thriving technology sectors. Without clarification, the IP Bill in its current form will fuel doubt on the security of UK products and services and put the country at a competitive disadvantage to its rivals. Furthermore, it will damage future investment into the development of new products and services in the UK, which in turn will lead to further concerns around competitiveness in a sector that is currently thriving.

Currently, there is ambiguity in the text of the Bill around how law enforcement agencies will practically implement 'Equipment Interference' measures on communications service providers. In particular, ITSPA would like to see clear clarification in the IP Bill regarding the interference of equipment and the software related to service provision:

- That software or hardware produced or operated by service providers will not have to be reduced in capabilities to encrypt, weakened in operation or altered to operate with a less than the expected or intended level of security.
- That software or hardware can be designed, developed and produced without influence or pressure to reduce its capabilities to operate any of its functions – ITSPA members wish to receive the guarantee that the 'Equipment Interference' measures included in



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the Bill will not affect the operation, or ability to customise or enhance, their networks and technologies.

ITSPA is more than willing to discuss its concerns with the Committee in further detail if that would be of assistance.