



Home Office

2 Marsham Street  
London SW1P 4DF  
www.homeoffice.gov.uk

6 July 2017

Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

Dear [REDACTED]

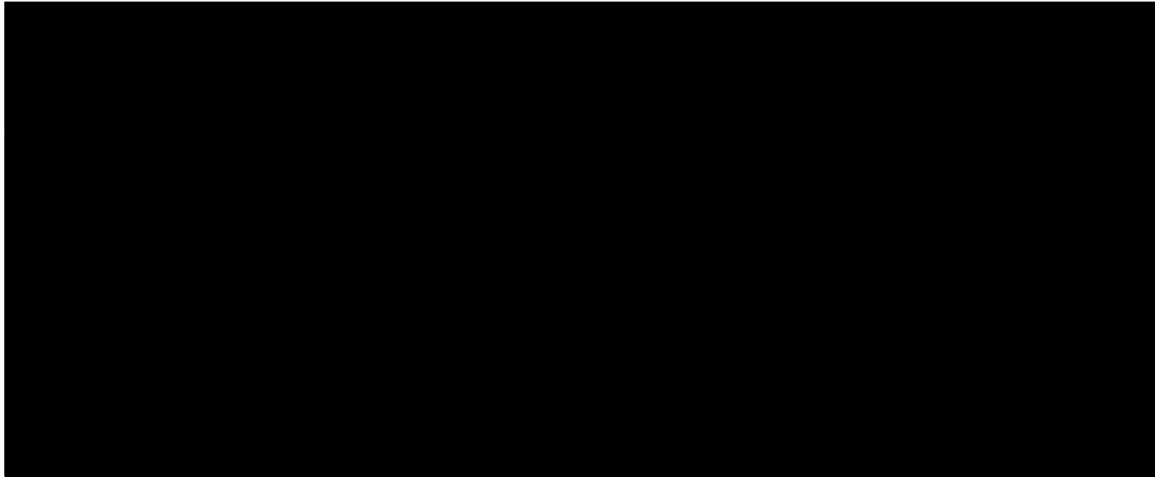
#### **AMENDMENT TO WIRELESS TELEGRAPHY ACT LEGISLATION RELATING TO COMMERCIAL MULTI-USER GATEWAYS**

I am writing in response to your letter dated 19 June in which you set out Ofcom's intention to exempt the use of commercial multi-user gateways from the licensing requirement.

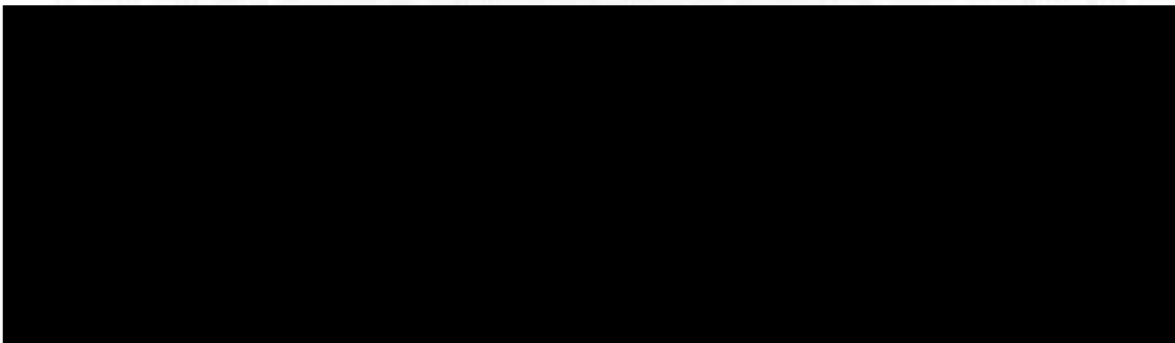
As my officials have previously set out, we continue to assess that the use of commercial multi-user gateways poses a risk to vital capabilities which are used regularly by our law enforcement and security and intelligence agencies in the interests of national security and to prevent or detect serious crime. When a call is made through a commercial multi-user gateway, the caller's telephone number and location are not forwarded and are replaced by the number and location of the SIM card in the GSM gateway through which the call is routed. This will make it almost impossible for the communications data of a call and caller to be ascertained.

I was surprised to see in your letter that you did not consider that any of the examples provided would have a *direct* consequence on safety of life. I note that this is not the relevant legal test. The test in section 8(5)(d) of the Wireless Telegraphy Act 2006 is that apparatus of that description 'is not likely to endanger safety of life'; there is no mention of "direct consequences". The examples provided by the Home Office clearly set out how operation of the apparatus *would* endanger safety of life. Specifically, the use of commercial multi-user gateways would mean the police would be less likely to be able intervene to prevent deaths in kidnap cases, less likely to be able to safeguard children in child sexual abuse cases, and less likely to be able to locate and protect missing persons. There can be no doubt that the use of these devices would lead to more deaths and serious injuries, more crimes being committed and more criminals going unpunished.

Although your response rightly notes that there are other methods which would allow communications to be hidden, these are outside of the regulatory framework. The fact that other services are not currently regulated does not mean that the risk posed by removing the licensing requirement on commercial multi-user gateways is lessened.



Last year, Parliament passed the Investigatory Powers Act 2016 which brought together a range of investigatory powers available to law enforcement and the security and intelligence agencies to enable them to protect the public. Given Parliament has approved the use of these powers, the Home Office would not support the removal of the licensing requirement on devices which could make it more difficult for law enforcement to access the data which could be obtained under the Act.



Yours sincerely,

