



10 May 2016

Dear customers, shareholders and everyone who has signed the SumofUs petition asking us to speak out about the draft Investigatory Powers Bill

Thank you for raising your concerns about the Investigatory Powers Bill (the "Bill"). The Bill has led to widespread debate, with different views being put forward. Let me start with a summary of our position, on behalf of BT and EE, which now forms part of the BT Group.

We support the review of investigatory powers, which are in need of reform. We hope for new law which helps to protect society from harm, while being clear about the powers that government has and how they are to be used. The law should ensure that powers given to the state in this area are used only when it is necessary and proportionate to do so, and in line with human rights laws and standards.

Please look at our public comments on the Bill (documents listed below), including those in our recent report on Privacy and Free Expression in UK Communications.

Turning to some of the particular areas of concern:

- We want to make it clear that many of the rules in this Bill are not new. The Bill actually seeks to ensure greater transparency about the rules that exist than we have had in the past. The Bill updates current rules, for example on the interception of communications and the acquisition of data. It brings many existing powers together in one new Bill. It expands other rules, for example on the retention of data, by adding a new category of data (internet connection records) to the existing categories of internet and telephony data which can already be retained for up to 12 months.
- The government wants this data to tackle serious crime and terrorism. The Bill says that the powers must be used only when it is necessary and proportionate to do so. We agree with this limitation.
- The rules apply to all communication service providers (CSPs) in the UK, not just to BT. Some rules will also apply to CSPs who are based outside the UK but who provide services in the UK. So, it's not possible to avoid the rules by moving

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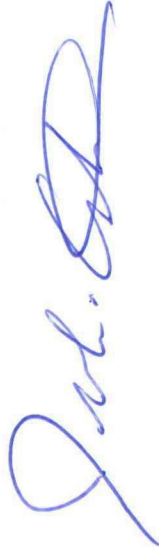
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your service from one CSP to another. CSPs are legally obliged to comply with the rules when requested to do so by the relevant government authority.

- Certain powers ('bulk' powers, such as interception, equipment interference and the retention of data) are amongst the most potentially intrusive in the Bill. We're pleased that these powers can only be used if an independent Judge has approved this in advance. We think CSPs should be allowed to also challenge situations where the bulk powers may be used. We note that the EU courts are currently considering legal challenges to the use of these powers - as to whether or not they're too broad to be proportionate. (We've already said in our Privacy and Free Expression report that it would help to assess exactly what is and what isn't proportionate if there were more clarity on the word "bulk"). We will watch these developments carefully.

I hope this assures you that we're closely engaged on the issues raised by the Bill. We think it's important for everyone's views to be heard on reform of the government's investigatory powers, so you may also wish to get in touch with your local MP with your views on the Bill.

Yours sincerely



Julian Ashworth
Director Group Industry Policy

Public documents

- In October 2014, written evidence to the David Anderson QC review (A Question of Trust) <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2015/06/Submissions-A-G.pdf>
- In December 2015, written and oral evidence to the Science & Technology Committee of the Houses of Parliament <http://parliamentlive.tv/Event/Index/666a780b-3058-4687-b69b-68110959976c> and <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/science-and-technology-committee/investigatory-powers-bill-technology-issues/written/25410.html>
- In December 2015 and January 2016, oral and written evidence to the Joint Committee of the Houses of Parliament <https://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-investigatory-powers-bill/publications> and <http://parliamentlive.tv/Event/Index/54f42d6d-2377-4e98-9f6b-f21149c2b21f>
- In December 2015, we published our Privacy and Free Expression Report <http://www.btpic.com/Thegroup/Ourcompany/Ourvalues/Privacyandfreexpression/index.htm>