c The authorities notified under paragraph 5.a or consulted under paragraph 5.b may, without undue delay, instruct the service provider not to disclose the subscriber information if:

i disclosure may prejudice criminal investigations or proceedings in that Party; or

ii conditions or grounds for refusal would apply under Article 25, paragraph 4, and Article 27, paragraph 4, of the Convention had the subscriber information been sought through mutual assistance.

d The authorities notified under paragraph 5.a or consulted under paragraph 5.b:

i may request additional information from the authority referred to in paragraph 4.c for the purposes of applying paragraph 5.c and shall not disclose it to the service provider without that authority's consent; and

ii shall promptly inform the authority referred to in paragraph 4.c if the service provider has been instructed not to disclose the subscriber information and give the reasons for doing so.

e A Party shall designate a single authority to receive notification under paragraph 5.a and perform the actions described in paragraphs 5.b, 5.c and 5.d. The Party shall, at the time when notification to the Secretary General of the Council of Europe under paragraph 5.a is first given, communicate to the Secretary General the contact information of that authority.

f The Secretary General of the Council of Europe shall set up and keep updated a register of the authorities designated by the Parties pursuant to paragraph 5.e and whether and under what circumstances they require notification pursuant to paragraph 5.a. Each Party shall ensure that the details that it provides for the register are correct at all times.

6 If acceptable to the service provider, a Party may submit an order under paragraph 1 and supplemental information under paragraph 4 in electronic form. A Party may provide notification and additional information under paragraph 5 in electronic form. Appropriate levels of security and authentication may be required.

7 If a service provider informs the authority in paragraph 4.c that it will not disclose the subscriber information sought, or if it does not disclose subscriber information in response to the order under paragraph 1 within thirty days of receipt of the order or the timeframe stipulated in paragraph 4.d, whichever time period is longer, the competent authorities of the issuing Party may then seek to enforce the order only via Article 8 or other forms of mutual assistance. Parties may request that a service provider give a reason for refusing to disclose the subscriber information sought by the order.

8 A Party may, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, declare that an issuing Party shall seek disclosure of subscriber information from the service provider before seeking it under Article 8, unless the issuing Party provides a reasonable explanation for not having done so.

9 At the time of signature of this Protocol or when depositing its instrument of ratification, acceptance, or approval, a Party may:

a reserve the right not to apply this article; or

b if disclosure of certain types of access numbers under this article would be inconsistent with the fundamental principles of its domestic legal system, reserve the right not to apply this article to such numbers.

Section 3 – Procedures enhancing international co-operation between authorities for the disclosure of stored computer data

Article 8 – Giving effect to orders from another Party for expedited production of subscriber information and traffic data

1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to issue an order to be submitted as part of a request to another Party for the purpose of compelling a service provider in the requested Party's territory to produce specified and stored

a subscriber information, and
b traffic data

in that service provider's possession or control which is needed for the Party's specific criminal investigations or proceedings.

2 Each Party shall adopt such legislative and other measures as may be necessary to give effect to an order under paragraph 1 submitted by a requesting Party.

3 In its request, the requesting Party shall submit the order under paragraph 1, the supporting information and any special procedural instructions to the requested Party.

a The order shall specify:

i the issuing authority and the date the order was issued;

ii a statement that the order is submitted pursuant to this Protocol;

iii the name and address of the service provider(s) to be served;

iv the offence(s) that is/are the subject of the criminal investigation or proceeding;

v the authority seeking the information or data, if not the issuing authority; and

vi a detailed description of the specific information or data sought.

b The supporting information, provided for the purpose of assisting the requested Party to give effect to the order and which shall not be disclosed to the service provider without the consent of the requesting Party, shall specify: