i the domestic legal grounds that empower the authority to issue the order;

ii the legal provisions and applicable penalties for the offence(s) being investigated or prosecuted;

iii the reason why the requesting Party believes that the service provider is in possession or control of the data;

iv a summary of the facts related to the investigation or proceeding;

v the relevance of the information or data to the investigation or proceeding;

vi contact information of an authority or authorities that may provide further information;

vii whether preservation of the information or data has already been sought, including the date of preservation and any applicable reference number; and

viii whether the information has or data have already been sought by other means, and, if so, in what manner.

c The requesting Party may request that the requested Party carry out special procedural instructions.

4 A Party may declare at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, and at any other time, that additional supporting information is required to give effect to orders under paragraph 1.

5 The requested Party shall accept requests in electronic form. It may require appropriate levels of security and authentication before accepting the request.

6 a The requested Party, from the date of receipt of all the information specified in paragraphs 3 and 4, shall make reasonable efforts to serve the service provider within forty-five days, if not sooner, and shall order a return of requested information or data no later than:

i twenty days for subscriber information; and
ii forty-five days for traffic data.

b The requested Party shall provide for the transmission of the produced information or data to the requesting Party without undue delay.

7 If the requested Party cannot comply with the instructions under paragraph 3.c in the manner requested, it shall promptly inform the requesting Party, and, if applicable, specify any conditions under which it could comply, following which the requesting Party shall determine whether the request should nevertheless be executed.

8 The requested Party may refuse to execute a request on the grounds established in Article 25, paragraph 4, or Article 27, paragraph 4, of the Convention or may impose conditions it considers necessary to permit execution of the request. The requested Party may postpone execution of requests for reasons established under Article 27, paragraph 5, of the Convention. The requested Party shall notify the requesting Party as soon as practicable of the refusal, conditions, or postponement. The requested Party shall also notify the requesting Party of other circumstances that are likely to delay execution of the request significantly. Article 28, paragraph 2.b, of the Convention shall apply to this article.

9 a If the requesting Party cannot comply with a condition imposed by the requested Party under paragraph 8, it shall promptly inform the requested Party. The requested Party shall then determine if the information or material should nevertheless be provided.

b If the requesting Party accepts the condition, it shall be bound by it. The requested Party that supplies information or material subject to such a condition may require the requesting Party to explain in relation to that condition the use made of such information or material.

10 Each Party shall, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, communicate to the Secretary General of the Council of Europe and keep up to date the contact information of the authorities designated:

a to submit an order under this article; and
b to receive an order under this article.

11 A Party may, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, declare that it requires that requests by other Parties under this article be submitted to it by the central authority of the requesting Party, or by such other authority as mutually determined between the Parties concerned.

12 The Secretary General of the Council of Europe shall set up and keep updated a register of authorities designated by the Parties under paragraph 10. Each Party shall ensure that the details that it has provided for the register are correct at all times.

13 At the time of signature of this Protocol or when depositing its instrument of ratification, acceptance, or approval, a Party may reserve the right not to apply this article to traffic data.

Article 9 – Expedited disclosure of stored computer data in an emergency

1 a Each Party shall adopt such legislative and other measures as may be necessary, in an emergency, for its point of contact for the 24/7 Network referenced in Article 35 of the Convention (“point of contact”) to transmit a request to and receive a request from a point of contact in another Party seeking immediate assistance in obtaining from a service provider in the territory of that Party the expedited disclosure of specified, stored computer data in that service provider’s possession or control, without a request for mutual assistance.

b A Party may, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, declare that it will not execute requests under paragraph 1.a seeking only the disclosure of subscriber information.