2 Each Party shall adopt such legislative and other measures as may be necessary to enable, pursuant to paragraph 1:

a its authorities to seek data from a service provider in its territory following a request under paragraph 1;

b a service provider in its territory to disclose the requested data to its authorities in response to a request under paragraph 2.a; and

c its authorities to provide the requested data to the requesting Party.

3 The request under paragraph 1 shall specify:

a the competent authority seeking the data and date on which the request was issued;

b a statement that the request is issued pursuant to this Protocol;

c the name and address of the service provider(s) in possession or control of the data sought;

d the offence(s) that is/are the subject of the criminal investigation or proceeding and a reference to its legal provisions and applicable penalties;

e sufficient facts to demonstrate that there is an emergency and how the data sought relate to it;

f a detailed description of the data sought;

g any special procedural instructions; and

h any other information that may assist in obtaining disclosure of the requested data.

4 The requested Party shall accept a request in electronic form. A Party may also accept a request transmitted orally and may require confirmation in electronic form. It may require appropriate levels of security and authentication before accepting the request.

5 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 requesting Parties, following the execution of the request, to submit the request and any supplemental information transmitted in support thereof, in a format and through such channel, which may include mutual assistance, as specified by the requested Party.

6 The requested Party shall inform the requesting Party of its determination on the request under paragraph 1 on a rapidly expedited basis and, if applicable, shall specify any conditions under which it would provide the data and any other forms of co-operation that may be available.

7 a If a requesting Party cannot comply with a condition imposed by the requested Party under paragraph 6, it shall promptly inform the requested Party. The requested Party shall then determine whether the information or material should nevertheless be provided. If the requesting Party accepts the condition, it shall be bound by it.

b 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.

Section 4 – Procedures pertaining to emergency mutual assistance

Article 10 – Emergency mutual assistance

1 Each Party may seek mutual assistance on a rapidly expedited basis where it is of the view that an emergency exists. A request under this article shall include, in addition to the other contents required, a description of the facts that demonstrate that there is an emergency and how the assistance sought relates to it.

2 A requested Party shall accept such a request in electronic form. It may require appropriate levels of security and authentication before accepting the request.

3 The requested Party may seek, on a rapidly expedited basis, supplemental information in order to evaluate the request. The requesting Party shall provide such supplemental information on a rapidly expedited basis.

4 Once satisfied that an emergency exists and the other requirements for mutual assistance have been satisfied, the requested Party shall respond to the request on a rapidly expedited basis.

5 Each Party shall ensure that a person from its central authority or other authorities responsible for responding to mutual assistance requests is available on a twenty-four hour, seven-day-a-week basis for the purpose of responding to a request under this article.

6 The central authority or other authorities responsible for mutual assistance of the requesting and requested Parties may mutually determine that the results of the execution of a request under this article, or an advance copy thereof, may be provided to the requesting Party through a channel other than that used for the request.

7 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, Article 27, paragraphs 2.b and 3 to 8, and Article 28, paragraphs 2 to 4, of the Convention shall apply to this article.

8 Where such a treaty or arrangement exists, this article shall be supplemented by the provisions of such treaty or arrangement unless the Parties concerned mutually determine to apply any or all of the provisions of the Convention referred to in paragraph 7 of this article, in lieu thereof.