

Brussels, 14 August 2002

**11490/1/02
REV 1**

LIMITE

**CRIMORG 67
TELECOM 4**

COVER NOTE

from : Presidency
to : Delegations to the Multidisciplinary Group on Organised Crime (MDG)
Subject : Questionnaire on traffic data retention

The Presidency, in collaboration with the General Secretariat of the Council, has developed a short questionnaire on traffic data retention that has been attached to this note.

Its objective is to further advance the efforts that are necessary to combat cyber crime and to facilitate the development of strategies and working agendas as they have been laid down *inter alia* in the work programme of the Danish Presidency of the EU for the second half of 2002¹.

Delegations are kindly requested to submit their answers (preferably by email) to the General Secretariat of the Council, attention of Mr. Peter Nath, 175 rue de la Loi, B-1048 Brussels, tel.: +32-2-285-6677, facsimile: +32-2-285-8832, email: peter.nath@consilium.eu.int, **no later than Monday, 9th September 2002.**

¹ Council doc. 10617/02 LIMITE CATS 40.

Q u e s t i o n n a i r e

on Traffic Data Retention

Legislative aspects

1. Has your country at present any special legislation concerning traffic data retention or is data traffic retention covered by existing legislation? If not are you considering legislation concerning traffic data retention?
2. Has your country yet focussed on a specific period of time for the retention of traffic data? Have you also considered what kind of traffic data should be retained?
3. Has your country considered allowing traffic data retention for purposes other than billing, such as network security purposes?

Practices and experiences

4. What is the present procedure for a law enforcement authority to obtain traffic data from a service provider? Has this procedure proven to be efficient and effective?
5. Have you received any reports from your law enforcement authorities that have indicated an obstruction of their work due to the non-existence of appropriate legal instruments concerning traffic data retention?

Dialogue with industry

6. Have you entered into a permanent dialogue with your telecommunications industry about the issue of traffic data retention and what are the tendencies you have observed? How would you judge the general willingness of the telecommunications industry operating in your country to embark on a retention of traffic data?

Perspective

7. How would you rate the solution of creating an instrument on traffic data retention for law enforcement purposes at a European level?