

# **T-CY(2016)13: Emergency requests**

## **Preliminary observations on replies received**

[www.coe.int/cybercrime](http://www.coe.int/cybercrime)

## **Questionnaire on emergency procedures**

**33 Parties and Observers replied:**

**Australia, Austria, Belarus, Bulgaria, Bosnia and Herzegovina, Croatia, Czech Republic, Dominican Republic, Finland, France, Germany, Hungary, Iceland, Italy, Israel, Japan, Latvia, Mauritius, Moldova, Monaco, Montenegro, Norway, Panama, Philippines, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, Turkey and USA**



**TCY 15 / Item 8: Follow up to Assessment Report on MLA**  
**▶ Recommendation 8 on emergency procedures**

**Q1. Does your law allow a service provider operating in your territory to disclose data to domestic law enforcement in emergency situations without prior authorisation?**

- **What constitutes an emergency situation under your law?**
- **What category/ies of data (subscriber information, traffic data, content data) can law enforcement obtain in the case of an emergency situation?**

- **20 / 33 countries (61%) do not have legislation that permits disclosure of data in emergency situations without prior authorization.**
- **Australia, Czech Republic, Finland, France, Germany, Israel, Japan, Latvia, Monaco, Norway, Slovenia, Spain and USA have legislation that permits disclosure of data in emergency situations without prior authorization. Some of these countries don't require prior authorization even in non-urgent situations.**



## TCY 15 / Item 8: Follow up to Assessment Report on MLA

### ▶ Recommendation 8 on emergency procedures

- **27 countries (81%) replied that their legislation does not stipulate any definition for “emergency situation”. Nevertheless, some of these 27 countries consider that an emergency situation is represented by an imminent threat to life or health of a person.**
  
- **The 13 countries that can obtain data in emergency situation without prior authorization can obtain**
  - **(a) all types of data (Australia, France, Germany, Israel, Japan, Norway and USA),**
  - **(b) non content data (Czech Republic, Finland, Latvia, Slovenia and Spain)**
  - **(c) only subscriber information (Japan).**



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**Q2. Does your law allow a service provider operating in your territory to disclose data to foreign law enforcement in emergency situations without mutual legal assistance?**

- **What constitutes an emergency situation for these purposes?**
- **What category/ies of data (subscriber information, traffic data, content data) can foreign law enforcement obtain in the case of an emergency situation?**



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**With the exception of Japan and US, no other country has legislation permitting a service provider operating in its territory to disclose data to foreign law enforcement in emergency situations without mutual legal assistance.**

**Q3. Do you have procedures for the expedited obtaining and disclosing of data to foreign authorities through mutual legal assistance channels in emergency situations?**

- **What constitutes an emergency situation for these purposes?**
- **What category/ies of data (subscriber information, traffic data, content data) can you disclose to foreign law enforcement in the case of an emergency situation?**
- **What are the procedures?**
- **Any other comments**



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**France, Germany, Montenegro, Philippines, Slovakia and USA have procedures for the expedited disclosure of data to foreign authorities through mutual legal assistance channels in emergency situations.**

**Some countries, without having in place procedures of this type, use informal procedures to speed up the disclosure process. The use of Article 27.9 Budapest Convention is mentioned in some of the replies.**