

# 2<sup>nd</sup> Additional Protocol to the Budapest Convention

Direct cooperation with Service Providers – Article 7

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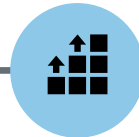
Law Enforcement & National Security



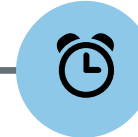
# Benefits



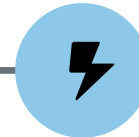
Open to large number  
of countries to sign



Based on rule of law  
standards



Takes account of data  
protection law  
Convention 108

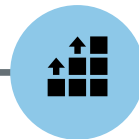


Only current global  
Treaty on eEvidence

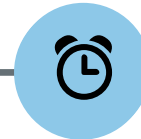
# Challenges



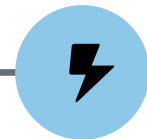
National authorities  
use national law v  
Service Providers  
subject to global laws



Data controller v data  
processor distinction



State notification  
requirement may differ  
in each country



Subscriber information  
differs between Service  
Providers

# Legal obligation can mean two different things



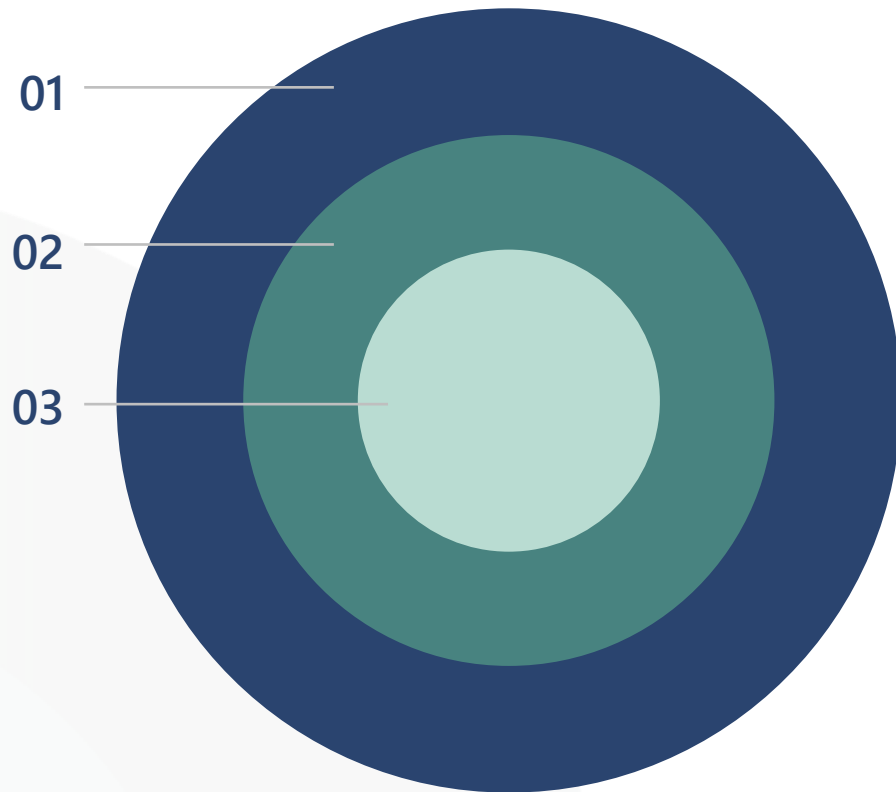
Law enforcement have the legal right to serve an order



Service providers need to have a legal basis to comply with the order



# Three key questions for every Service Provider



## **01 Legal basis to process data?**

Does the Order create a legal obligation on the controller? Or is there another basis?

## **02 Data minimisation & purpose limitation**

Does the Order request specific identifiers?

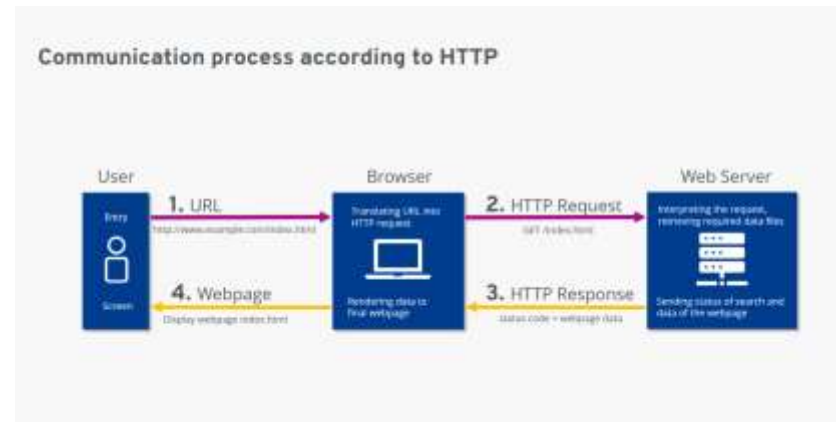
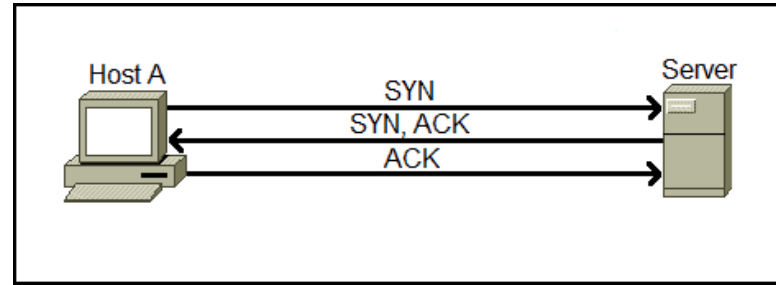
## **03 Transfers**

Is there a legal basis to transfer the data?

How will law enforcement manage the data?



# How will the data be transferred?



ETSI TS 103 707 V1.8.1 (2024-04)



Lawful Interception (LI);  
Handover Interface for HTTP delivery

