

REQUEST COMPONENTS FOR ACCESS TO SUBSCRIBER INFORMATION UNDER VOLUNTARY DISCLOSURE REGIME



REF: 20-112 | September 25, 2020

This document further develops the minimum basic components of requests formats, originally identified in the Operational Approaches¹, from the perspective of access to cross-border subscriber data from public authorities to internet intermediaries.

These components do not include a provision for emergency situations including threats to life, as providers can open a separate communication channel for dealing with emergency requests. These components however allow for the indication of an expedited request to account for circumstances where a requester may be under a specific deadline.

Some components can be mandatory (i.e. a necessary condition for consideration - not necessarily sufficient for acceptance and execution, though). They are indicated with an *.

| Cluster | Label | Description |
|-------------|---------------------------------|---|
| REFERENCING | Request Number* | Request ID number that identifies the specific request; used for reference tracking and potential audits. |
| | Time & Date* | Timestamp on transmission from the requesting country. |
| | Requesting Country* | Indicates the requesting country. |
| | Recipient Company* | Indicates the destination of the request, in particular a Point of Entry (POE). |
| | Case Number | Identifies the corresponding legal case in the requesting country. |
| | Previous Request Numbers | Request ID number(s) pertaining to related request(s) that have been made previously, if any. |

¹ [Data & Jurisdiction Program Operational Approaches](#)

REQUEST COMPONENTS FOR ACCESS TO SUBSCRIBER INFORMATION
UNDER VOLUNTARY DISCLOSURE REGIME

| | | |
|---------------------|--|--|
| DATA SOUGHT | Account information* | Identifies the specific target of the request: specific IP address, domain name, URL, user identifiers or accounts (specificity criteria). |
| | Data requested* | The specific user data being requested, with the highest degree of precision. |
| | Time Range/Period | The time range/period for which subscriber data is sought. This can be used in case of situations where accounts have belonged to more than one person/user over time. |
| CASE ² | Offense | Description of the alleged offense and penalty associated with the alleged offense. |
| | Legal Basis* | National legal framework upon which this request is based; an explicit link to an online version in English of the corresponding law/jurisprudence could be a requirement for validity/acceptability of the request. |
| | Summary of the Alleged Offense* | Facts, relation with the data, purpose, and when applicable charges pressed/list of offenses. |
| | Necessity and Proportionality* | The reasoning for requesting the above elements, taking into consideration the balance between the need to obtain the data and protection of user rights. |
| | Case Status | Identifies status and progress of the case in the requesting country, at the time of request (e.g. pre-trial, trial, crime in progress, ...). |
| EXPEDITED TREATMENT | Expedited Treatment | Request for expedited treatment. |
| | Rationale | Justification for expedited treatment |

² While most Labels are mandatory, Authorities will have to strike a balance with regards to the level of detail provided under each mandatory component.

REQUEST COMPONENTS FOR ACCESS TO SUBSCRIBER INFORMATION
UNDER VOLUNTARY DISCLOSURE REGIME

| | | |
|---------------------------|--|---|
| CONFIDENTIALITY | Confidentiality | Specifies whether specific circumstances justify that some parts or all of the request not be communicated to the concerned user. |
| | Rationale for Confidentiality | Justification of non-notification. |
| | Confidentiality Timeline | Duration of the confidentiality exception. |
| AUTHORITIES | Transmitting Authority* | The authority and/or POC that has transmitted the request and its details. |
| | Investigating / Prosecuting Authority | Details of the authority investigating or prosecuting the case in the requesting country. |
| CONTACTS | Response Notification | Contact details in the requesting country to which response notifications should be directed to. |
| | Reception of Data* | Details of the authority in the requesting country to which user/suspect information should be transferred to. |
| | Contact Information | Point of Contact in requesting country that will be the focal point for follow up questions or additional information. |
| SELF-CERTIFICATION | Certification* | Self-certification by the investigating/prosecuting authority regarding the accuracy of the facts and the compliance with national procedures |
| AUTHENTICITY REQUIREMENTS | Signature or official stamp | Identifies the signature and/or stamp of the transmitting authority. |