Mandate to the Enforcement Subgroup to proceed to the 2nd joint investigation action

Adopted on 17 July 2008
Mandate

The Article 29 Working Party mandates the Enforcement Subgroup to investigate on the compliance at national level of Telecom Providers and ISPs to the obligations required from national traffic data retention legislation on the legal basis of articles 6 and 9 of the e-Privacy Directive 2002/58/EC and the Data Retention Directive 2006/24/EC amending the e-Privacy Directive.

For those member states that have not yet implemented the Data Retention Directive, the investigation will be based on the obligations deriving from the relevant legal framework on traffic data retention at national level.

The investigation will focus on the following activities of the Telecom providers and ISPs:

- security measures & preventions of abuse
- adherence to storage limit obligations
- the type of retained information (traffic or/and content data).

To evaluate the situation in the member states the Subgroup should take into consideration the opinions adopted by the Working Party on the Data retention Directive and especially examine if the minimum safeguards proposed in the opinion No 3/2006 (WP 119) have been taken into consideration by the providers.

Done at Brussels, on 17/07/2008

For the Working Party
The Chairman
Alex TÜRK