



Ministry of Justice

Civil and Police Department

Date: 28 September 2006
Police Division
Our ref.: 2005-945-0019
Doc.: TFR40200

Executive Order on the retention and storage of traffic data by providers of electronic communications networks and electronic communications services (the Logging Executive Order)¹.

Pursuant to section 786(4) and (7) of the Administration of Justice Act, i.e. Consolidation Act No. 910 of 27 September 2005, The Ministry of Justice has laid down the following provisions:

Part 1

Objective and scope of application

1. Providers of electronic communications networks or services to end users shall retain and store traffic data that is generated or processed in the providers' networks, in such a way that it is possible to use these data in connection with the investigation and prosecution of criminal offences.
2. This Executive Order shall not apply to the broadcasting of radio or TV programmes.

¹ The Executive Order includes provisions implementing parts of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, (EU Journal 2006 no. L 105, page 54).

3. This Executive Order shall not apply to housing societies, home owners' associations, antenna associations and similar associations or federations of such associations that provide electronic communications networks or services to fewer than 100 units within their association or federation.

Part 2

Retention and storage obligation

4. A provider of electronic communications networks or services to end users shall retain the following data about fixed-network and mobile telephony as well as SMS, EMS and MMS communication:

- 1) the calling number (A number) and the name and address of the subscriber or registered user,
- 2) the called number (B number) and the name and address of the subscriber or registered user,
- 3) any rerouting of the called number (C number) and the name and address of the subscriber or registered user,
- 4) receipts for messages received,
- 5) the identity of the communication equipment used (IMSI and IMEI numbers),
- 6) the cell(s) to which a mobile telephone is connected at the start and end of the communication and the precise geographic or physical location of the associated masts at the time of the communication,
- 7) the time of the start and end of the communication and
- 8) the time of the first activation of anonymous services (pre-paid cards).

5. A provider of electronic communications networks or services to end users shall retain the following data concerned with the initiating and concluding package of an internet session:

- 1) the sending internet protocol address,
- 2) the receiving internet protocol address,
- 3) the transmission protocol,
- 4) the sending port number,
- 5) the receiving port number and
- 6) the time of the start and end of the communication.

(2) A provider of electronic communications networks or services to end users shall, in addition, retain the following data about a user's access to the internet:

- 1) the allocated user ID,

- 2) the user ID and the telephone number allocated to communications that enter a public electronic communications network,
- 3) the name and address of the subscriber or registered user to whom an internet protocol address, a user ID or a telephone number was allocated at the time of communication and
- 4) the time of the start and end of the communication.

(3) Providers of electronic communications networks or services to end users who offer wireless access to the internet shall, in addition, retain data concerned with the precise geographic or physical location of the local network and the identity of the communication equipment used.

(4) The obligation to retain the data of the initiating and concluding package of an internet session shall not apply to providers of electronic communication networks or services to end users in case the retention referred to in subsection (1) above is not technically feasible in the providers' systems. In case such retention is not technically feasible, the data referred to in subsection (1) above shall instead be retained for every 500th package that is part of an end user's internet communication. The time of retention of the data of the package shall be retained too.

(5) The retention of the data referred to in subsection (1) above shall take place at the transition between the provider's own network and another network or several other networks. The same provision shall apply to retention according to subsection (4) above.

6. In addition to the data referred to in section 5, a provider of electronic communications networks or services to end users shall retain the following data of its own e-mail services:

- 1) the sending e-mail-address and
- 2) the receiving e-mail address.

(2) In respect of the data of communication conveyed by means of the provider's own internet telephony services, the data referred to in section 5(1) and (2) shall be retained.

7. In case the data referred to in sections 4 – 6 can be retained by several providers of electronic communications networks or services to end users, the data shall be retained and stored by at least one of the providers.

8. The retention and storage of the data referred to in sections 4 – 6 can, by agreement with the provider of electronic communications networks or services to end users, be carried out on its behalf by another provider or a third party.

9. The data retained in conformity with sections 4 – 6 shall be stored for one year.

Part 3

Penalties

10. Violation of sections 4 – 6 and section 9 shall be punished with a fine.

(2) Criminal liability may be imposed on companies etc. (legal entities) according to the rules of Part 5 of the Criminal Code.

Part 4

Entry into force

11. This Executive Order shall enter into force on 15 September 2007.

Ministry of Justice, 28 September 2006

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