Brussels, 11 AOUT 2014
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Access
AKVorrat
Alternative Informatics
Article 19
Bits of Freedom
Chaos Computer Club (CCC)
Föreningen för Digitala Fri- och Rättigheter (DFRI)
Digitalcourage
Digitale Gesellschaft
Digital Rights Ireland
Electronic Frontier Finland (Effi)
Electronic Frontier Foundation (EFF)
European Digital Rights (EDRi)
Foundation for Information Policy Research (FIPR)
Initiative für Netzfreiheit
IT-Pol Denmark
Open Rights Group (ORG)
Panoptikon Foundation
Privacy International
Verein für Internet-Benutzer Österreichs (VIBE)
Vrijschrift Fundation

Subject: Data Retention and Investigatory Powers Bill


On 17 July 2014, the Commission received a notification from the United Kingdom pursuant to Article 8 of Directive 98/34/EC, titled The Data Retention and Investigatory Powers Bill and the Data Retention Regulations 2014 (notification reference: 2014/354/UK). In
the notification, the UK invoked the urgency procedure under Article 9(7) of Directive 98/34/EC, which would allow it to adopt the act without the regular 3 months standstill period stipulated by Article 9(1) of that Directive.

While the notification message refers to both the Data Retention and Investigatory Powers Bill (DRIP) and the Data Retention Regulations 2014, the Commission noted that the draft act actually notified was the draft Data Retention Regulations (the DRIP has been submitted only as basic text). Moreover, the Commission has been informed that DRIP received Royal Assent on the day of the notification, and that it is since that date in force as the Data Retention and Investigatory Powers Act 2014 (2014 c. 27). In addition, the Commission has received information that the Data Retention Regulations 2014 have been approved on 29 July 2014, within eight working days from the notification, without awaiting the views of the Commission on the notification, as provided for in Article 9(7) of Directive 98/34/EC, at the draft stage.

Since the Data Retention Regulations 2014 have been formally adopted and have entered into force, they cannot be anymore the subject of comments as to the substance within the framework of Directive 98/34/EC. The Commission took note that the procedure under Directive 98/34/EC was closed and informed the UK authorities accordingly.

The Commission is currently assessing the claims concerning the potential breaches of EU law invoked in the open letter. They are being dealt with under the complaint registered with number CHAP(2014)02612.

Yours faithfully,

Daniel Calleja

PAUL WEISSENBERG
AUTHORISED
REPRESENTATIVE OF
DANIEL CALLEJA