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From:	Europol
To:	DAPIX (Friends of the Presidency - Data Retention)
Subject:	Outcome of the 2nd Data Retention Matrix Workshop

Delegations will find in Annex a Power point presentation from Europol comprising the Outcome of the Data Matrix exercise delivered at the DAPIX FoP (Data retention) Working Party of 17 May 2018.



# Outcome of the Data Matrix exercise

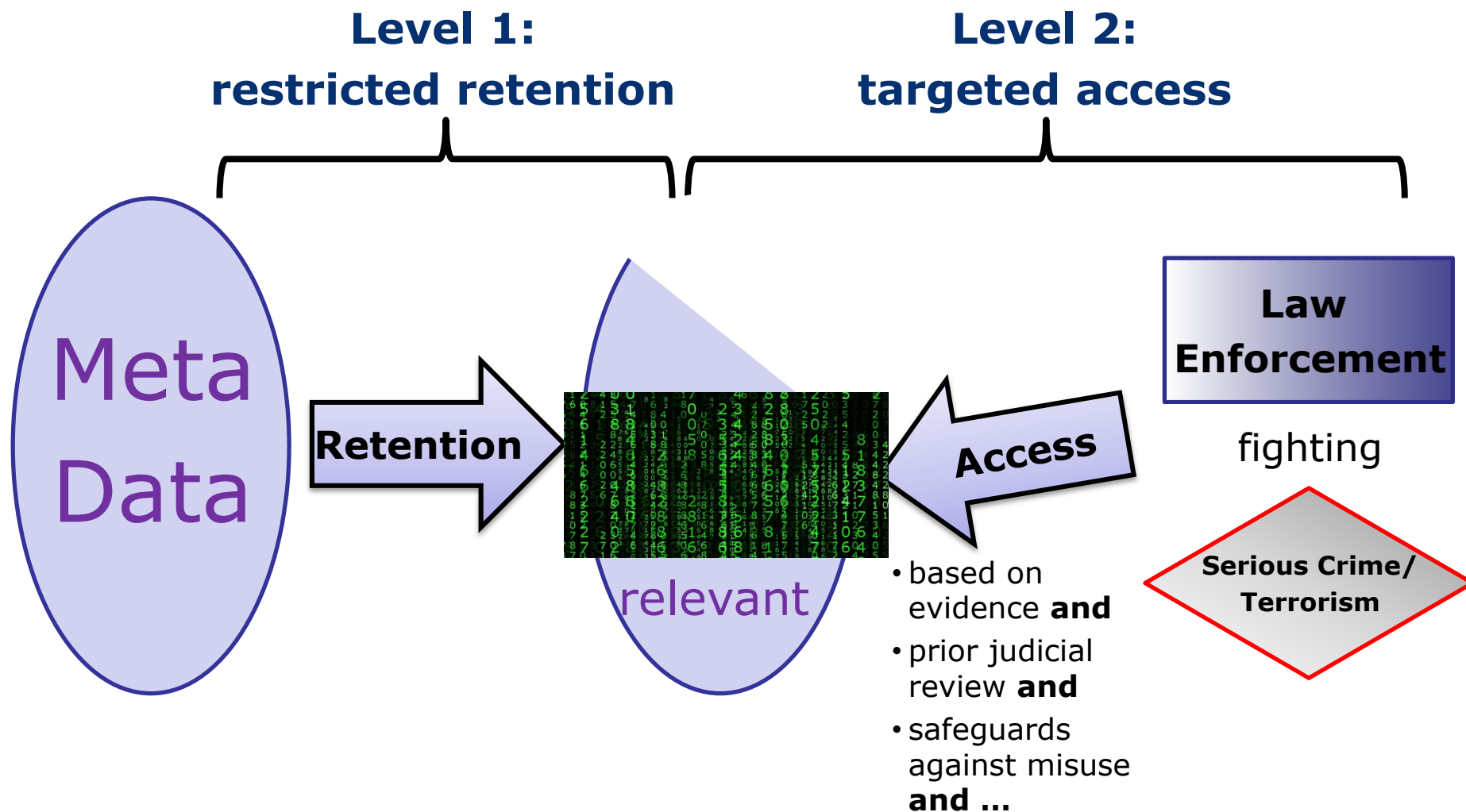
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Jan Ellermann  
Data Protection Function

17 May 2018  
DAPIX FoP Data Retention

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# Compliant with Charter – and fit for LE reality!



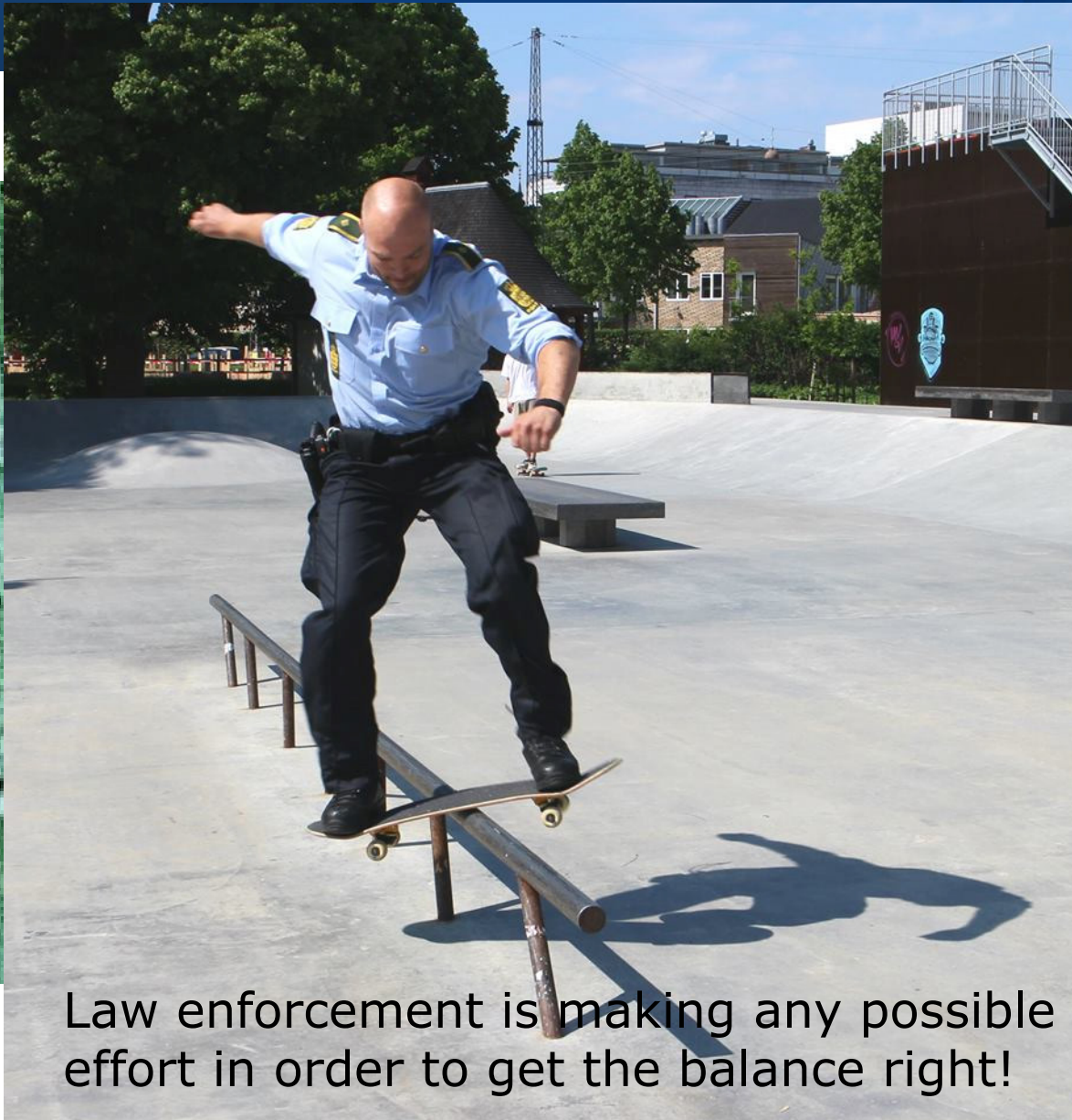
# 1<sup>st</sup> Data Retention Workshop 20 March

- Organised by Europol and Bulgarian Presidency
- 26 MS (65 participants)
- Investigators + technical experts exchanged precious views at Europol HQ
- Proactive contributions and feedback for the Data Matrix optimisation

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# Matrix itself cannot not be legislated!



Law enforcement is making any possible effort in order to get the balance right!



# 2 kinds of contributions received

## 1. Conceptual feedback

## 2. Filled-in data matrix

+ Need to further clarify on *Over The Top* (OTT) and subscriber data -> *FR*

# 2<sup>nd</sup> Data Retention Workshop

## What did we expect?

1. Consolidate **structure** of Data Matrix based on your experts' ideas and input (OTT, subscriber info, additional columns, deleting chapters, generic version etc.)
2. Agreed or draft Data Matrix **filled-in** by means of a hand raising exercise
3. Possibly agree on general message we would like to convey

47 participants representing 24 Member States, Council GS, EU-CTC, Commission, Eurojust.

# Conceptual feedback

## 1. Insertion of a new column for **standard queries** and **specific queries** by LEAs to CSPs.

1.1. Telephony Subscriber		ETSI B.2.2			Strict necessity for retention		DATA NEEDED FOR STANDARD QUERIES	
1.1.1. TelephonySubscriberParameters		Yes	No	Justification			Yes	No (data only needed for specific requests)
subscriberID	A unique identifier for a particular subscriber within a CSP							
genericSubscriberInfo	A unique identifier for this particular subscriber within a CSP							
telSubscriberInfo	Service specific information about the subscriber							
subscribedTelServices	List of services details that a subscriber (or account) may have							
1.1.2. SubscribedTelephonyServices parameters								
serviceID	A unique identifier within the operator for the service or tariff subscribed to							
providerID	A unique identifier for the service provider							
timeSpan	Time over which the subscription was held							
registeredNumbers	The telephone number(s) assigned to the subscriber as part of this subscription							
registeredCCID	Integrated Circuit Card ID in cases of single SIM card contracts							
serviceType	The type of service subscribed to							
installationAddress	The installation address for the subscriber's equipment, if applicable							
connectionDate	Date when the subscriber was actually connected							
iMSI	IMSI of the subscriber							

# Conceptual feedback

New column related to the storage of data on the basis of **other legal bases**.

1.1. Telephony Subscriber		ETSI B.2.2			Strict necessity for retention		Storage of data related to other legal bases	
1.1.1. TelephonySubscriberParameters		Yes	No	Justification			Inventory data	Data retention
subscriberID	A unique identifier for a particular subscriber within a CSP							
genericSubscriberInfo	A unique identifier for this particular subscriber within a CSP							
telSubscriberInfo	Service specific information about the subscriber							
subscribedTelServices	List of services details that a subscriber (or account) may have							
1.1.2. SubscribedTelephonyServices parameters								
serviceID	A unique identifier within the operator for the service or tariff subscribed to							
providerID	A unique identifier for the service provider							
timeSpan	Time over which the subscription was held							
registeredNumbers	The telephone number(s) assigned to the subscriber as part of this subscription							
registeredICCID	Integrated Circuit Card ID in cases of single SIM card contracts							
serviceType	The type of service subscribed to							
installationAddress	The installation address for the subscriber's equipment, if applicable							
connectionDate	Date when the subscriber was actually connected							
imsi	IMSI of the subscriber							

# Conceptual feedback

<b>4. Network access</b>	<b>pp.23-31</b>	<b>ETSI Standards E.2 Network access</b>	<b>pp.101-106</b>
4.1.1. NASubscriber	p.23	E.2.2 - Table E.1	p.101
4.2.1. NAserviceSubscription	p.23	E.2.3 - Table E.2	p.102
4.3.1. NAserviceUsage	p.25	E.2.4 - Table E.3	p.103
4.3.2. DialUpInformation	p.26	E.2.4 - Table E.4	p.103
4.3.3. GPRSInformation	p.26	E.2.4 - Table E.5	p.103
4.3.4. EPSInformation	p.27	E.2.4 - Table E.5A	p.104
4.3.5. WiFiInformation	p.28	E.2.4 - Table E.5B	p.105
4.4.1. NADevice	p.29	E.2.5 - Table E.6	p.105
4.5.1. NANwElement	p.30	E.2.6 - Table E.7	p.106
4.6.1. NABillingDetails	p.30	E.2.7 - Table E.8	p.106
<b>5. Further information on data categories</b>	<b>pp.31-34</b>	<b>ETSI Standards H.2 Subscriber data</b>	<b>pp.122-125</b>
5.1.1. Subscriber Data Requests	p.31	H.2.1	p.122
5.1.2. Generic Subscriber Data Requests	p.31	H.2.2	pp.122-123
5.1.3. Service Specific Subscriber Reply Data	p.32	H.2.3	p.123
5.2.1. Usage Requests	p.32	H.3.1	p.123
5.2.2. Usage Data Categories	p.32	H.3.2	p.124
5.2.3. Usage: Traffic Data (Reply)	p.33	H.3.3	p.124
5.2.4. Usage: Traffic Data Related Information (Reply)	p.33	H.3.4	p.124
5.2.5. Usage: Communication Independent User Activities (Reply)	p.33	H.3.5	p.124
5.2.6. Usage: Network Activity Data (Reply)	p.33	H.3.6	p.124
5.3.1. Network Element Requests	p.34	H.4.1	p.125
5.3.2. Network Configuration Data Reply Data	p.34	H.4.2	p.125
<b>6. Online Sources of Investigation - Council of Europe</b>	<b>pp.34-36</b>	<b>COE Electronic Evidence Guide - 4.3</b>	<b>pp. 101-110</b>
6.1. Plain Web Site	p.34	4.3.1	pp.103-104
6.2. Social Networking	p.34	4.3.2	pp.105-106
6.3. Blogging Sites	p.35	4.3.3	pp.106-107
6.4. WebMail Sites	p.35	4.3.4	p.107
6.5. URL-Shortners	p.35	4.3.5	p.107
6.6. Ad-Networks	p.35	4.3.6	pp.107-108
6.7. Content Storage Networks	p.35	4.3.7	p.108
6.8. P2P Networks	p.36	4.3.8	pp.108-110
<b>7. Digital Evidence Sources - Council of Europe</b>	<b>pp.36-39</b>	<b>COE Electronic Evidence Guide - 5.1 Forensic analysis; 3.5 Volatile data</b>	
7.1. Document forensic analysis	p.36	COE Electronic Evidence Guide 5.1.5	p.143
7.2. Live data forensics and Log file forensic analysis	p.36	COE Electronic Evidence Guide 6.5.7	pp.144-145
7.3. Network Forensic Analysis	p.36	COE Electronic Evidence Guide 6.5.8, 6.5.9, 6.5.9.1	pp.145-147
7.4. Volatile Data fragments	p.37	COE Electronic Evidence Guide 3.5.1	pp.65-67

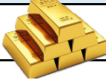

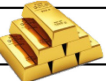

Several MSs closely cooperated with Communication Service Providers in order to fill in the data matrix – others did not!



**YOUR MONEY MATTERS  
BUT WE STILL DON'T KNOW WHERE IT ALL GOES**



# The matrix hands raising exercise...

nationaltransmitter details	Defined on a national basis			
<b>2.1. Message Subscriber</b> ETSI C.2.2		<b>Strict necessity for retention</b>		
2.1.1. MsgSubscriber parameters		Yes	No	Justification
validity	Time period during which the information given in this structure is or was valid		X	
subscriberID	A unique identifier for this particular subscriber within the MS	X		
msgStores	Descriptions of the private message stores associated with this subscriber	X		
subscriber	Time period during which the information given in this structure is or was valid		X	
paymentDetails	Particular payment (e.g. prepaid bank account, billing method or billing address)	X		
2.1.2. MsgStore parameters				
validity	Time period during which the information given in this structure is or was valid		X	
msgStore	A unique identifier for this particular message store within the MS	X		
aliases	The complete list of all addresses that get delivered into the message store. This may be a national option include wildcard addresses (e.g. ...)	X		
providerID	A unique identifier of the provider hosting this message store		X	

<b>2.2. Message Service Usage</b> ETSI C.2.3		<b>Strict necessity for retention</b>		
2.2.1. MsgTransmission parameters		Yes	No	Justification

Subscriber data is NOT to be considered for Data Matrix

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# Data categories which could clearly be excluded...!???

Length of the antenna

Value indicating quality of communication

Value indicating the number of ringtones



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# Outcome

Proportionality mainly achievable at interference level 2

No common ground that DR would only be necessary for serious crime

ECJ rulings do not apply to subscriber info

Call on ETSI to include OTT

Generic matrix as possible inspiration for legislator

Proportionate DR is in the interest of data subjects!







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