

# Fourth Edition of SIRIUS EU Digital Evidence Situation Report



**Cornelia Riehle**

## News

On 22 December 2022, Eurojust, Europol, and the European Judicial Network published their **fourth SIRIUS** report. The SIRIUS project aims to contribute to the faster and more effective cross-border access of EU law enforcement and judicial authorities to electronic evidence stored by Online Service Providers (OSPs) within the context of criminal investigations. In its annual SIRIUS EU Digital Evidence Situation Report, the project leaders provide an analysis of the access that law enforcement and judicial authorities in the EU Member States currently have to electronic evidence held by OSPs as well as the perspective of OSPs on the process of engaging with EU competent authorities in the context of criminal investigations. The fourth edition of the report includes the results of SIRIUS' large-scale research in 2021.

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Regarding the key findings, the report notes a growing concern among law enforcement authorities that the rapid advancement of Artificial Intelligence (AI), Augmented Reality (AR), and Virtual Reality (VR) will require major transformations in the investigation of crimes. For EU judicial authorities, the lack of an EU-wide data retention framework for the purpose of criminal investigations and prosecutions remains a core issue when requesting digital data from other EU Member States. According to the report, in 2021, the SIRIUS platform remained the highest ranked source of information for law enforcement representatives seeking assistance to prepare direct requests. Another observation is that, in the majority of investigations in 2021, non-content data continued to be more important than content data. Lastly, the report underlines the need for regular training for judicial authorities on the different modalities for requesting and obtaining cross-border data disclosure.

The report makes a number of recommendations:

- EU law enforcement agencies are advised to create or expand the capacity of units acting as Single Point(s) of Contact (SPoCs) for cross-border data disclosure requests under voluntary cooperation. In addition, they should include training on cross-border access to electronic evidence in routine training programmes for investigators and first responders. They should also ensure the security of e-mail systems, including the obligatory use of strong passwords and two-factor authentication for all law enforcement officers.
- EU judicial authorities are urged to strengthen their capacity as regards the different modalities and specific procedures for requesting and obtaining electronic data. Furthermore, they should make efforts to enhance mutual trust as well as the exchange of expertise and best practices among EU judicial practitioners on cross-border access to electronic evidence.
- OSPs are called on to take measures to identify and prevent fake requests for data disclosure from unauthorised persons. They should engage in international events organised by SIRIUS and share

policy updates with the SIRIUS team. Furthermore, when launching new products and services, especially in relation to AI, AR, and VR, OSPs should consider their impact on electronic evidence.

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