

Second SIRIUS EU Digital Evidence Situation Report



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News

On 1 December 2020, Eurojust, Europol, and the European Judicial Network (EJN) published the [SIRIUS EU Digital Evidence Situation Report 2020](#). It provides an analysis of the access EU Member States currently have to electronic evidence held by online service providers (OSPs) as well as the use of electronic evidence in criminal cases in 2019.

The report presents the perspectives of EU judicial authorities, EU law enforcement, and OSPs on how data is collected for the investigation and prosecution of crime in the EU and addresses the main issues at stake. Furthermore, the report explains the role of Single Points of Contacts (SPoCs), i.e., units or groups of officials specialized in cross-border access to electronic evidence in EU Member States.

According to the report, the main issues identified by EU judicial authorities in the field of electronic evidence mainly concern the retrieval of data in time-sensitive situations. This, for instance, can be due to lengthy procedures involving non-EU OSPs.

EU law enforcement authorities continue to find fault with the length of mutual legal assistance procedures. They are also critical of the lack of standardization in company policies.

OSPs reported an increase of 14.3% in requests for disclosure of data in 2019 compared to 2018. The volume of Emergency Disclosure Requests submitted by EU authorities even increased by 49.7% from 2018 to 2019. The overall success rate of requests increased from 65.9% to 68.4%.

The report recommends that the following measures be taken by the respective stakeholders:

- EU judicial authorities are called on to promote national initiatives aimed at developing a clearer overview of the different procedures available to request and obtain data;
- Stakeholders should strengthen the interconnection and knowledge exchange among EU judicial practitioners in the field of electronic evidence;
- EU law enforcement authorities are invited to make use of the SIRIUS platform in order to provide periodic training to officers dealing with cross-border requests to OSPs;
- Member States that have not yet established SPoCs for electronic evidence are called on to create them;

OSPs are called on to provide updates about policies, to report changes in procedures to EU authorities (also by means of the SIRIUS platform), and to publish periodic transparency reports on requests from EU authorities.

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