

# Third Edition of Digital Evidence Situation Report



**Cornelia Riehle**

## News

On 24 November 2021, Europol, Eurojust, and the European Judicial Network (EJN) published the [third annual edition](#) of the SIRIUS European Union Digital Evidence Situation Report. In three chapters, the report provides reflections of the EU's law enforcement and judicial authorities as well as online service providers (OSPs) on the use of electronic evidence in the year 2020.

According to the report, the year 2020 was marked by the COVID-19 pandemic, leading to an acceleration in the digitalization of everyday life and in turn to criminals quickly adapting their activities to the situation. This created further challenges for the gathering and provision of electronic evidence.

From the perspective of EU law enforcement, the main challenges identified by the report continue to be the long delays in mutual legal assistance (MLA) and the lack of standardisation in OSP policies. However, 2020 was also marked by a positive development: For the first time, the SIRIUS platform – a secure web platform for law enforcement professionals that allows them to share knowledge, best practices, and expertise in the field of Internet-facilitated crime investigations – became the highest ranked source of information for law enforcement agencies seeking assistance when preparing direct requests.

Looking at the challenges that judicial authorities are facing, the length of MLA procedures when engaging with non-EU OSPs appeared to be a major concern. Other key issues identified include the lengths of data retention periods and the absence of data retention policies. Ultimately, the main challenge faced by OSPs in 2020 largely concerned the increased volume of data requests submitted by EU authorities.

Hence, to improve effective access to cross-border electronic evidence, the report sets out several recommendations:

- ; Under voluntary cooperation, EU law enforcement authorities are asked to use standardised templates for data preservation and disclosure requests and, if not already in place, to create single points of contact for electronic evidence requests to OSPs;
- ; EU judicial authorities are encouraged to stimulate national capacity-building initiatives as regards the instruments and procedures available to request and obtain electronic data from other jurisdictions and to enhance the interconnection, know-how, and exchange of expertise among EU judicial practitioners in the field of electronic evidence;

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OSPs are asked to join the SIRIUS Programme for OSPs if they have not yet done so; to disseminate updates about policies and changes in procedures to EU authorities, also through SIRIUS; and to take into account the perspectives of law enforcement and judicial authorities when updating their policies.

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