

SCHEDULES

SCHEDULE 14

CO-OPERATION AND MUTUAL ASSISTANCE

PART 1

LAW ENFORCEMENT DIRECTIVE

Co-operation

- 1 (1) The Commissioner may provide information or assistance to an LED supervisory authority to the extent that, in the opinion of the Commissioner, providing that information or assistance is necessary for the performance of the recipient's data protection functions.
- (2) The Commissioner may ask an LED supervisory authority to provide information or assistance which the Commissioner requires for the performance of the Commissioner's data protection functions.
- (3) In this paragraph, "data protection functions" means functions relating to the protection of individuals with respect to the processing of personal data.

Requests for information and assistance from LED supervisory authorities

- 2 (1) This paragraph applies where the Commissioner receives a request from an LED supervisory authority for information or assistance referred to in Article 41 of the Law Enforcement Directive and the request—
 - (a) explains the purpose of and reasons for the request, and
 - (b) contains all other information necessary to enable the Commissioner to respond.
- (2) The Commissioner must—
 - (a) take all appropriate measures required to reply to the request without undue delay and, in any event, before the end of the period of 1 month beginning with receipt of the request, and
 - (b) inform the LED supervisory authority of the results or, as the case may be, of the progress of the measures taken in order to respond to the request.
- (3) The Commissioner must not refuse to comply with the request unless—
 - (a) the Commissioner does not have power to do what is requested, or
 - (b) complying with the request would infringe the Law Enforcement Directive, EU legislation or the law of the United Kingdom or a part of the United Kingdom.

Status: This is the original version (as it was originally enacted).

- (4) If the Commissioner refuses to comply with a request from an LED supervisory authority, the Commissioner must inform the authority of the reasons for the refusal.
- (5) As a general rule, the Commissioner must provide information requested by LED supervisory authorities by electronic means using a standardised format.

Fees

- 3 (1) Subject to sub-paragraph (2), any information or assistance that is required to be provided by this Part of this Schedule must be provided free of charge.
- (2) The Commissioner may enter into agreements with other LED supervisory authorities for the Commissioner and other authorities to indemnify each other for expenditure arising from the provision of assistance in exceptional circumstances.

Restrictions on use of information

- 4 Where the Commissioner receives information from an LED supervisory authority as a result of a request under paragraph 1(2), the Commissioner may use the information only for the purposes specified in the request.

LED supervisory authority

- 5 In this Part of this Schedule, “LED supervisory authority” means a supervisory authority for the purposes of Article 41 of the Law Enforcement Directive in a member State other than the United Kingdom.