



# Crime (Overseas Production Orders) Act 2019

## 2019 CHAPTER 5

### *Supplementary*

#### **10 Retention of electronic data and use as evidence**

- (1) Electronic data produced in compliance with an overseas production order may be retained for so long as is necessary in all the circumstances.

This includes retaining it so that it may be used as evidence in proceedings in respect of an offence.

- (2) Subsection (1) does not authorise the doing of anything that contravenes the data protection legislation.
- (3) In section 117 of the Criminal Justice Act 2003 (evidence: business and other documents), in subsection (4)(b)—
- (a) omit the “or” at the end of sub-paragraph (ii);
  - (b) at the end of sub-paragraph (iii) insert “or
    - (iv) an overseas production order under the Crime (Overseas Production Orders) Act 2019,”.
- (4) In Article 21 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)) (principal categories of admissibility: business and other documents), in paragraph (4)(b)—
- (a) omit the “or” at the end of paragraph (ii);
  - (b) at the end of paragraph (iii) insert “or
    - (iv) an overseas production order under the Crime (Overseas Production Orders) Act 2019,”.
- (5) In Scotland, electronic data produced in compliance with an overseas production order may be received in evidence without being sworn to by witnesses, so far as that may be done without unfairness to either party.