

SCHEDULE

Liability of intermediary information society service providers

Caching

2.—(1) A service provider does not contravene regulation 43 only by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.

- (2) The first condition is that the storage of the information—
 - (a) is automatic, intermediate and temporary; and
 - (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
- (3) The second condition is that the service provider—
 - (a) does not modify the information;
 - (b) complies with any conditions attached to having access to the information; and
 - (c) in a case to which sub-paragraph (4) applies, promptly removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
 - (a) the information at the initial source of the transmission has been removed from the network or access to it has been disabled; or
 - (b) a court or administrative authority has required the removal from the network of, or the disablement of access to, the information.