
STATUTORY INSTRUMENTS

2014 No. 3141

**The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014**

PART 5

Exchange of Information and Intelligence between Law Enforcement Authorities

Requirements for the sharing of information or intelligence

58.—(1) A UK competent authority must use information or intelligence provided in accordance with the Framework Decision only for the purposes for which, and subject to the conditions on which, it has been supplied unless—

- (a) such use may assist in preventing an immediate and serious threat to public security; or
- (b) processing for other purposes is authorised by the EEA State which has provided the information or intelligence.

(2) When providing information or intelligence to a competent authority in accordance with the Framework Decision, a UK competent authority may impose conditions—

- (a) on the use of the information or intelligence; and
- (b) on reporting the result of the criminal investigation or criminal intelligence operation for which the provision of information and intelligence has taken place.

(3) Where—

- (a) a receiving competent authority is not bound by the conditions imposed by the UK competent authority under paragraph (2); and
- (b) the national law of the competent authority lays down that the restrictions on use are waived for judicial authorities, legislative bodies or any other independent body established by law and made responsible for supervising the competent authority,

the UK competent authority may make representations to the competent authority concerning the use of the information or intelligence.

(4) Where, on receiving information or intelligence, a UK competent authority is not bound by the conditions imposed by a competent authority because the law in the relevant part of the United Kingdom provides that the restrictions on use are waived for judicial authorities, legislative bodies or any other independent body established by law and made responsible for supervising the UK competent authority, the UK competent authority must consult the EEA State from whom it has received the information or intelligence and take into account, so far as possible, its representations before so using the information or intelligence.

(5) A UK competent authority which receives information or intelligence from a competent authority must give the competent authority which provided the information or intelligence information about the use and further processing of the transmitted information or intelligence if requested to do so by the competent authority.

(6) A UK competent authority which provides information or intelligence to a competent authority may request information about the use and further processing of the transmitted information or intelligence.