



Regulation

ON THE OBLIGATION TO RETAIN IDENTIFICATION DATA

Issued in Helsinki on 24 May 2011

The Finnish Communications Regulatory Authority (FICORA) has, under sections 14 a and 14 b of the Act on the Protection of Privacy in Electronic Communications of 16 June 2004 (516/2004), as laid down in the Act 343/2008, prescribed as follows:

Section 1

Scope of application

This regulation applies to communications services provided in public communications networks by a service operator who is liable to make a telecommunications notification. The retention obligation applies to data listed in this regulation. A prerequisite for the retention obligation is that the data is available and generated or processed by a service operator in connection with the provision of publicly available communications services under conditions laid down in sections 9–14 of the Act on the Protection of Privacy in Electronic Communications or in the Personal Data Act (523/1999).

Section 2

Retention of data related to a communications service provided in a telephone network

In this regulation, communications services provided in a telephone network mean telephone services and supplementary services in a fixed telephone network and in a mobile network, text message services, enhanced media services and multi-media message services.

In order to trace and identify the user of a communications service provided in a telephone network, the following data shall be retained:

- 1) the calling telephone number;
- 2) the name and address of the subscriber and registered user; and
- 3) the number dialled, and, in cases involving automatic call forwarding or other corresponding service, the number to which the call is routed.

In order to identify the date, time and duration of a communications service provided in a telephone network, the following data shall be retained:

- 1) the date and time of the start and end of the call; and
- 2) the date and time of the message.

In order to identify the communications service provided in a telephone network, the following data shall be retained:

- 1) the communications service used.

Section 3

Retention of data related to a communications service provided in a mobile network

In this regulation, communications services provided in a mobile network mean telephone services and supplementary services in a mobile network, text message services, enhanced media services and multi-media message services.

Communications services provided in mobile networks are subject to section 2 and this section.

In order to identify the user and the recipient of a communications service provided in a mobile network, the following data shall be retained:

- 1) the International Mobile Subscriber Identity (IMSI) of the user and the recipient;
- 2) the International Mobile Equipment Identity (IMEI) of the user and the called party;

3) in case of pre-paid anonymous services, the date and time of the initial activation of the service and the location label from which the service was activated.

In order to identify the location of mobile communications equipment, the following data shall be retained:

- 1) the location label (Cell ID) at the start of the communication; and
- 2) data identifying the geographic location of base stations during the period for which telephone service identification data are retained.

Section 4

Retention of data related to an Internet access service

In order to trace and identify the user of an Internet access, the following data shall be retained:

- 1) the user ID or other identification of the subscriber or registered user;
- 2) the name of the subscriber and installation address of the Internet access, and the name and address of the registered user; and
- 3) dynamic or static IP address during the Internet access.

In order to identify the date, time and duration of an Internet access, the following data shall be retained:

- 1) the date and time of the log-in and log-off of the Internet access.

In order to identify the communications equipment and the access, the following data shall be retained:

- 1) the calling telephone number for dial-up access; and
- 2) the digital subscriber line (xDSL) or other end point of the originator of the communication.

Section 5

Retention of data related to e-mail services

In order to trace and identify the sender and the recipient of e-mail messages, the following data shall be retained:

- 1) the e-mail address, user ID or other corresponding identification; and
- 2) the name and address of the subscriber and registered user.

In order to identify the date, time and duration of a communication, the following data shall be retained:

- 1) the date and time of the log-in and log-off of the e-mail service.

Section 6

Retention of data related to Internet telephony

In order to trace and identify the sender and the recipient, the following data shall be retained:

- 1) the user IDs or other corresponding identification of the user and recipient; and
- 2) the name and address of the subscriber and registered user.

In order to identify the date, time and duration of a call, the following data shall be retained:

- 1) the date and time of the log-in and log-off of the Internet telephony service.

In order to identify the type of communication, the following data shall be retained:

- 1) the Internet telephony service used.

Section 7

Processing time for own use

In case the duration of the processing of data for the operator's own purposes can not be defined, it is possible, under the retention obligation, to define an average processing time for this data in the retention system.

The average processing time is counted and stored in the system as per service operator and data.

Section 8

Transitional provisions and entry into force

This regulation enters into force on 1 June 2011 and will remain in force until further notice.

This regulation repeals FICORA regulation 53/2008 M of 4 June 2008.

Section 9

Information and publication

This Regulation is included in the Series of Regulations issued by the Finnish Communications Regulatory Authority and it can be obtained from the FICORA Customer Service Office:

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