

DSA.309 C Order to provide information

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Art. 10 (2) DSA

Member States shall ensure that orders referred to in paragraph 1 meet at least the following conditions, when they are transmitted to the provider:

(a) the order contains the following elements:

(i) a reference to the legal basis under Union or national law for the order;

(ii) identification of the issuing authority;

(iii) clear information enabling the provider of intermediary services to identify the specific recipient or recipients on whom information is sought, such as one or more account names or unique identifiers;

(iv) a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules in compliance with Union law, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

(v) information about redress mechanisms available to the provider and to the recipients of the service concerned;

(vi) where applicable, information to which authority the information about the effect given to the orders is to be sent;

(b) the order only requires the provider to provide information already collected for the purposes of providing the service and which lies within its control;

(c) the order is transmitted in one of the languages declared by the provider pursuant to Article 11(3) or in another official language of the Union, bilaterally agreed by the authority issuing the order and the provider, and is sent to the electronic point of contact designated by that provider, in accordance with Article 11. Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.