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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Data Retention (EC Directive) Regulations 2009**

**Obligation to retain communications data**

4.—(1) It is the duty of a public communications provider to retain the communications data specified in the following provisions of the Schedule to these Regulations—

- (a) Part 1 (fixed network telephony);
- (b) Part 2 (mobile telephony);
- (c) Part 3 (internet access, internet e-mail or internet telephony).

(2) The obligation extends to data relating to unsuccessful call attempts that—

- (a) in the case of telephony data, are stored in the United Kingdom, or
- (b) in the case of internet data, are logged in the United Kingdom.

(3) An “unsuccessful call attempt” means a communication where a telephone call has been successfully connected but not answered or there has been a network management intervention.

(4) The obligation does not extend to unconnected calls.

(5) No data revealing the content of a communication is to be retained in pursuance of these Regulations.