

---

STATUTORY INSTRUMENTS

---

**2009 No. 859**

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

**Data retained by another communications provider**

**10.**—(1) These Regulations do not apply to a public communications provider unless the provider is given a notice in writing by the Secretary of State in accordance with this regulation.

(2) The Secretary of State must give a written notice to a public communications provider under paragraph (1) unless the communications data concerned are retained in the United Kingdom in accordance with these Regulations by another public communications provider.

(3) Any such notice must specify—

- (a) the public communications provider, or category of public communications providers, to whom it is given, and
- (b) the extent to which, and the date from which, the provisions of these Regulations are to apply.

(4) The notice must be given or published in a manner the Secretary of State considers appropriate for bringing it to the attention of the public communications provider, or the category of providers, to whom it given.

(5) It is the duty of a public communications provider to whom a notice is given under this regulation to comply with it.

(6) That duty is enforceable by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988(1), or for any other appropriate relief.