From: vendredi 7 juillet 2023 10:20
To: EC CSA
Cc: 
Subject: SV: Swedish statistics on data for 2022 related to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Dear [REDACTED],

Please see below in red the answers.

All the best,

[REDACTED]

Polisen

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Från: [REDACTED]
Skickat: den 4 juli 2023 17:19
Till: 
Amne: RE: Swedish statistics on data for 2022 related to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Detta är ett meddelande från en extern avsändare. Öppna inte länkar och bilagor om du är osäker på innehållet.

Dear [REDACTED],


Thank you very much for the new data submitted in accordance with article 8(1) of Regulation (EU) 2021/1232.

Please, could you confirm the periods during which the statistics was collected for the different points?:

a) Is it the whole year 2022 or for the period of 1 July 2022-31 May 2023?
   - It’s for the period 1 June 2022-31 May 2023

b) Do I understand correctly these numbers are for 1 January – 31 May 2022? Or is it January – May 2023?
   - It’s the result of number of identified victims in all reports finalized under 2022, regardless the year of the NCMEC report

c) Is this number of convictions in January - December 2022?
   - That is correct

Thank you for confirming the right periods!

Kind regards,

European Commission
Directorate-General Migration & Home Affairs
Unit D4 | Security in the Digital Age

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Dear [Name],

I hope this message finds you well.

Please find attached the Swedish statistics on processing of data on fight of online child sexual abuse material for 2022, in accordance with article 8(1) of Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC. Please also find an explanatory text related to the figures attached.

If you have any questions related to the figures or the explanation, don’t hesitate to contact me.

Kind regards and a wish for a nice summer,

[Name]

Swedish cybercrime centre (SC3)
National Operations Department

Swedish Police Authority
Dear [Name],

Thank you once more for confirming.

We look forward receiving new data on this year once ready on your side.

I wish you a nice rest of the week.

Kind regards,

European Commission
Directorate-General Migration & Home Affairs
Unit D4 | Security in the Digital Age

From: [Name]
Sent: Tuesday, June 13, 2023 2:57 PM
To: [Name]
Subject: SV: Reminder on obligation linked to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Dear [Name],

Yes, you’re right, you understood me correctly.

All the best,
Dear [Name],

Thank you for your prompt answer.

Several member states pointed out to the same problem with the reported statistics – i.e. that cases reported under b) and c) can both result from reports submitted/received before July 2021 when the Interim Regulation entered into force.

If I understand correctly then, victims reported under point b) are those identified in period August 2021 – 31 May 2022 (but potentially resulting from reports from previous years) and likewise convictions under point c) are those decided in this period of August 2021-end May 2022 (but resulting from prosecutions started based on reports in previous years). Is my understanding correct?

We are preparing an implementation report on the received reports and we need to assign some time-frame for the data reported under point b) and c), otherwise we cannot use them.
Thank you for confirming.

Kind regards,

[Signature]

[European Commission]
Directorate-General Migration & Home Affairs
Unit D4 | Security in the Digital Age

From: [Redacted]
Sent: Tuesday, June 13, 2023 11:39 AM
To: [Redacted]
Subject: SV: Reminder on obligation linked to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Dear [Redacted],

I was a bit surprised when I read your e-mail, because I’m preparing for this years figures and didn’t realized at first that your request was for last year.

Since the NCMEC per se isn’t always the most prioritized cases, there will be a discrepancy between the time of incoming reports and identified victims and perpetrators, simply because of the prioritization of the workload among the investigators.
Of course, over time, it will be easier to see the trends of how many identified we have related to incoming reports.

So the answer to your question is that we cannot say specifically the time frame for b and c. It can be cases that ranges from as far back as 2018. Nonetheless it will most certainly be rare with cases from column a that corresponds with b and c.
So therefore this reporting won’t be valuable yet, it will take a couple of years to see the trends and even then, these figures won’t be as accurate as expected, since following reports through the judicial system has its obstacles.
I hope this answer your questions and you will in addition have the figures for this year from Sweden within a few weeks.

If you have any further questions, don’t hesitate to contact me again.

Kind regards,

[Signature]

Swedish cybercrime centre (SC3)
National Operations Department

Swedish Police Authority

From: [Redacted]
Sent: 13 June 2023 11:06
To: [Redacted]
Subject: RE: Reminder on obligation linked to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Dear [Redacted],

Thank you for sending us the requested data.

We would like to ask for one clarification regarding the data covered.

Can you confirm all the data covers the period from August 2021 – 31 May 2022? Or is it so only for the data under point a)? If period August 2021-31 May 2022 covers only data under point a), what is the period for data under point b) and c)?
Thank you very much in advance for checking and clarifying this information.

Kind regards,

European Commission
Directorate-General Migration & Home Affairs
Unit D4 | Security in the Digital Age

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Dear [Name],

Thank you for your message. I can confirm that your reply was well received.
Wishing you all a happy new year!

Kind regards,

European Commission
Directorate-General for Migration and Home Affairs
HOME D.4 | Security in the Digital Age

From: [Name]
Sent: Tuesday, December 20, 2022 4:40 PM
To: [Name]
Subject: VB: Reminder on obligation linked to Directive 2002/58/EC as regards the use of technologies by providers of interpersonal communications services for the processing of data on fight of online child sexual abuse

Dear Commission colleagues,

In reply to your message below and the reminder to send in statics on processing of data on fight of online child sexual abuse material, please find attached the reply Sweden sent in on 14 July this year. I realise now that there might have been a mix-up on our side with the recipient, as I see that we sent the information to HOME-CYBERCRIME@ec.europa.eu. We apologise if this has caused any confusion at your end.

We look forward to working closely together with the Commission during the Swedish Presidency.

Wishing you happy holidays and a joyful New Year!

Best regards,

Permanent representation of Sweden to the European Union
To the attention of HE the Ambassador

The Commission would like to draw your attention to the fact that Sweden has not yet fulfilled its obligation under Article 8(1) of Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse. The Article in question requires that the Member States, by 3 August 2022, and on an annual basis thereafter, shall make publicly available and submit to the Commission reports with statistics referring to online child sexual abuse on the following:

a) the total number of reports of detected online child sexual abuse that have been submitted by providers and organisations acting in the public interest against child sexual abuse to the competent national law enforcement authorities, differentiating, where such information is available, between the absolute number of cases and those cases reported several times and the type of provider on whose service the online child sexual abuse was detected;

b) the number of children identified through actions pursuant to Article 3, differentiated by gender;
c) the number of perpetrators convicted.

Therefore we would like to ask the relevant authorities in your Member State to submit the required statistics or, if it has been published, share that information with us as soon as possible.

Kind regards,

European Commission
Directorate-General for Migration and Home Affairs
HOME D.4 | Security in the Digital Age
Comments on reporting according to Article 8 in the REGULATION (EU) 2021/1232 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

(A) Number of reports

The vast majority of reports are those coming from NCMEC and they don’t always divide the OTT services from those which are not consider as an OTT service e.g. YouTube etc.

To separate those comparatively small numbers of reports would require a substantially amount of time-consuming manual handling. Therefore, the numbers reported is not the exact amount of reports originating from actual OTT-services.

The date for breaking out the numbers is May 31st. This is due to the complexity of obtaining the reports and compile them as accurate as possible, before the date of publishing.

The total amount of incoming reports is not the same as the actual numbers of police reports to be investigated and there are a number of reasons for that. In some cases it will be one police report although the amount of incoming reports from the provider can be several from the same suspect.

Another reason is that the incoming reports not necessarily always reflect a crime in accordance with Swedish legislation and will therefore not be subject to investigative activity.

Number of Police reports is considerably higher than previous year. This is due to a national operation aiming to handle all the unprioritized NCMEC-reports from as far back as 2018. That’s also why the numbers in the reporting doesn’t add up accordingly.

Also worth mentioning is that the vast majority of NCMEC-reports only ends up in possession and distribution of CSAM and does include as many cases of actual abuse.

This is also the reason why those reports have not been prioritized before.
This will also mean that due to the fact that most of the cases only concern possession and distribution of CSAM it will most probably take a long time before those cases will be settled in court. This will reflect on the upcoming years of reporting to the commission as it will be difficult to draw relevant conclusions between incoming reports and the results from the cases when they are settled in court, sometimes years later.

Concerning the number of convicted perpetrators in this year reporting it’s important to mention that those not necessarily has been convicted for on-line or off-line sexual abuses of children. On the contrary, most of the convictions are related to possession and distribution of CSAM only.

In Sweden it’s significantly more perpetrators that are convicted for internet-related sexual crimes on children than those reported to the commission, since those only are related to NCMEC-reports. The reason for this is that a lot of cases in Sweden does not origin from NCMEC, especially those concerning on-line and off-line abuses.

“Numbers of reports not consider as a crime” depends on a variety of reasons e.g. grown up pornography, hard to determine whether it’s a child depicted or not, pictures from vacations where naked children are depicted on a beach etc.

(B) Number of children identified

The children identified is under the age of 18 and are registered as such between 1st of January and 31st of May, although the report most certainly is older.

But even though an identification has been established, it doesn’t necessarily mean that there has been a conviction. In some cases, the victim was identified, but the investigation couldn’t establish a suspect or lead the investigation to a conviction.

In Sweden a victim is identified when there is a proven identification related to the victim, e.g. social security number.

Children who have been identified through chat logs, will also be part of the reporting although photos or videos of the abuse never have been found or has been determined to originate from that specific victim.
(C) Number of perpetrators convicted

The numbers of convictions reported is from when a case is finalized after having been presumably appealed through the judicial system. This means there will be a conflict in reporting since an incoming report most likely won’t be finalized within the same reporting year. It will however over time be an indicator of the correlation of incoming reports, number of identified children and convicted perpetrators.
Swedish report in accordance with Article 8 in the Regulation (EU) 2021/1232 of the European parliament and of the council

a. The total number of reports

<table>
<thead>
<tr>
<th></th>
<th>Total 16 824</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of police reports</td>
<td>10 018</td>
</tr>
<tr>
<td>Number of reports not considered as a crime</td>
<td>8 117</td>
</tr>
</tbody>
</table>

b. Number of identified children

<table>
<thead>
<tr>
<th></th>
<th>Total 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residing in Sweden</td>
<td></td>
</tr>
<tr>
<td>Not residing in Sweden</td>
<td></td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
</tr>
<tr>
<td>Boy</td>
<td>8</td>
</tr>
</tbody>
</table>

c. Number of perpetrators convicted

| Total | 98     |
Comments on reporting according to Article 8 in the REGULATION (EU) 2021/1232 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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Swedish report in accordance with Article 8 in the Regulation (EU) 2021/1232 of the European parliament and of the council

<table>
<thead>
<tr>
<th>a. The total number of reports</th>
<th>Total</th>
<th>16 006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of police reports</td>
<td>1 648</td>
<td></td>
</tr>
<tr>
<td>Number of reports not considered as a crime</td>
<td>7 082</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. Number of identified children</th>
<th>Total</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residing in Sweden</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Not residing in Sweden</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Boy</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Number of perpetrators convicted</th>
<th>Total</th>
<th>55</th>
</tr>
</thead>
</table>