

Current Procedural Law Provisions of Countries in Latin America to Investigate and Prosecute Computer and Internet Related Crime

By Cristos Velasco

The following graph shows the current in force procedural provisions to prosecute criminal conduct of nine Latin-American countries compared to the procedural provisions of the Convention against Cybercrime (Budapest Convention). The information on this graph does not include analysis of existing draft law initiatives or codes pending to be approved in the respective national Congress

Budapest Convention Article	Country	Name of Law and Articles	General Scope of Articles	Comments
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p>	<p>Argentina</p>	<p>Código Procesal Penal (Ley 23, 984) Medios de Prueba Arts 216 a 278</p>	<p>General Acknowledgement of Criminal Evidence in National Courts</p>	<p>The criminal procedural law does not contain any provision that recognizes the use and admission of electronic evidence in national courts</p>
<p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>		<p>Código Procesal Penal (Ley 23, 984) Medios de Prueba Arts. 1o. 2o. y 3o</p>	<p>Recognition of fundamental rights such ad due process, non-bis indem, prohibition on the execution of criminal laws based on the principle of analogy</p>	<p>Argentina has ratified the Inter-American Convention on Human Rights where it is compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty</p>
<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p>		<p>The current law does not contain any specific provisions allowing law enforcement authorities to obtain and preserve computer data related to an investigation. Art 133 allows national tribunal to request cooperation and information to administrative authorities</p>		

<p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p> <p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p> <p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p>		<p>Código Procesal Penal (Ley 23, 984) Art. 224. Registro</p>	<p>The provision allows the search and seizure of a place when there is reason to believe there is a connection on the investigation of a crime with all the diligence requirements prescribed under the CPP</p>	<p>The current law does not contain any specific provisions allowing law enforcement authorities to preserve traffic data related to an investigation and disclosure to a competent authority. Art 133 CPP only allows national tribunals to request formal cooperation and information to administrative authorities</p> <p>The current law does not contain any specific provisions allowing law enforcement authorities to order individuals to submit computer related data or to request service providers to submit information on their customers</p> <p>Traditional search and seizure rules contained in CPP might apply, as well as international accepted practices related to chain custody</p>
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<p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p>				<p>The current law does not contain any specific provisions compelling service providers to cooperate and assist competent authorities in the collection and recording of traffic data in real-time. Art. 236 of the CPP allows for the intervention of telephone and internet communications of the accused party to prevent him from using them or to know their content</p>
<p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>				<p>The current law does not contain any specific provisions compelling service providers to cooperate and assist competent authorities in the collection and recording of content data in real-time.</p>
<p>Art. 22. Jurisdiction Adopt legislative and other measures as may be necessary to establish jurisdiction over offenses in accordance with Arts. 2 through 11, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft</p>		<p>Constitución de la Nación Argentina Art. 118 Código Penal de la Nación. Art. 10. Código Procesal Penal (Ley No. 23,984) Arts. 18 y 19</p>	<p>Art. 118 of the Argentinian Constitution sets forth the limits and jurisdiction of criminal trails and the application of a special law when the crimes are committed outside the geographical limits Art 10. of Código</p>	<p>The Constitution and said codes and laws when read and interpreted together fulfill the requirements of Art. 22 of the Budapest Convention</p>

<p>registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State</p>			<p>Penal de la Nación sets forth the principle of territoriality</p> <p>Arts. 18 sets for the extension of the territorial jurisdiction to ships, aircrafts and crimes committed outside Argentina. Art. 19 sets forth the priority of the prosecution of federal jurisdiction</p>	
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p> <p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p> <p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of</p>	<p>Chile</p>	<p>Código de Procedimiento Penal Art. 7o.</p> <p>Constitución Política y Código de Procedimiento Penal Art. 42, Art. 42 bis, Art. 43, Art. 67</p> <p>Código Procesal Penal (Ley 19696) Art. 222, Art. 223</p>	<p>Art. 7 establish general due diligence actions to be considered in a criminal procedure.</p> <p>Arts. 42, 42 bis and 43 specify the due process and safeguards and the applications of other special laws to the procedure as long as they do not infringe or oppose the rules of the CPP. Art 67 establishes the rights of the accused in a criminal procedure</p> <p>Art. 222 establish the conditions of the investigative authorities to intercept and record private communications of</p>	<p>The criminal procedural law does not contain any provision that recognizes the use and admission of electronic evidence in national courts</p> <p>Chile has ratified the Inter-American Convention on Human Rights where it is compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty</p> <p>Although Codigo Procesal Penal grants powers to prosecutors and judges and establishes general rules for the interception and recording of private</p>

<p>computer data, including traffic data stored in computer systems</p>			<p>accused parties in a criminal procedure. Telecommunication service providers are obliged to provide cooperation and shall maintain an updated list of IP addresses, a registry of Internet connection of their clients for a year, which should be available to public prosecutors. They shall maintain the secret of such lists and connections Art. 223 enlists the conditions and criteria for the registry of the interception</p>	<p>communication, such law does not specifically establish how the preservation of computer data including traffic data should be made for purposes of criminal investigations. This is left to the current practices of ISPs and communication service providers</p>
<p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p>		<p>Código Procesal Penal (Ley 19696) Art. 222, Art. 223</p>	<p>Idem.</p>	<p>Idem.</p>
<p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their</p>		<p>Código Procesal Penal (Ley 19696) Art. 19, Art. 20 and, Art. 180</p>	<p>Art. 19 sets forth the formalities and conditions to provide and facilitate information among State authorities. Art. 20 set forth the formalities to share information among judicial tribunals. Art. 180 sets forth how the</p>	<p>Codigo Procesal Penal does not specifically state the production of computer data, but these rules might apply as analogy and comply with Art. 18 of the Budapest Convention</p>

<p>possession or control</p> <p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p> <p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer</p>		<p>Código Procesal Penal (Ley 19696) Arts. 187, 217, 218</p>	<p>investigations shall be carried out and the request of information by public prosecutors</p> <p>Art. 187 establish how the objects, documents and instruments, which were used for the commission of a crime, might be collected, identified and sealed. Art. 217 establishes general rules for the seizure of objects and documents that might serve as evidence in a criminal investigation Art. 218 provides the rules for the seizure of postal and telegraphic correspondence, including copies and backups of electronic correspondence sent or addressed to the accused party</p>	<p>Codigo Procesal Penal does not specifically provide the search and seizure of stored computer data by competent authorities and to order the protection of computer systems and data for purposes of a criminal investigation</p> <p>Código Procesal Penal does not contain specific rules for the collection and recording of traffic data in real-time through computer systems</p>
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<p>systems</p> <p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p> <p>Art. 22. Jurisdiction Adopt legislative and other measures as may be necessary to establish jurisdiction over offenses in accordance with Arts. 2 through 11, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State</p>		<p>Código Procesal Penal (Ley 19696) Art. 222</p> <p>Constitución Política Art. 76</p> <p>Código Orgánico de Tribunales Art. 60.</p> <p>Código Penal Arts. 5, 6</p> <p>Código de Procedimiento Penal Arts. 1, 2 and 6</p>	<p>Art. 76 of the Political Constitution establishes the powers of the Judicial Branch to resolve and execute criminal proceedings</p> <p>Art. 6 of Código Orgánico de Tribunales establishes jurisdiction over crimes committed outside the territory of Chile and those contained in international treaties and laws</p> <p>Art. 5 of Código Penal sets forth the application of the principle of territoriality and the extension of the sea. Art. 6 sets forth the limits of the principle of extraterritoriality of criminal law</p>	<p>Código Procesal Penal does not contain specific rules for the collection and recording of content data in real-time through computer systems. Art. 222 sets forth the obligation of ISP to cooperate and assist investigative authorities when required during a criminal investigation</p> <p>The Constitution and said codes and laws when read and interpreted together fulfill the requirements of Art. 22 of the Budapest Convention</p>
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			Art. 1o. of Código de Procedimiento Penal sets forth the jurisdiction of national tribunals over national and foreigners to prosecute crimes committed in Chile under the exceptions established in special laws and international treaties	
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p> <p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p> <p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer</p>	Colombia	<p>Código de Procedimiento Penal (Ley 906 de 2004) Art. 24, Art. 28 and Art. 29</p> <p>Código de Procedimiento Penal (Ley 906 de 2004) Art. 10, Art. 11, Art. 14, Art. 15, Art. 16</p>	<p>Arts. 24, 28 and 29 establish the types of criminal jurisdiction for criminal investigations and proceedings in national territory</p> <p>Código de Procedimiento Penal establish a number of provisions for the protection of human right of accused parties. Art. 11 list a catalogue of rights for the victims and Art. 14 sets forth the protection of private life of individuals in criminal proceedings</p> <p>Código de Procedimiento Penal does not establish provisions on expeditious preservation of computer data</p>	<p>Art 275 section g) expressly recognizes as material evidence data messages, electronic data exchange, internet and e-mail as regulated by Law 5727 of 1999</p> <p>Colombia has ratified the Inter-American Convention on Human Rights where it is compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty</p> <p>Although Art. 235 of Código de Procedimiento Penal grants powers to prosecutors and judges and establishes general rules for the interception and recording of private communication, such</p>

<p>systems</p> <p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p> <p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to</p>		<p>Art. 236 of Código de Procedimiento Penal</p> <p>Código de Procedimiento Penal (Ley 906 de 2004) Art. 244</p>	<p>Código de Procedimiento Penal does not establish specific provisions on expeditious preservation and disclosure of traffic data to identify the service provider</p> <p>Art. 244 stipulate the power of investigative authorities to obtain confidential data contained in non-public databases for purposes of a criminal investigation.</p>	<p>law does not specifically establish how the preservation of computer data including traffic data should be made for purposes of criminal investigations. This situation is left to the current practices of ISPs and communication service providers</p> <p>Art. 236 provides power to public prosecutors to order seize of computer and servers, and other physical data storage medium when they have reason to believe that the accused party is using or transmitting useful information for the investigation. This provision states that computer forensic analyst shall support prosecutors in the analysis and custody of said equipment. However, the law does not specifically establish provisions to compel internet service providers to preserve and disclose traffic data to investigative authorities</p> <p>The law does not contain specific provisions to compel internet service providers to order individuals to submit computer data nor obligations to compel service providers to provide subscriber</p>
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<p>submit subscriber information in their possession or control</p> <p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p> <p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p> <p>Art. 21. Interception of</p>		<p>Código de Procedimiento Penal (Ley 906 de 2004) Art. 236</p> <p>Código de Procedimiento Penal (Ley 906 de 2004) Art. 235</p>	<p>Prosecutors shall authorize such investigations pursuant to the provisions on registries an seizures</p> <p>Art. 236 provides power to public prosecutors to order seize of computer and servers, and other physical data storage medium when they have reason to believe that the accused party is using or transmitting useful information for the investigation. This provision states that computer forensic analyst shall support prosecutors in the analysis and custody of said equipment.</p> <p>Art. 235 establish the conditions of public prosecutors to intercept and record private communications of accused parties, which might serve as evidence in a criminal procedure. The order must be in written and shall have a validity of 3 months</p> <p>Ibid.</p>	<p>information</p> <p>Art 236 might comply with Art. 19 of the Budapest Convention</p> <p>The current law does not contain any specific provisions compelling service providers to cooperate and assist competent authorities in the collection and recording of traffic data in real-time</p> <p>The current law does</p>
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<p>content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p> <p>Art. 22. Jurisdiction Adopt legislative and other measures as may be necessary to establish jurisdiction over offenses in accordance with Arts. 2 through 11, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State</p>		<p>Código Penal (Arts. 13, 14 and 15)</p> <p>Código de Procedimiento Penal Art. 29</p>	<p>Art. 13 sets forth the principle of territoriality, and the hypothesis where the crime is considered as executed. Art. 14 sets forth the jurisdiction by extension on national ships and aircrafts located outside the territory. Art. 15 sets for the hypothesis for the extraterritorial application of the criminal legislation for crimes committed within and outside of Colombian territory</p> <p>Art. 29 of Código de Procedimiento Penal sets for the criminal jurisdiction and execution of crimes committed in national territory and abroad pursuant to international treaties signed and ratified by Colombia</p>	<p>not contain any specific provisions compelling service providers to cooperate and assist competent authorities in the collection and recording of content data in real-time</p> <p>The Constitution and said codes and laws when read and interpreted together fulfill the requirements of Art. 22 of the Budapest Convention</p>
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<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p>	<p>Costa Rica</p>	<p>Código Procesal Penal (Ley 7594 de 1996) Art. 1, Art. 16, Art. 17, Art. 277</p>	<p>Art. 1 establishes the due process principle. Art. 16 establish the classification of criminal proceeding in public and private and the crimes against the security of the nation. Art. 17 stipulate the criteria for the proceedings when a private party is involved and the requirements for the accusation. Art 277 stipulates the jurisdiction of national tribunals and the fulfillment of principles and rights established in the Constitution</p>	<p>The criminal procedural law does not contain any provision that recognizes the use and admission of electronic evidence in national courts</p>
<p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>		<p>Código Procesal Penal (Ley 7594 de 1996) Art. 7, Art. 71, Art. 286 h)</p>	<p>Arts 7 and 71 establish very broadly the rights of the victim in a criminal proceeding. Art 286 h) stipulates the obligation of the judicial police to respect fundamental rights as provided in the Constitution</p>	<p>Costa Rica has ratified the Inter-American Convention on Human Rights where it is compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty</p>
<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p>		<p>Ley sobre Registro, Secuestro y Examen de Documentos Privados e Intervención de las Comunicaciones (Ley No. 7425 de 1994) Art. 1</p>	<p>Art. 1 stipulates the power of national tribunals to authorize the registry, seizure or the analysis of any private document (including e-mail) when it might be deemed necessary in order to clarify criminal matters</p>	<p>The procedural law does not specifically establish how the preservation of computer data including traffic data should be made for purposes of criminal investigations. This situation is left to the current practices of ISPs and communication service providers</p>

<p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p>		<p>Ley sobre Registro, Secuestro y Examen de Documentos Privados e Intervención de las Comunicaciones (Ley No. 7425 de 1994) Art. 2</p>	<p>under their jurisdiction</p> <p>Art. 2 establish the power of Judges (upon request of police authorities, the public prosecutor of any of the parties in a trial) to order the registry, seizure or the analysis of any private document, as long as it might be used as evidence to prove the commission of criminal conduct</p>	<p>The criminal procedure law does not specifically establish provisions for the preservation and disclosure of traffic data neither provisions to compel internet service providers to preserve and disclose traffic data to investigative authorities</p>
<p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p>		<p>Código Procesal Penal (Ley 7594 de 1996) Arts. 185, 186, 187, Art. 198</p>	<p>Arts. 185 to 187 establish the general rules for the inspection and registry of places and objects that might lead to find evidence elements or individuals suspected of the commission of criminal conduct. Art. 198 establish the rules for the seizure of objects, individuals and evidence of criminal conduct</p>	<p>Arts. 185 to 187 might apply by analogy. The criminal procedure law does neither specifically establish provisions to order individuals to submit computer data nor to oblige service providers to submit subscriber information in their possession</p>
<p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p>		<p>Código Procesal Penal (Ley 7594 de 1996) Art. 198 Ley sobre Registro, Secuestro y Examen de Documentos Privados e Intervención de las Comunicaciones (Ley No. 7425 de 1994) Chapter I Search, Seizure and</p>	<p>Art. 198 establish the rules for the seizure of objects, individuals and evidence of criminal conduct</p> <p>Chapter I of Ley No. 7425 sets forth faculties and powers of national tribunals and judges to order the registry, seizure</p>	<p>The criminal procedure law does not specifically establish provisions for the search of computer systems and storage of data and to order the protection of computer data and information for purposes of criminal investigations</p>

<p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p>		<p>Analysis of Private Documents</p> <p>Ley sobre Registro, Secuestro y Examen de Documentos Privados e Intervención de las Comunicaciones (Ley No. 7425 de 1994) Chapter II (Arts. 9 to 20) Ley contra la Delincuencia Organizada (Ley No.8754) Arts. 15, 16 y 17</p>	<p>or the analysis of any private document to be used as evidence to prove the commission of criminal conduct</p> <p>Chapter II of Ley No. 7425 sets for the rules for the intervention of private communications including the use of electronic means Art 20 establishes the obligation of internet service providers to facilitate cooperation to judicial authorities for the intervention of private communications. Arts. 15 and 16 of Ley No. 8754 grants powers to public prosecutors to intervene private communications and the type of crimes that might be subject to intervention. Art. 17 includes the obligation of any public or private entity offering communication services to facilitate cooperation with the Judicial Centre of Intervention of Communications and to enforce the measures ordered by competent judges</p>	<p>The current legislation does not contain any specific provisions for the collection and recording of traffic data in real-time</p>
<p>Art. 21. Interception of content data Compel service</p>		<p>Ibid</p>	<p>Ibid</p>	<p>The current legislation does not contain any specific provisions for</p>

<p>providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>				<p>the collection and recording of content data in real-time</p>
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p> <p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>	<p>Mexico</p>	<p>Código Nacional de Procedimientos Penales (Published on 05.03.2014 and pending to be in force. It will substitute Código Federal de Procedimientos Penales y Codigos Procesales Estatales) Art. 381 Federal Code of Civil Procedure Art. 210-A</p> <p>Código Nacional de Procedimientos Penales (Publicado el 05.03.2014) Arts. 11 to 14, 15, 109 and 113</p>	<p>Title IV (Arts 44 to 104 of Código Nacional de Procedimientos Penales sets forth the rules and formalities of procedural investigations, which is now accusatory system and based on oral examination</p> <p>Arts 11 to 14 stipulate the legal rights of the parties in a criminal trial. Art. 11 establishes the principle of equality among parties. Art. 12 the principle of previous trial and due process. Art. 13 principle of legal innocence. Art. 14 principle of double jeopardy. Art.</p>	<p>Art. 381 allows the parties to offer evidence and data contained in digital, electronic or any other form, facilitating the technology to the competent authority for its admission and acknowledgement</p> <p>The rules of admission of data communicated through electronic means of the Federal Code of Civil Procedure continue to apply supplementary Art. 210-A</p> <p>Mexico has ratified the Inter-American Convention on Human Rights where it is also compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty and privacy in criminal proceedings.</p>

<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p> <p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious</p>		<p>Código Nacional de Procedimientos Penales Arts. 301 and 303</p> <p>Código Nacional de Procedimientos Penales Arts. 301 and 303</p>	<p>15 establishes the respect for privacy , private life and data protection in criminal procedures pursuant to the Constitution and applicable legislation. Art 109 establishes the rights of the victims during proceedings and Art. 113 the rights of the accused party</p> <p>Art. 301 establish the obligation of telecomm and internet service providers to facilitate cooperation with investigative authorities and they shall have the necessary technical capacity to execute orders of intervention of private communications. The last paragraph of Art. 303 provide the obligation telecomm and internet service providers to preserve data contained in networks and computer and system equipment up to a term of 90 days in crimes committed through the use of computer systems</p> <p>Ibid.</p>	<p>Arts. 301 and 303 might comply with the requirements of Art. 16 of the Budapest Convention</p> <p>Arts. 301 and 303 might comply with the requirements of Art. 17 of the Budapest Convention.</p>
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<p>preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p> <p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p>		<p>Ley Federal contra la Delincuencia Organizada. Arts 15 to 28. Codigo Federal de Procedimientos Penales Anterior. Arts. 278 Bis, 278Ter</p>	<p>Arts 15 to 28 of Ley Federal contra la Delincuencia Organizada establish the procedure for the intervention of private communications, which should be resolved within 12 hours. Art. 16 establish that private communications carried out through computer systems and equipment, electronic and wireless devises might be subject to intervention. Arts 278 Bis and 278 Ter of Codigo Federal de Procedimientos Penales Anterior establish the possibility of the parties to voluntarily offer communications among them, as well as those obtained with the support of the investigative authority as means of evidence in criminal proceedings. The last part of Art. 278 Ter establish the</p>	<p>Código Nacional de Procedimientos Penales does not distinguish between traffic and content data, the disclosure and preservation provided in Art. 303 might apply to all types of data indistinctively</p> <p>Said provisions might comply with Art. 18 of the Budapest Convention</p>
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<p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p> <p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p>		<p>Código Nacional de Procedimientos Penales Art. 282 and 283 contains the rules for search and seizure orders for public prosecutors</p> <p>Código Federal de Procedimientos Penales Anterior. Art. 133 Quater.</p> <p>Ley Federal de Telecomunicaciones (LFT) Arts. 40 Bis and 44</p> <p>Nuevo Código Nacional de Procedimientos Penales Art. 303</p>	<p>obligation of telecommunication and ISP's to cooperate with judicial authorities in obtaining evidence when they are so requested</p> <p>Art. 282 and 283 contains the rules for search and seizure orders for public prosecutors in a criminal proceeding,</p> <p>Art. 133 Quarter of Código Federal de Procedimientos Penales Anterior establish powers for the Attorney General to request telecomm and internet service providers the geographic localization in real-time of mobile communication equipment associated to a telephone line</p> <p>Arts. 40 Bis and 44 of the LFT establishes the obligations of telecomm and ISP's to collaborate with investigative authorities in the geographic localization in real-</p>	<p>Código Nacional de Procedimientos Penales does not expressly establish faculties to investigative authorities for the search of computer systems and storage of data</p> <p>Art 303 fully complies with Art. 20 of the Budapest Convention Código Nacional de Procedimientos Penales does not distinguish between traffic and content data, the disclosure and preservation provided in Art. 303 might apply to all types of data indistinctively</p>
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			<p>time of mobile communication equipment associated to a telephone line in matters of organized crime</p> <p>Art. 303 of Nuevo Código Nacional de Procedimientos Penales establish powers of the attorney General to request telecommunication and satellite concessionaires and internet service providers real-time geographic tracking of mobile telecommunication equipment, as well as the immediate preservation of data contained in computer systems and equipment related to crimes committed through the use of computer systems for a term of 90 days</p> <p>Art. 133 Quarter of Former Código Federal de Procedimientos Penales establish powers for the Attorney General to request telecomm and internet service providers the geographic localization in real-time of mobile communication equipment associated to a telephone line</p>	
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<p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p> <p>Art. 22 Jurisdiction Establish jurisdiction over offences contained in Arts 2 through 11 when the offence is committed: a. in its territory; or b. on board a ship flying the flag of that Party; or c. on board an aircraft registered under the laws of that Party; or d. by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.</p>		<p>Constitución Política de los Estados Unidos Mexicanos (CPEUM) Arts. 103, 104</p> <p>Código Penal Federal Arts. 2, 3, 4, 6</p> <p>Nuevo Código Nacional de Procedimientos Penales (CNPP) Title Arts. 20 to 43</p> <p>Former Código Federal de Procedimientos Penales. Arts 6, 7, 8, 10, 11</p>	<p>Ibid.</p>	<p>Art 303 of the National Criminal Code fully complies with Art. 21 of the Budapest Convention. Código Nacional de Procedimientos Penales does not distinguish between traffic and content data, the disclosure and preservation provided in Art. 303 might apply to all types of data indistinctively</p> <p>The rules on criminal jurisdiction are contained in the Constitution and said Codes. All these provisions when read and interpreted together comply with the scope of Art. 22 of the Budapest Convention</p>
<p>Art. 14 Scope of Procedural Law</p>	<p>Paraguay</p>	<p>Código Procesal Penal (Ley No.</p>		<p>The current criminal procedural law does not</p>

<p>Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p> <p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p> <p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p> <p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious</p>		<p>1286-98) Chapter I (Arts. 14 to 27) establish the general rules for the types of actions and procedures in criminal investigations</p> <p>National Constitution Arts. 16 and 17 Código Procesal Penal (Ley No. 1286-98) Art. 75, Title IV Art. 86 to 96</p> <p>Código Procesal Penal (Ley No. 1286-98) Art. 228</p> <p>Codigo Procesal Penal (Ley No. 1286-98) Art. 228</p>	<p>Art. 16 stipulates the right to a trial and due process Art. 17 provides the rights of the parties in criminal proceedings</p> <p>Art. 75 of Código Procesal Penal sets forth the rights of the accused party in proceedings</p> <p>Art. 86 to 96 establish the rights of the accused party</p> <p>Art. 228 provides power to the Public Prosecutor and Judges to request information verbally or in written to any public or private entity</p>	<p>contain any provision that recognizes the use and admission of electronic evidence in national courts</p> <p>Paraguay has ratified the Inter-American Convention on Human Rights where it is compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty. Ley No. 1 of August 8, 1989 approves and ratifies the Inter-American Convention on Human Rights</p> <p>Código Procesal Penal does not establish specific rules for the obtainment of expeditious preservation of stored computer data. Art 228 of Código Procesal Penal might apply by analogy</p> <p>Código Procesal Penal does not establish specific rules for the obtainment of expeditious</p>
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<p>preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p> <p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p> <p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p> <p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording</p>		<p>Código Procesal Penal (Ley No. 1286-98) title II, Chapter I Arts. 52 a 57, Art. 228</p> <p>Código Procesal Penal (Ley No. 1286-98) Art. 195, 196 and Art. 200</p> <p>Código Procesal Penal (Ley No. 1286-98) Art. 228</p>	<p>Arts. 52 a 57 establish the power of Public Prosecutors to integrate all the required elements of an investigation in criminal procedure</p> <p>Art. 195 and 196 sets the procedure for the search and seizure of objects and persons. Art. 200 of Código Procesal Penal sets forth the powers and conditions for Judges to intervene private communications</p> <p>Art. 228 provides power to the Public Prosecutor and Judges to request information verbally or in written to any public or private entity</p>	<p>preservation of stored computer data. Art 228 of Código Procesal Penal might apply by analogy</p> <p>Código Procesal Penal does not establish specific rules for investigative authorities to order individuals to submit computer data and service providers to submit information on their customers. Art 228 of Código Procesal Penal might apply by analogy in order to order the submission of computer data</p> <p>Código Procesal Penal does not establish specific rules for investigative authorities to search computers systems and storage of data. The rules set forth in said articles might apply by analogy</p> <p>The current legislation does not contain any specific provisions for the collection and recording of traffic data in real-time</p>
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<p>of traffic data in real-time transmitted by means of computer systems</p> <p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>		<p>Código Procesal Penal (Ley No. 1286-98) Art. 228</p>	<p>Art. 228 provides power to the Public Prosecutor and Judges to request information verbally or in written to any public or private entity</p>	<p>The current legislation does neither contain any specific provisions for the collection and recording of content data in real-time nor obligations to compel service providers to facilitate cooperation with investigative authorities in the collection of real-time data</p>
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p> <p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>	<p>Panama</p>	<p>Código Procesal Penal. Título IV, Capítulo I. Arts. 110 to 125.</p> <p>Código Judicial. Libro Tercero, Título I, Capítulo I Arts. 1941 to 1968</p> <p>Código Procesal Penal. Título I, Capítulo I set forth safeguards, principles and rules of criminal procedures. Arts 1 to 28, Art. 80</p>	<p>Título IV, Capítulo I (Arts. 110 to 125) of Código Procesal Penal and Título I, Capítulo I (Arts. 1941 to 1968) of Código Judicial set forth the general rules for the criminal procedures and all the powers of the parties involved in criminal proceedings</p> <p>Arts 1 to 28. Arts. 2 and 3 set for the principle of due process and the right of defense. Art 10 the right to legal defense. Art. 11 the right to respect the free circulation and personal security.</p>	<p>Panama deposited the instrument of accession and ratified the Budapest Convention without any reservation on 5 March 2014</p> <p>Panama has ratified the Inter-American Convention on Human Rights where it is also compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty and privacy in</p>

<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p> <p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p>			<p>Art. 12 the judicial control of fundamental rights. Art. 13 the right to privacy, including private communications. Art 14 sets for the respect of fundamental rights contained in the Constitution, international treaties and the Criminal Procedure Code. Art. 19 the due process equality for the parties, et. al. Art 80 sets forth the rights of the victim</p>	<p>criminal proceedings</p> <p>Neither Código Procesal Penal nor Código Judicial set for how the preservation of computer data including traffic data should be made for purposes of criminal investigations. This situation is left to the current practices of ISPs and communication service providers</p> <p>Neither Código Procesal Penal nor Código Judicial establish provisions for the preservation and disclosure of traffic data neither provisions to compel internet service providers to preserve and disclose traffic data to investigative authorities</p>
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<p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p>		<p>Código Procesal Penal. Arts. 293 to 317 Arts. 2178 to 2196 of Código Judicial</p>	<p>Arts. 293 to 317 of Código Procesal Penal and Arts. 2178 to 2196 of Código Judicial establish the general rules for search and seizure of places, objects and persons, as well as the authorization orders of the Judge of Control Art. 314 allows the seizure of computer equipment and data stored in any type of support upon request of the Public Prosecutor</p>	
<p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p>		<p>Código Procesal Penal. Art. 311, Art. 314 Código Judicial</p>	<p>Art. 311 set forth the conditions and the powers of competent authorities for the interception of private communications in criminal proceedings, including electronic and cybernetic communications. Art. 314 allows the seizure of computer equipment and data stored in any type of support upon request of the Public Prosecutor</p>	<p>Arts 311 and 314 comply with the requirements of Art. 19 of the Budapest Convention</p>
<p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the</p>				

<p>application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p> <p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>				<p>The current legislation does not contain any specific provisions for the collection and recording of traffic data in real-time</p> <p>The current legislation does neither contain any specific provisions for the collection and recording of content data in real-time nor obligations to compel service providers to facilitate cooperation with investigative authorities in the collection of real-time data</p>
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p>	<p>Peru</p>	<p>Código Procesal Penal. Libro Primero, Sección IV Arts. 60 to 113</p> <p>Libro Tercero Secciones I, II, III (Arts 321 to 403)</p>	<p>Arts. 60 to 113 set for the powers and attribution of investigative authorities and the parties involved in criminal proceedings.</p> <p>Arts 321 to 403 of Código Procesal Penal set for the general rules for the investigation of crimes and the development of legal proceedings</p>	<p>Código Procesal Penal does not contain any provision that recognizes the use and admission of electronic evidence in national courts</p>

<p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>		<p>Código Procesal Penal. Art. VI</p>	<p>Art. VI of Código Procesal Penal sets for the limits of measures protecting fundamental rights, which might only be established by judicial authorities pursuant to the Constitution and applicable laws</p>	<p>Peru has ratified the Inter-American Convention on Human Rights where it is also compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty and privacy in criminal proceedings</p>
<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p>		<p>Código Procesal Penal. Art. 220 and 221</p>	<p>Art. 220 sets forth the procedure and rules for the exhibition and seized of goods and objects by the Police and Public Prosecutors. Art. 221 establish the duty of preservation and custody of seized goods</p>	<p>Código Procesal Penal does not establish specific rules for the obtainment of expeditious preservation of stored computer data, except for Art. 230 and 234, which deals with the intervention of private communications & telecommunications and the geo-localization of mobile phones and the identity and traffic data of their customers, which might as well be applicable</p>
<p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p>		<p>Código Procesal Penal. Art. 234 section 4</p>	<p>Art. 234 sets forth the general conditions for the intervention of private communications for the commission of crimes sanctioned with a punishment of up to four years in prisons. Section 4 of Art. 234 compels concessionaires of public telecommunication networks to facilitate the geo-localization</p>	<p>Art. 234 section 4 might comply with Art. 17 of the Budapest Convention</p>

<p>Art. 18 Production Order. Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p> <p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search</p>		<p>Código Procesal Penal. Art. 230 and 231, Art. 234 section 4</p> <p>Código Procesal Penal. Art. 234 section 4</p>	<p>of mobile phones and recording of communications and to provide information on the identity and data of the customer, including traffic data and IP address in real-time and on a uninterrupted basis 24 hrs 365 days. Telecomm providers shall keep the secret of such interventions. Said section even sets forth the obligation of concessionaires to facilitate access, connection and compatibility with the National System of Control of Communications of the National Police of Peru</p> <p>Art. 230 and 231 allow the intervention of private communication by Public Prosecutors for the commission of crimes sanctioned with a punishment of up to four years in prisons and Art. 231 establishes the procedure for such intervention which may not exceed 30 days</p> <p>Art. 234 sets forth the general conditions for the intervention of private communications for</p>	<p>Arts. 230, 231 together with Art. 234 section 4 might comply with Art. 18 of the Budapest Convention</p> <p>Art. 234 section 4 of Código Procesal Penal might comply with Art. 19 of the Budapest Convention</p>
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<p>computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p> <p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist</p>		<p>Código Procesal Penal. Art. 234 section 4</p>	<p>the commission of crimes sanctioned with a punishment of up to four years in prisons. Section 4 of Art. 234 compels concessionaires of public telecommunication networks to facilitate the geo-localization of mobile phones and recording of communications and to provide information on the identity and data of the customer, including traffic data and IP address in real-time and on a uninterrupted basis 24 hrs 365 days. Telecomm providers shall keep the secret of such interventions. Said section even sets forth the obligation of concessionaires to facilitate access, connection and compatibility with the National System of Control of Communications of the National Police of Peru</p> <p>Ibid</p>	<p>Art. 234 section 4 of Código Procesal Penal might comply with Art. 20 of the Budapest Convention</p>
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<p>with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p> <p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>		<p>Código Procesal Penal. Art. 234 section 4</p>	<p>Ibid</p>	<p>Art. 234 section 4 of Código Procesal Penal might comply with Art. 21 of the Budapest Convention although such provision does not make specific reference to collection and recording of content data</p>
<p>Art. 14 Scope of Procedural Law Provisions. Powers and procedures for the purpose of specific criminal investigations or proceedings</p>	<p>República Dominicana</p>	<p>Código Procesal Penal. Arts. 29, 30, 31, 32. Arts. 1 to 28. Parte Especial, Libro I, Titles I, II, III</p>	<p>Arts. 29 set forth the categories of criminal action in public and private. Art. 30 the public action as obligatory. Art. 31 and 32 the exercise of the public action upon request of private parties and the types of crimes that might be prosecuted under the petition of a private action. Parte Especial, Libro I, Titles I, II, III set forth the specific rules on criminal procedures and the formalities to carry out criminal investigations and proceedings by the</p>	<p>República Dominicana deposited the instrument of accession and ratified the Budapest Convention without any reservation on 7 February 2013</p>

<p>Art. 15 Conditions and Safeguards. Implementation and application of powers and procedures for the protection of human rights and liberties</p>		<p>Código Procesal Penal. Arts. 1 to 28 set forth fundamental rights of the parties in criminal proceeding</p>	<p>parties Art. 3 establish the right to a fair trial pursuant to principles. Art. 7 sets for the principle of due process. Art. 11 the principle of equality and fair treatment. Art. 14 the presumption of innocence. Art. 27 the right of the victims et.al.</p>	<p>República Dominicana has ratified the Inter-American Convention on Human Rights where it is also compelled to the protection of fundamental rights such as the right to a fair trial and the right to personal liberty and privacy in criminal proceedings</p>
<p>Art. 16 Expedited preservation of stored computer data. Powers of competent national authorities to obtain expeditious preservation of computer data, including traffic data stored in computer systems</p>		<p>Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia Arts. 52, 53, 54, 56</p>	<p>Arts. 52, 53 and 54 sets forth the rules and powers of investigative authorities for the obtaining and preservation of data, including traffic data, connection and access to computer to investigate crimes committed through the use of computer systems and Internet</p>	<p>Arts. 52, 53, 54 and 56 fully comply with Art. 16 of the Budapest Convention</p>
<p>Art. 17 Expedited preservation and partial disclosure of traffic data. Ensure expeditious preservation of traffic data and disclosure to a competent authority to identify the service provider and transmission of communication</p>		<p>Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia Arts. 52, 53, 54, 56</p>	<p>Ibid</p>	<p>Arts. 52, 53, 54 and 56 fully comply with Art. 17 of the Budapest Convention</p>
<p>Art. 18 Production Order.</p>		<p>Ley No. 53-07 sobre Crimenes y Delitos</p>	<p>Art. 54 a), b), c), i), k) set for obligations of</p>	<p>Art. 54 a), b), c), i) k) fully comply with Art. 18</p>

<p>Powers of competent authorities to order individuals to submit computer data in his possession or control contained in computer data systems and service providers to submit subscriber information in their possession or control</p>		<p>de Alta Tecnologia Art. 54 a), b), c), i), k)</p>	<p>individuals to submit computer data investigative authorities</p>	<p>of the Budapest Convention</p>
<p>Art. 19 Search and Seizure of Stored Computer Data. Powers of competent authorities to search computer systems and storage of data and to order the protection of computer data and information for purposes of investigations</p>		<p>Código Procesal Penal. Art. 192 Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia Art. 54 l)</p>	<p>Art. 192 of Código Procesal Penal sets for the conditions and limits for the interception of private communications for the interception of messages, data and images conducted through public or private telecommunication networks, which might only apply to crimes whose punishment exceeds ten years of imprisonment. Art. 54 l) of Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia allows for the intervention of private communications in real-time pursuant to Art. 192 of Código Procesal Penal</p>	<p>Art. 192 of Código Procesal Penal and Art 54 l) of Ley No. 53-07 fully comply with Art. 19 of the Budapest Convention</p>
<p>Art. 20 Real-time collection of traffic data. Compel service providers to collect and record the</p>		<p>Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia Art. 54 a) d) k), l)</p>	<p>Art. 54 a), d), k) l) of Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia compels service</p>	<p>Art. 54 a), d), k) l) of Ley No. 53-07 fully comply with Art. 20 of the Budapest Convention</p>

<p>application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of traffic data in real-time transmitted by means of computer systems</p> <p>Art. 21. Interception of content data Compel service providers to collect and record the application of technical means on a territory of a party and to cooperate and assist with the competent authorities in the collection or recording of content data in real-time transmitted by means of computer systems</p>		<p>Ley No. 53-07 sobre Crimenes y Delitos de Alta Tecnologia Art. 54 and 56</p>	<p>providers to cooperate with investigative authorities in the collection and recording of traffic data in real-time</p> <p>Art. 56 of Ley No. 53-07 establish the obligation of service providers to preserve traffic, connection, access or any other data that might be useful for the investigation for at least 90 days</p>	<p>Art. 54 and 56 fully comply with Art. 21 of the Budapest Convention</p>
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