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EUROPEAN COMMITTEE ON CRIME PROBLEMS

(CDPC)

COMMITTEE OF EXPERTS

ON THE OPERATION OF EUROPEAN CONVENTIONS

ON CO-OPERATION IN CRIMINAL MATTERS

(PC-OC)

Questionnaire

on the requirements for the establishment of an e-transfer tool

Questionnaire

sur les conditions préalables au développement d'un outil de « e-transfèrement »

REPLIES / REPONSES

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OVERVIEW OF 27 REPLIES/ VUE D'ENSEMBLE DES 27 RÉPONSES

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.

(If your country is not interested in the tool, please explain why)

Country	Interest	Reason/condition	Parallel use
Albania	Yes	However, some issues need to be stressed related to the practical implementation of this communication instrument. The electronic system, the network for computers and computer device/equipment are missing in the actual system. Currently, all datas at the General Directorate of Prisons and the subordinate institutions are administered in hard copy registers. The installation of such a system would also require investment interventions and some financial assistance or any specific fund.	
Andorra	Yes		Yes
Armenia	No	Cost, security, no legal basis , data protection	
Austria	Yes	Previous agreement with EU on data protection required	No
Belgium	Yes	Since the e-tool will not be implemented in all Parties at the same time, parallel use seems inevitable at least for some time.	Yes
Bosnia Herz.	No	Lack of legal basis in Convention; no technical capacity for the implementation ; need to change domestic law	
Croatia	Yes		Yes
Czech Rep.	Yes	Feasibility and cost analysis	Yes
Estonia	No	According to Estonian law the sentenced persons in prisons do not have access to the internet, therefore Estonia is not interested in the tool for now.	
Finland	Yes		Yes
France	Yes	Sous réserve de ses fonctionnalités et des utilisateurs habilités. Pas d'opposition à l'utilisation en parallèle avec la méthode traditionnelle mais qu'apporterait alors l'outil ?	
Germany	No	Prisoners have no access to internet. Competence for prisons lies in Länder	
Greece	Yes		Yes
Moldova	Yes		Yes
Netherlands	Yes	Under the Framework 2008/909/JHA means of electronic communication are already put in to place, being Ecodex. To my opinion the new e-transfer next to Ecodex has no real surplus Therefore countries who wish to communicate via electronic means should opt-in to Ecodex. An e-	No

		transfer tool for prisoners is not beneficial for the countries involved. The main problem is currently the interface between prosecutors of the different states. An e-tool at this moment will not solve problems that occur in the communication between countries and the prisoners. Problems involving communications with prisoners could also easily be solved with other means of communications such as an information line	
Norway	Yes	Provided that the solution and system is comprehensive, includes all necessary documents and is considered to ensure proper security solutions with regard to the protection of privacy as well as data security in general.	No
Poland	Yes	Nous sommes vivement intéressés par la mise de cet outil en place. A présent, il y a beaucoup de discussions concernant l'utilisation de mesures par voie électronique dans l'administration nationale mais nous n'avons pas pour l'instant de position concrète dans le cas concerné. Nous ne sommes pas en mesure de répondre aux questions détaillées, avant de discuter les grandes lignes de ce projet. L'application d'un tel outil sera liée à des modifications dans la législation et demandera des moyens techniques et informatiques et le budget national séparé. Il faudra surtout fournir tous les éléments pour sécuriser ce système contre l'accès illégitime. A présent, des contacts par voie électronique entre le citoyen et la justice et l'administration nationale sont possibles, car nous avons plusieurs systèmes informatiques de différents domaines (p.ex. la fiscalité, la procédure civile).	
Slovakia	Yes	We see the added value. We expect the traditional method being used more often though this might change in the future.	Yes
Slovenia	Yes	Analysis of expenses and IT solutions	
Switzerland	Yes		Yes
Turkey	Yes		Yes
Ukraine	Yes	In principle the Ministry of Justice as a Central Authority is interested	Yes
Canada	Yes		Yes
Costa Rica	No	Lack of platform, representatives of inmates change often, data protection requirements	
Israel	Yes		Yes
Japan	No	No access to internet by prisoners, no possibility to represent prisoner, docs to be delivered by diplomatic channels	
USA	Yes	Due to our established processing procedures, security concerns and the need to protect the privacy of the prisoner and others, the participation of the United States cannot be as expansive as envisioned for the proposed e-transfer system. The United States believes it would be able to periodically provide information about pending federal transfer applications. This information could show	Yes

the various statuses of the transfer application including: (1) when the application was submitted; (2) when the application was received and processed by the Criminal Division of the Department of Justice (DOJ); (3) the date and U.S. decision on the application; (4) if approved, date application package was sent to the prisoner's home country; (5) status of home country decision; (6) if case is approved, date of U.S. consent verification hearing; (7) date of transfer. Access to this information would be separated by country and country access would be restricted to the applications submitted by their nationals.

Interested Parties: 21

Not interested Parties: 6

2. Under which conditions could your country allow access of prisoners to the Internet:

a. directly under supervision of prison staff?

b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Country	Direct access	Via representative	Comments
Albania		Yes	
Andorra	Yes		La Principauté d'Andorre dispose déjà d'accès à Internet pour les personnes privées de liberté. Il existe deux modalités : a. Internet pour pouvoir étudier (supervisé par les professeurs), et b. Skype pour les communications familiales des personnes privées de liberté qui ne reçoivent pas de visites (supervisé par les fonctionnaires pénitentiaires).
Armenia			N/A
Austria	Yes		Only in the training area under close supervision of prison staff
Belgium	Yes		A workable tool should limit the access to central authorities. Although a wider access is useful, the technical difficulties will be manifold if access is wider than just "single points of contact".
Bosnia Herz.			N/A
Croatia	Yes		
Czech Rep.		Yes	Compliance with existing detention rules and conditions to be considered
Estonia			N/A
Finland		Yes	Via prison staff or defense counsel
France		Yes	Uniquement par l'intermédiaire d'un personnel pénitentiaire
Germany			N/A
Greece		Yes	Via prison staff, consular services, family or other mandated person
Moldova		Yes	Prisoners will use this tool indirectly via prison staff, the prisoner's defence counsel, state officials, or other mandated person
Netherlands		Yes	
Norway	Yes		When a computer with a white page system is available in the facility and the inmate is eligible for access to such a computer
Poland			N/A
Slovakia	Yes		Directly, under supervision of prison

Slovenia	Yes		staff but it can't jeopardize the execution of the sentence or thwart its purpose in any way
Switzerland	Yes	Yes	Under supervision of prison staff Depending on the prison's facilities and detention regime. Representatives would need to be mandated by prisoners
Turkey	Yes		Under supervision of prison staff
Ukraine	Yes		According to Article 110 of the Penal Enforcement Code of Ukraine persons sentenced to deprivation of liberty shall have a right to use the Internet under control of prison staff. The sentenced may create an e-mail account and use it under control of prison staff (see reply for further details).
Canada			Inmates in the CSC have supervised access to computers where certain legal info can be pre-loaded. Inmates have no indirect access via prison staff. Foreign inmates might be able to mandate their consular services. Each foreign mission should confirm whether they can take on such mandate.
Costa Rica			N/A
Israel	Yes	Yes	Directly, while on furlough (which not every prisoner is entitled to); indirectly, by mandated persons such as family members and defence counsel
Japan			N/A
USA	No	No	In federal prisons in the United States, prisoners do not have access to the internet. It is not known whether any of the 50 states in the United States would allow prisoners incarcerated in state prisons to use the internet. In our federal prison system, a well-established procedure exists notifying the prisoner of his right to apply for transfer and allowing him to submit a transfer request. Most federal prisoners apply for transfer in this manner. Once the prisoner submits his request, prison staff prepares an application package containing critical documents that is transmitted to DOJ

	for processing and decision. Each of the 50 states has a process by which a prisoner can apply for transfer.
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Direct access: 9 Parties

Indirect access:7 Parties

Both :2 Parties or 3 (Canada?)

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:

- enter a request for transfer to the states concerned?;
- consult the request?;
- withdraw the request?.

Country	Enter request	Consult request	Withdraw request
Albania	Yes		
Andorra ¹	Yes	Yes	Yes
Armenia	N/A		
Austria		Yes	
Belgium ²			
Bosnia Herz.	N/A		
Croatia	Yes	Yes	Yes
Czech Rep ³ .			
Estonia	N/A		
Finland	Yes		Yes
France	Yes	Yes	Yes
Germany	N/A		
Greece	Yes	Yes	Yes
Moldova	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes
Norway		Yes ⁴	
Poland	N/A		
Slovakia	Yes	Yes	Yes ⁵
Slovenia	Yes	Yes	Yes
Switzerland	Yes	Yes	Yes
Turkey	Yes		Yes
Ukraine	Yes	Yes	Yes
Canada	Yes	Yes	Yes
Costa Rica	N/A		
Israel	Yes	Yes ⁶	Yes

¹ Actuellement l'accès à Internet est uniquement prévu pour les cas mentionnés antérieurement (réponse 2). Tous les autres cas doivent être traités par la procédure traditionnelle de communication officielle.

² The first possibility is surely something that should be allowed, however for technical and practical reasons, such an access to a network application is not yet possible, at least not in the great majority of prisons in Belgium. In case such access would be a possible and available: all three options should be available under the Convention, not the Protocol.

³ Prisoners serving the term of imprisonment in the Czech Republic have no access to the internet, so any of options above seem to be not possible in direct way and only possible alternative solution would be an indirect contact via prison staff or other state authority.

⁴ all application processes and permits given or denied during execution of a sentence are considered and handled in totality, and the prison facility therefore need to know about all applications made from or on the inmate's behalf. The Directorate are therefore of the opinion that the opportunity to enter a request for a transfer directly to the other State or withdraw the request should not be given to the inmate. This must be handled by the central authorities.

⁵ We suggest to give prisoners the opportunity to withdraw the request or to submit an appeal against the final decision

⁶ The interpretation of the term "consult the request" should mean to receive a general status update.

Japan	N/A		
USA	No	Yes ⁷	No

Enter+consult+withdraw: 12 Parties; Enter+ withdraw: 2 Parties; Enter: 1 Party; Consult: 3 Parties

⁷ Yes, if this question refers to the ability of the prisoner, his legal representative or his consular officer to consult the system to determine the status of the request.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

- a. by manual processing?
- b. via the tool itself?

Country	Manual processing	Via tool	Comments
Albania	Yes		
Andorra	Yes		
Armenia			N/A
Austria	Yes		For the moment, after reform of the IKT support for prisoners, "via tool" should be the standard
Belgium		Yes	If the tool is sufficiently secure
Bosnia Herz.			N/A
Croatia	Yes		At least for a transitional period
Czech Rep.	Yes		The only possible solution seems to be the indirect access of the person concerned via prison staff, which could be also competent to verify the proper identity of the person concerned applying for the transfer.
Estonia			N/A
Finland		Yes	
France		Yes	
Germany			N/A
Greece		Yes	
Moldova	Yes		Authorisations should be issued by the country concerned by manual processing
Netherlands		Yes	
Norway	Yes	No	Without knowing the details in the proposed system, the Directorate would envisage a process where the application for access were handled by prison staff in cooperation with the central authority and the Secretariat.
			b. via the tool itself?
			No, this solution would not be possible given the fact that an inmate in a Norwegian correctional facility does not have ordinary access to personal email or mobile phones where it is likely to assume that a confirmation of access (double factor

Poland	N/A		authentication) would be sent.
Slovakia		Yes	
Slovenia		Yes	
Switzerland		Yes	Would be preferable
Turkey	Yes		
Ukraine	Yes		
Canada	Yes	Yes	
Costa Rica			N/A
Israel			Unless an intrusion has been definitely proven, Israel's central authority will not delay the initiation of the administrative process until an external identification and verification has been provided; however, the official Israeli position concerning the transfer request will be given following an external consent verification, as it is done today by a member of the consular staff
Japan			N/A
USA	Yes		

Authorisation by manual processing: 9 Parties

Via the tool itself: 8 Parties

Both: 1 Party or 2 (Israel?)

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

Country	SMS	Token	Multiple questions
Albania		Yes	
Andorra		Yes	
Armenia	N/A		
Austria ⁸			
Belgium		Yes	
Bosnia Herz.	N/A		
Croatia			Yes
Czech Rep ⁹			
Estonia	N/A		
Finland ¹⁰			
France		Yes	
Germany	N/A		
Greece			Yes
Moldova	Yes		Yes (SMS + MQ)
Netherlands ¹¹			
Norway		Yes	Yes
Poland	N/A		
Slovakia ¹²			
Slovenia			Yes
Switzerland			Yes
Turkey		Yes	
Ukraine ¹³			Yes
Canada			Yes
Costa Rica	N/A		
Israel ¹⁴			

⁸ With regard to questions 5 to 8, experts in the area of electronic authentication recommend to find solutions in accordance with the eIDAS-Regulation (Regulation [EU] No 99/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the EU and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation [EU] No 236/2012).

⁹ prisoners serving the term of imprisonment in the Czech Republic have no access to the internet, so any of options above seem to be not possible in direct way and only possible alternative solution would be an indirect contact via prison staff or other state authority

¹⁰ Can't say

¹¹ A combination striking the balance between the safest option while at the same time being practical in its use.

¹² We believe that the best way for securing the two-level protection of access, for a primary protection, the applicant will be asked to fill in login and password, the second security factor for accessing the system will be a unique applicant number of the request generated by the system.

¹³ Prisoners have no right to use mobile phones. The authentication might be realised by sending an e-mail at the e-mail address indicated by the person concerned in the actions described in quest. 4.

¹⁴ , any of these methods could be used. It seems that the use of a physical token might limit access to the tool and complicate it. If that is the case, then we would not recommend its use

Japan	N/A	
USA	Yes	Yes

**Token: 5 Parties; MQ: 6 Parties; SMS+ MQ: 1 Party; SMS or MQ: 1 Party; Token or MQ: 1 Party
Other: 1 Party**

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - of the final outcome only?

Country	Info on Art 4.5	Final outcome	Comments
Albania		Yes	
Andorra	Yes		
Armenia			N/A
Austria			With regard to questions 5 to 8, experts in the area of electronic authentication recommend to find solutions in accordance with the eIDAS-Regulation (Regulation [EU] No 99/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the EU and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation [EU] No 236/2012).
Belgium		Yes	Since a transfer request is a state (executive) decision on both sides
Bosnia Herz.			N/A
Croatia	Yes		
Czech Rep.			Czech Republic prefers the person is being informed upon his or her request or when there are available new information relevant to the transfer according to Article 4 par. 5 of the Convention, i.e. not automatically. According to the law of the Czech Republic, it is necessary to inform the person concerned in the way that it can be proved the person has been informed (the person confirms in writing he or she has been informed about all the circumstances related to the possible transfer).
Estonia			N/A
Finland		Yes	
France	Yes		Par l'intermédiaire du personnel pénitentiaire qui aura accès à l'outil
Germany			N/A
Greece		Yes	
Moldova	Yes	Yes	It will be better that the system informs the prisoner/mandated person that his/her request is under examination and of the information

Netherlands			foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons.
Norway	Yes	Yes	No opinion yet As a starting point, there should be full transparency both in regard to any action taken by the sentencing State or the administering State and any decisions taken by either State. However, there must be a possibility for a reservation or exception to this starting point, if there are elements in the case that makes this necessary. This could be a matter of national security, a matter of not preventing steps of ongoing investigations, or ongoing cases of extraditions and so on. An inmate in the Norwegian penitentiary system will not have access to a private email or mobile phone, and these automatic updates mentioned must therefore be given via the tool itself.
Poland			N/A
Slovakia	Yes		
Slovenia	Yes		
Switzerland			No automatic information would be preferable. But authorities should inform prisoner actively about each important step.
Turkey	Yes	Yes	Both of them might be
Ukraine	Yes	Yes	Both options
Canada	Yes	Yes	
Costa Rica			N/A
Israel			We recommend the provision of 3 categories of generic information: under examination, request granted/denied by country A, request granted/denied by country B.
Japan			N/A
USA			The United States would favor informing the prisoner of all critical decisions or actions in his case. However, because the United States will be unable to enter its decisions and actions in real time into the system, the notification to the prisoner would be delayed on the e-transfer system until the United States made its periodic submission

of data to be entered in the e-transfer system.

Info foreseen under Article 4, paragraph 5 (ETS 112): 10 Parties; Final outcome only: 4 Parties

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Country	Number	Comments
Albania	2	The legal official and the police official
Andorra	4	Représentant de l’Autorité centrale judiciaire + Représentant du Centre pénitentiaire + membres suppléants
Armenia	N/A	
Austria		
Belgium	4	
Bosnia Herz.	N/A	
Croatia		To be considered
Czech Rep		It is premature to calculate exact number, as it depends on the concrete model, which will be chosen and developed. In principle it shall include the state officials competent to deal with request at the Ministry of Justice, members of the prison staff and representatives of the General Directorate of the Penitentiary Service of the Czech Republic.
Estonia	N/A	
Finland	2	
France	400	Pour l’administration pénitentiaire, au niveau central, 9 personnes, pour les services déconcentrés, 2 par greffe d’établissement, 2 par DISP, donc environ 400 personnes
Germany	N/A	
Greece	4	Four (4) state officials in the central authorities (and their legal alternates) should have access to the tool.
Moldova	5-7	
Netherlands		Depends on its possibilities
Norway	10	Every person within the central authorities working with these kinds of cases: today 10
Poland	N/A	
Slovakia		We suggest that all officials involved in the procedure at all levels should have access to the tool
Slovenia		We have different institutions involved in the process of transfer. It would be essential for us that all of them could use the same tool.
Switzerland		It is not possible to define a clear figure. It depends on the case, the canton and also the wish of the prisoner, etc.
Turkey	1 or 2	
Ukraine	10	
Canada	Up to 10	
Costa Rica	N/A	
Israel	20	

Japan	N/A	
USA	Up to 10	The exact number of officials needing access to the system is not clear at this time but would probably be under 10. At a minimum, certain officials in the Department of Justice involved in the various stages of the transfer process would need access.

Number of State officials to access the e-tool:**≤ 5 officials: 6 Parties****≤ 10 officials: 4 Parties****400: 1 Party**

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

- **SMS to a mobile telephone?**
- **a physical token?**
- **replies to multiple questions on the application?**

- Country	SMS	Token	Multiple questions
Albania		Yes	
Andorra		Yes	
Armenia	N/A		
Austria ¹⁵			
Belgium		Yes	
Bosnia Herz.	N/A		
Croatia			Yes
Czech Rep ¹⁶			
Estonia	N/A		
Finland ¹⁷			
France		Yes	
Germany	N/A		
Greece			Yes
Moldova	Yes		Yes (SMS+MQ)
Netherlands ¹⁸			
Norway ¹⁹	Yes	Yes	Yes
Poland	N/A		
Slovakia ²⁰			
Slovenia			Yes
Switzerland		Yes	
Turkey		Yes	
Ukraine			Yes ²¹
Canada		Yes	Yes
Costa Rica	N/A		
Israel			Yes
Japan	N/A		
USA		Yes	

Token : 7 Parties; MQ: 5 Parties; Token or MQ: 1 Party, SMS+MQ: 1 Party; SMS or Token or MQ: 1 Party Other: 1 Party

¹⁵ See reply to question 5 .

¹⁶ The access to the system by state authorities and concrete state officials could be secured and managed via personal logins and passwords provided by the service management, which would be subject of privacy status and specific condition of use.

¹⁷ Can't say

¹⁸ The safest possibility.

¹⁹ All alternatives mentioned above are possible ways of double factor authentication with regard to officials representing the State.

²⁰ We suggest same procedure as for the prisoner/applicant (see question 5).

²¹ The authentication may be realised by sending an e-mail at the official e-mail address of the state official.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Country	Secretariat Access for Statistics	Comments
Albania	Yes	
Andorra	Yes	
Armenia	N/A	
Austria	Yes	
Belgium	Yes	
Bosnia Herz.	N/A	
Croatia	Yes	
Czech Rep	Yes	
Estonia	N/A	
Finland	No	
France	Yes	
Germany	N/A	
Greece	Yes	
Moldova	Yes	
Netherlands	No	
Norway	Yes	Yes, the Directorate agrees that the Secretariat could consult these data for the purpose of collecting statistics, and would also like that central authorities themselves are able to gather their own national statistics through the tool.
Poland	N/A	
Slovakia	Yes	
Slovenia	Yes	
Switzerland	No	No need for access of the Secretariat as the procedure does involve only both States concerned and the prisoner.
Turkey	Yes	
Ukraine	Yes	
Canada	Yes	
Costa Rica	N/A	
Israel	Yes	
Japan	N/A	
USA	Yes	

Yes: 17 Parties; No: 3 Parties

10. Would you have any further comments?

Country	Comments
Albania	None
Andorra	None
Armenia	None
Austria	None
Belgium	None
Bosnia Herz.	None
Croatia	None
Czech Rep	None
Estonia	None
Finland	None
France	L'articulation avec CASSIOPEE, GENESIS et ROMEO devra être étudiée au moment du développement de l'outil.
Germany	I recommend to involve the PC-CP working group in this questionnaire
Greece	None
Moldova	None
Netherlands	None
Norway	<p>The Directorate regards it, in principle, as an interesting idea. However, there are in our opinion some concerns and questions that must be answered and explored further.</p> <p>Data security in general is a concern. The risk of hacker attacks are high and increasing, so this must be taken into account in the process of developing the tool. It should also be taken into account that any eventual breach of security, hacker attack or breach of the protection of privacy not only affects the inmate her/himself, but could also affect other persons mentioned in the documents needed in the process. This could be victims of a criminal act, witnesses, and other persons which were sentenced in the same case and so on.</p> <p>If this solution is to be considered in Norway, we do believe the correctional service need to obtain a formal accept from the Norwegian Data Protection Authority</p> <p>In this regard, there must also be satisfactory regulation of who and how access control are governed, satisfactory regulation of how personal data are stored, for how long these data can be stored and if and when these data could be corrected.</p> <p>Present legislation in Norway does not guarantee access to internet for all inmates in a Norwegian penitentiary system, and the same goes for the access to mobile phones, SMS and regular telephone. The tool must therefore be based on solutions that does not require such unsupervised access from the inmate her-/himself.</p> <p>As of today, the Directorate does not regard the Correctional Service able to implement such a system. There are ongoing processes of evaluating the possibilities to have a computer with restricted access to a white page system available in the common area within the facility, but there has not yet been made a decision on whether or not this will be possible in any or all penal facilities.</p> <p>The Directorate would also like to question the degree of gain that is envisaged in implementing such a tool. Is the envisaged gain big enough to defend the costs? And is the gain big enough to defend the possible</p>

	issues regarding data security? A further analysis of the cost and benefit would be necessary.
Poland	None
Slovakia	None
Slovenia	None
Switzerland	None
Turkey	This idea is beneficial for transfer. It makes transfer much faster. In addition, some measures should be taken for data security. I hope it will enter into force soon.
Ukraine	The establishment of an e-transfer is a good challenging idea, but we deem it advisable to explore in details the issue of ensuring an adequate level of security of data protection and system in a whole, as well as technical requirements for the software equipment, and depends largely on sufficient financial resources in the States in implementing the electronic case management system, the access to which would have as the sentencing and administering States as well as the sentenced or other persons concerned.
Canada	<p>As indicated in previous communications, Canada supports this extremely interesting and long overdue initiative, which should increase communication, cooperation and efficiencies with respect to processing timeframes.</p> <p>However, Canada's concerns remain mostly related to the sensitivity/security of the information being shared and stored on an international system. Assuming that national legislations in matters of privacy and security of the information might be different between member, as well as non-member states, we envisage serious challenges. Consequently, it would appear that a significant preliminary step would be to explore the manner in which the privacy requirements of the offenders and the security of the information are protected. Other potential challenges are related to the conception and management of the technical logistics of such an international system.</p> <p>Even if offenders/applicants authorize by mandate a third person to act on their behalf, the access should be very limited, monitored and very well protected.</p> <p>Therefore, clear guidelines would need to be established for countries adhering to the system, especially in relation to how the information should be managed. Again, this may present challenges, due to the potential differences in countries' legislation in matters of Information Management throughout its lifecycle (creation, protection, accessing, sharing, and disposing).</p>
Costa Rica	<p>This questionnaire is an important first step to understand the requirements by all parties for the establishment of the e-transfer tool. We do share with our colleagues from Israel the fact that we need to speed up the process to transfer inmates. Having an easier access to information among ourselves about the status of the applications, sending out and receiving documents issue by the official authorities such as approval letter, fingerprints, photos, sentences, and others will smooth and speed up the process and effectiveness of our job on the daily basis. We will suggest to have a platform as the one suggested but to be used only between central authorities.</p>
Israel	None

Japan	None
USA	<p>The United States believes that the concept of an e-transfer system is a positive step towards improving how COE transfer partners share information about the transfer process. The problem remains, however, how to design a system that addresses not only the needs of the member countries but also the constraints posed by already established processing systems and by considerable, security and personal privacy concerns. Although it seems possible that the proposed e-transfer system could provide a valuable vehicle by which to share information it is less clear if obstacles could be surmounted that would allow the proposed system to be used as set forth in the e-transfer proposal.</p>

Comments: 7 Parties

ALBANIA / ALBANIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes, In principle, Albania is interested in the development of an e-Transfer tool by the Council of Europe, in order to facilitate the operation under the Convention for Transfer of Sentenced Persons.

However, some issues need to be stressed related to the practical implementation of this communication instrument. The electronic system, the network for computers and computer device/equipment are missing in the actual system. Currently, all datas at the General Directorate of Prisons and the subordinate institutions are administered in hard copy registers.

The installation of such a system would also require investment interventions and some financial assistance or any specific fund.

2. If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

3. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b.** indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?
4. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - +** enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

5. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a.** by manual processing?
 - b. via the tool itself?
6. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - +** a physical token?

- replies to multiple questions on the application?
7. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b.** of the final outcome only?
8. How many state officials processing the application (within the central authorities) in your country should have access to the tool?
Two state officials, the Legal Official and the Police Official
9. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - +** a physical token?
 - replies to multiple questions on the application?
10. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?
- Albania would agree that the Secretariat could consult these datas for statistical purpose.**
11. Would you have any further comments?

ANDORRA / ANDORRE

1. Votre pays est-il, en principe, intéressé à ce que le Conseil de l'Europe développe un outil de « e-transfertement » pour faciliter le fonctionnement de la Convention sur le transfertement de personnes condamnées et de son Protocole additionnel ? **OUI**

Si tel est le cas, envisageriez-vous d'utiliser l'outil électronique en parallèle avec la méthode traditionnelle de communication ? **OUI**

Si vous êtes intéressé par le développement d'un outil électronique, merci de répondre aux questions ci-après
(Si votre pays n'est pas intéressé merci d'en indiquer la raison)

2. Dans quelles conditions votre pays pourrait-il permettre à une personne détenue l'accès à internet
- a. directement sous le contrôle du personnel pénitentiaire ? **OUI**
 - b. indirectement par l'intermédiaire du personnel pénitentiaire, des services consulaires, de son avocat, d'un membre de sa famille ou par d'autres personnes mandatées par elle? **NON**

La Principauté d'Andorre dispose déjà d'accès à Internet pour les personnes privées de liberté. Il existe deux modalités :

- a. **Internet pour pouvoir étudier (supervisé par les professeurs), et**
 - b. **Skype pour les communications familiales des personnes privées de liberté qui ne reçoivent pas de visites (supervisé par les fonctionnaires pénitentiaires).**
3. Désirez-vous donner la possibilité aux personnes détenues, ou à leurs mandataires, d'utiliser l'outil afin de :
- faire une demande de transfertement aux états concernés?; **OUI**
 - consulter la demande de transfertement ?; **OUI**
 - retirer la demande ? **OUI**

Actuellement l'accès à Internet est uniquement prévu pour les cas mentionnés antérieurement (réponse 2). Tous les autres cas doivent être traités par la procédure traditionnelle de communication officielle.

Dans l'affirmative, merci de répondre aux questions suivantes

4. Afin de sécuriser le système informatique, l'accès à l'outil de la personne détenue/ mandatée devrait être soumise à une vérification de l'identité et du mandat de la personne concernée ainsi qu'à la délivrance d'une autorisation d'accès à l'outil avant qu'elle ne puisse l'utiliser pour effectuer les actions décrites dans la question 3. A cet effet, est-ce que ces autorisations délivrées par le pays concerné devraient être
- a. gérées manuellement ? **OUI**
 - b. à travers l'outil lui-même ?

5. Afin de sécuriser l'accès au système par la personne détenue/mandatée, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
 - un SMS sur un téléphone mobile ?
 - un « token » (cryptocarte) matériel ? **OUI**
 - des réponses à de multiples questions sur l'application ?

6. Le système devrait-il informer automatiquement la personne détenue/mandatée que sa demande est en cours d'examen et fournir
 - a. l'information prévue par l'Article 4, paragraphe 5 de la Convention sur le transfèrement des personnes condamnées, ou **OUI**
 - b. le résultat final uniquement ?

7. Combien de fonctionnaires de votre pays chargés du traitement de la demande (relevant de l'autorité centrale) devraient avoir accès à l'outil ?

Représentent de l'Autorité centrale judiciaire + Représentant du Centre pénitentiaire + membres suppléants (quatre personnes en tout).

8. Afin de sécuriser l'accès au système par le fonctionnaire représentant de l'État, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
 - un SMS sur un téléphone mobile ?
 - un « token » (cryptocarte) matériel ? **OUI**
 - des réponses à de multiples questions sur l'application ?

9. Le Secrétariat ne sera pas en mesure de lire le contenu des messages échangés par les utilisateurs. Cependant, il serait techniquement possible de permettre au Secrétariat de suivre le nombre de demandes déposées et le nombre de refus/acceptations. Seriez-vous d'accord que le Secrétariat utilise ces données à des fins statistiques ? **OUI**

10. Avez-vous des commentaires ?

ARMENIA / ARMÉNIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

Development of the e-tool for transfer of sentenced persons in Armenia cannot only be very expensive project, but also the very problematic because of the provision of the secure system. In Armenia most of prisoners have no access to the internet and they can directly apply for transfer to the leadership of the Criminal-execution institutions (prison).

Armenia has no internal legal acts providing the procedure of transfer of sentenced persons, so the competent authority for transfer of prisoners, which is the Ministry of Justice of Armenia, directly implements the international treaties. So, the development of the e-tool cannot be implemented because it is not provided either by the international treaty, or by the internal legal act.

Besides, process of the transfer of sentenced persons in Armenia always connected with the huge amount of documents on every prisoner, which not only contains personal data and must be protected carefully, but also should be translated to other languages, which is also cannot be done by e-transfer project involving all the possible translators in this process.

So, in general, having in our mind that e-transfer project is very interesting and progressive, but at the same time taking into consideration the problems which could arise during implementation of this project, our country should develop at first internal legal acts in order to make it possible implementation of on-line transfer procedure in future.

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?
3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?
7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?
8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?
10. Would you have any further comments?

AUSTRIA / AUTRICHE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

The idea to facilitate cooperation and communication by an e-transfer tool is tempting, however we would not wish using the e-tool in parallel with the traditional method of communication.

In addition major concerns exist due to the data protection requirements within the EU. In any case before deciding on such a project the opinion of the European Commission should be heard (s.DIRECTIVE (EU) 2016/680 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA)

Article 39 provides

Transfers of personal data to recipients established in third countries

1. By way of derogation from point (b) of Article 35(1) and without prejudice to any international agreement referred to in paragraph 2 of this Article, Union or Member State law may provide for the competent authorities referred to in point (7)(a) of Article 3, **in individual and specific cases, to transfer personal data directly to recipients established in third countries only if the other provisions of this Directive are complied with and all of the following conditions are fulfilled:**

(a) the transfer is **strictly necessary** for the performance of a task of the transferring competent authority as provided for by Union or Member State law for the purposes set out in Article 1(1);

(b) the transferring competent authority determines that no fundamental rights and freedoms of the data subject concerned override the public interest necessitating the transfer in the case at hand;

(c) **the transferring competent authority considers that the transfer to an authority that is competent for the purposes referred to in Article 1(1) in the third country is ineffective or inappropriate, in particular because the transfer cannot be achieved in good time;**

(d) the authority that is competent for the purposes referred to in Article 1(1) in the third country is informed without undue delay, unless this is ineffective or inappropriate;

(e) the transferring competent authority informs the recipient of the specified purpose or purposes for which the personal data are only to be processed by the latter provided that such processing is necessary. 2. An international agreement referred to in paragraph 1 shall be any bilateral or multilateral international agreement in force between Member States and third countries in the field of judicial cooperation in criminal matters and police cooperation.

3. The transferring competent authority shall inform the supervisory authority about transfers under this Article.

4. Where a transfer is based on paragraph 1, such a transfer shall be documented.

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Limited direct access is provided only in the area of initial and continuous training under close supervision of prison staff.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;**
 - withdraw the request?.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?

According to ongoing discussions to reform the IKT-support for prisoners for the time being a) is preferred. After the reform b) should be the standard.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?
7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?
8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

With regard to questions 5 to 8, experts in the area of electronic authentication recommend to find solutions in accordance with the eIDAS-Regulation (Regulation [EU] No 99/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the EU and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation [EU] No 236/2012).

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes.

10. Would you have any further comments?

BELGIUM / BELGIQUE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

In principle Belgium is interested in a tool that facilitates the transmission and the processing of transfer requests.

Realistically, I do not see the e-transfer tool being implemented at the same time – and in the same way – in all the parties to the Convention and / or the Protocol. A parallel use of the current channels and means of communication is inevitable at least for some time.

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

a. A workable tool should limit the access to the central authorities. Although a wider access is useful, even necessary to some extent, the technical difficulties will be manifold if access is wider than just "single points of contact". Parties should assure a proper communication with all domestic services involved in order to prepare a proper request that contains all required information (in annex or in the request).
3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

The first possibility is surely something that should be allowed, however for technical and practical reasons, such an access to a network application is not yet possible, at least not in the great majority of prisons in Belgium.

In case such access would be a possible and available: all three option should be available under the Convention, not the Protocol.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

- a. by manual processing?
- b. via the tool itself?

If the tool is sufficiently secure, the tool itself should entail the access modalities.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

The second option appears to be the most secure.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

b. since a transfer request is and remains a state (executive) decision on both sides.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

About 4 persons should be enough to cover the whole transfer process.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Second option appears to be the most secure.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes indeed, for the PC-OC, the numbers / statistics are normally sufficient to draw conclusions at the CoE-level.

10. Would you have any further comments?

Not for the time being.

BOSNIA AND HERZEGOVINA / BOSNIE ET HERZÉGOVINE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

We appreciate that in order to develop and technological progress in sense to facilitate the functioning of the Convention on the Transfer of Sentenced Persons, Bosnia and Herzegovina is ready to express the interest of using a tool e-transfer in the future, on the one hand, while on the other hand we believe that the legal framework of Convention itself, which Bosnia and Herzegovina has signed, is not able to follow the development of trends in IT technology. Bosnia and Herzegovina implements Convention on the Transfer of Sentenced Person, correctly and without difficulties in the traditional manner in accordance with the provisions of the Convention itself. Although, access to this challenge requires a detailed analysis of conditions and regulations in this field, so to join the tool e-transfer, would be necessary also to implement the changes in domestic law.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

Bosnia and Herzegovina at the moment is not interested in the development of tool of e-transfer, because there is no technical capacity for the implementation.

CROATIA / CROATIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Yes

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:

a. directly under supervision of prison staff?

b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:

- ✓ **enter a request for transfer to the states concerned?; Yes**
- ✓ **consult the request?; Yes**
- ✓ **withdraw the request?. Yes**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

a. by manual processing? Yes²²

b. via the tool itself? Yes

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone? ²³
- a physical token?
- **replies to multiple questions on the application?**

²² At least for a transitional period

²³ This option is not possible, because according to the Croatian Law on Execution of Prison Sentences the prisoner is not allowed to the use of portable devices for communication

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. **of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons;**
 - b. of the final outcome only?
7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

To be considered

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - **replies to multiple questions on the application?**
9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes.

10. Would you have any further comments?

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

In general, Czech Republic is open to further elaboration and consideration of tools based on electronic communication, i.e. development of an e-transfer tool in order to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol. On the other hand, Czech Republic believes that further steps should be taken in proportional way and we should not conclude obligation to create such e-transfer tools before we will have analysis of its feasibility and financial costs related to it.

At the moment, there are not available sufficient data in this regard, thus Czech Republic is not in position to make decision, whether is ready to join such project or not.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If any e-tool is developed, it will be necessary to maintain the traditional method (channel of communication), at least within some transitional period, as e-tools instruments are usually introduced in some consecutive way, where in the beginning there must be proved that new system works without any deficiencies. It has to be kept in mind that very probably not all the State Parties of the Convention and Protocol will be prepared and willing to join electronic tool of communication in the same time.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

In the Czech Republic the prisoners serving the term of imprisonment have no access to the internet under existing detention rules and conditions. Therefore the Czech Republic would prefer option b., which also has to be further considered, i.e. in which manner it would be consistent with the existing detention rules and conditions.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

As indicated in the question 2, prisoners serving the term of imprisonment in the Czech Republic have no access to the internet, so any of options above seem to be not

possible in direct way and only possible alternative solution would be an indirect contact via prison staff or other state authority.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?

See reply to question 3 above, the only possible solution seems to be the indirect access of the person concerned via prison staff, which could be also competent to verify the proper identity of the person concerned applying for the transfer.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

See reply to question 3 and 4 above.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

Czech Republic prefers the person is being informed upon his or her request or when there are available new information relevant to the transfer according to Article 4 par. 5 of the Convention, i.e. not automatically. According to the law of the Czech Republic, it is necessary to inform the person concerned in the way that it can be proved the person has been informed (the person confirms in writing he or she has been informed about all the circumstances related to the possible transfer).

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

It is premature to calculate exact number, as it depends on the concrete model, which will be chosen and developed. In principle it shall include the state officials competent to deal with request at the Ministry of Justice, members of the prison staff and representatives of the General Directorate of the Penitentiary Service of the Czech Republic.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

The access to the system by state authorities and concrete state officials could be secured and managed via personal logins and passwords provided by the service management, which would be subject of privacy status and specific condition of use.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

YES.

10. Would you have any further comments?

NO

ESTONIA / ESTONIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

According to Estonian law the sentenced persons in prisons do not have access to the internet, therefore Estonia is not interested in the tool for now.

FINLAND / FINLANDE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Yes

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Indirectly via prison staff or defense counsel

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?;**
 - consult the request?;
 - withdraw the request?.**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- a. by manual processing?
 - b. via the tool itself?

Via the tool itself

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Can't say

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - of the final outcome only?

Of the outcome only

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

2

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

Can't say

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

No

10. Would you have any further comments?

FRANCE

1. Votre pays est-il, en principe, intéressé à ce que le Conseil de l'Europe développe un outil de « e-transfertement » pour faciliter le fonctionnement de la Convention sur le transfertement de personnes condamnées et de son Protocole additionnel ?

Oui, sous réserve de ses fonctionnalités et des utilisateurs habilités.

Si tel est le cas, envisageriez-vous d'utiliser l'outil électronique en parallèle avec la méthode traditionnelle de communication ?

pas d'opposition de principe mais qu'apporterait alors cet outil ?

Si vous êtes intéressé par le développement d'un outil électronique, merci de répondre aux questions ci-après

(Si votre pays n'est pas intéressé merci d'en indiquer la raison)

2. Dans quelles conditions votre pays pourrait-il permettre à une personne détenue l'accès à internet
- a. directement sous le contrôle du personnel pénitentiaire ? **Non.**
 - b. indirectement par l'intermédiaire du personnel pénitentiaire, des services consulaires, de son avocat, d'un membre de sa famille ou par d'autres personnes mandatées par elle? **Uniquement par l'intermédiaire d'un personnel pénitentiaire.**
3. Désirez-vous donner la possibilité aux personnes détenues, ou à leurs mandataires, d'utiliser l'outil afin de :
- faire une demande de transfertement aux états concernés?; **Oui**
 - consulter la demande de transfertement ?; **Oui**
 - retirer la demande ? **Oui**

Dans l'affirmative, merci de répondre aux questions suivantes

4. Afin de sécuriser le système informatique, l'accès à l'outil de la personne détenue/ mandatée devrait être soumise à une vérification de l'identité et du mandat de la personne concernée ainsi qu'à la délivrance d'une autorisation d'accès à l'outil avant qu'elle ne puisse l'utiliser pour effectuer les actions décrites dans la question 3. A cet effet, est-ce que ces autorisations délivrées par le pays concerné devraient être
- a. gérées manuellement ? **Pas nécessairement**
 - b. à travers l'outil lui-même ? **Oui**
5. Afin de sécuriser l'accès au système par la personne détenue/mandatée, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
- un SMS sur un téléphone mobile ? **Non**
 - un « token » (cryptocarte) matériel ? **Oui pour identifier le mandataire pénitentiaire.**
 - des réponses à de multiples questions sur l'application ? **Non**
6. Le système devrait-il informer automatiquement la personne détenue/mandatée que sa demande est en cours d'examen et fournir

- a. l'information prévue par l'Article 4, paragraphe 5 de la Convention sur le transfèrement des personnes condamnées, ou
Oui mais par l'intermédiaire du personnel pénitentiaire qui aura accès à l'outil.
 - b. le résultat final uniquement ?
Sans objet par conséquent.
7. Combien de fonctionnaires de votre pays chargés du traitement de la demande (relevant de l'autorité centrale) devraient avoir accès à l'outil ?

Pour l'administration pénitentiaire, au niveau central, 9 personnes, pour les services déconcentrés, 2 par greffe d'établissement, 2 par DISP, donc environ 400 personnes.

8. Afin de sécuriser l'accès au système par le fonctionnaire représentant de l'État, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
- un SMS sur un téléphone mobile ? **Non**
 - un « token » (cryptocarte) matériel ? **Oui pour identifier le mandataire pénitentiaire.**
 - des réponses à de multiples questions sur l'application ? **Non**
9. Le Secrétariat ne sera pas en mesure de lire le contenu des messages échangés par les utilisateurs. Cependant, il serait techniquement possible de permettre au Secrétariat de suivre le nombre de demandes déposées et le nombre de refus/acceptations. Seriez-vous d'accord que le Secrétariat utilise ces données à des fins statistiques ? **Oui**
10. Avez-vous des commentaires ?

L'articulation avec CASSIOPEE, GENESIS et ROMEO devra être étudiée au moment du développement de l'outil.

GERMANY / ALLEMAGNE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

No. In Germany prisoners do not have access to the internet.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

The competence for the prisons lies with the German Länder. Each Land is responsible for the decision, whether its Prisoners get access to the internet or not. At the moment internet access is not allowed in any German Land.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

No (See the answer of question 2)

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?
7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?
8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?
10. Would you have any further comments?

I recommend to involve the PC-CP Working Group in this questionnaire.

GREECE / GRÈCE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Greece is interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol, using the aforementioned e-tool in parallel with the traditional method of communication.

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

In our prison system, prisoners are allowed access to the Internet indirectly via prison staff, consular services, the prisoner's defense counsel, family or other mandated person.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

A person mandated by the prisoner could use the electronic tool, so as to:

- a. **enter a request for transfer to the states concerned**
 - b. **consult the request and**
 - c. **withdraw the request.**
4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?

The authorizations mentioned should be issued via the tool itself.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

The authentications mentioned should be realized by replies to multiple questions on the application.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

The system should automatically inform the mandated person that the request is under examination and of only the final outcome.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Four (4) state officials in the central authorities (and their legal alternates) should have access to the tool.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

This authentication should be realized by replies to multiple questions on the application.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes, we agree that the Secretariat could consult these data for the purpose of collecting statistics.

10. Would you have any further comments?

There are no further comments, at this stage.

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes, the Republic of Moldova is interested in development of an e-transfer tool.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

The traditional method will be used in parallel with e-transfer tool.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- directly under supervision of prison staff?
 - indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

The prisoners will use this tool indirectly via prison staff, the prisoner's defence counsel, state officials, or other mandated person.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:

enter a request for transfer to the states concerned;
 consult the request;
 withdraw the request.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- by manual processing?
 - via the tool itself?

Authorisations should be issued by the country concerned by manual processing.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

In order to secure the access to the system, authentication should be realised by SMS to a mobile telephone and replies to multiple questions on the application.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

Will be better that the system informs the prisoner/mandated person that his/her request is under examination and of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Approximate 5 - 7 officials.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

In order to secure the access to the system, authentication should be realised by SMS to a mobile telephone and replies to multiple questions on the application.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes, the Republic of Moldova agrees on the access of the PC-OC Secretariat to this tool for statistics purpose.

10. Would you have any further comments?

NETHERLANDS / PAYS-BAS

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes, however under the Framework 2008/909/JHA means of electronic communication are already put in to place, being Ecodex. To my opinion the new e-transfer next to Ecodex has no real surplus Therefore countries who wish to communicate via electronic means should opt-in to Ecodex.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

No, In light of earlier arrangements for speeding up the process under the framework decision electronic communication is preferred for all further communications.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

Yes we are interested. However, an e-transfer tool for prisoners is not beneficial for the countries involved.

The main problem is currently the interface between prosecutors of the different states.

An e-tool at this moment will not solve problems that occur in the communication between countries and the prisoners.

Problems involving communications with prisoners could also easily be solved with other means of communications such as an information line.

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?
3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions

described in question 3. For this purpose should those authorisations be issued by the country concerned

- a. by manual processing?
- X** b. via the tool itself?

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

A combination striking the balance between the safest option while at the same time being practical in its use.

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination **and: No opinion on this matter yet.**

- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
- b. of the final outcome only?

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Depends on its possibilities.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

The safest possibility

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

No

10. Would you have any further comments?

NORWAY / NORVÈGE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

The Directorate regards it, in principle, as an interesting idea, provided that the solution and system is comprehensive, includes all necessary documents and is considered to ensure proper security solutions with regard to the protection of privacy as well as data security in general.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

No. If such a system is to be introduced, there should as a main rule not be a parallel channel of communication.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?

Yes, given the fact that a computer with a white page system is available in the facility and that the inmate has/is eligible for access to such a computer.

- b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

No.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?; **No**
 - consult the request?; **Yes**
 - withdraw the request?. **No**

Comment: all application processes and permits given or denied during execution of a sentence are considered and handled in totality, and the prison facility therefore need to know about all applications made from or on the inmate's behalf. The Directorate are therefore of the opinion that the opportunity to enter a request for a transfer directly to the other State or withdraw the request should not be given to the inmate. This must be handled by the central authorities.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

- a. by manual processing?

Yes. Without knowing the details in the proposed system, the Directorate would envisage a process where the application for access were handled by prison staff in cooperation with the central authority and the Secretariat.

- b. via the tool itself?

No, this solution would not be possible given the fact that an inmate in a Norwegian correctional facility does not have ordinary access to personal email or mobile phones where it is likely to assume that a confirmation of access (double factor authentication) would be sent.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?

No, the inmate will not have access to a mobile phone and will not be able to receive an SMS.

- a physical token?

Yes, this could be possible.

- replies to multiple questions on the application?

Yes, this could be possible.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:

- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or

- b. of the final outcome only?

As a starting point, there should be full transparency both in regard to any action taken by the sentencing State or the administering State and any decisions taken by either State. However, there must be a possibility for a reservation or exception to this starting point, if there are elements in the case that makes this necessary. This could be a matter of national security, a matter of not preventing steps of ongoing investigations, or ongoing cases of extraditions and so on.

A inmate in the Norwegian penitentiary system will as mentioned above not have access to a private email or mobile phone, and these automatic updates mentioned must therefore be given via the tool itself.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

For this tool to be effective, every person within the central authorities working with these kinds of cases must have access, which as of today is 10 persons.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

All alternatives mentioned above are possible ways of double factor authentication with regard to the officials representing the State.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes, the Directorate agrees that the Secretariat could consult these data for the purpose of collecting statistics, and would also like that central authorities themselves are able to gather *their own national* statistics through the tool.

10. Would you have any further comments?

The Directorate regards it, in principle, as an interesting idea. However, there are in our opinion some concerns and questions that must be answered and explored further.

Data security in general is a concern. The risk of hacker attacks are high and increasing, so this must be taken into account in the process of developing the tool. It should also be taken into account that any eventual breach of security, hacker attack or breach of the protection of privacy not only affects the inmate her/himself, but could also affect other persons mentioned in the documents needed in the process. This could be victims of a criminal act, witnesses, and other persons which where sentenced in the same case and so on.

If this solution is to be considered in Norway, we do believe the correctional service need to obtain a formal accept from the Norwegian Data Protection Authority

In this regard, there must also be satisfactory regulation of who and how access control are governed, satisfactory regulation of how personal data are stored, for how long these data can be stored and if and when these data could be corrected.

Present legislation in Norway does not guarantee access to internet for all inmates in a Norwegian penitentiary system, and the same goes for the access to mobile phones, SMS and regular telephone. The tool must therefore be based on solutions that does not require such unsupervised access from the inmate her-/himself.

As of today, the Directorate does not regard the Correctional Service able to implement such a system. There are ongoing processes of evaluating the possibilities to have a computer with restricted access to a white page system available in the common area within the facility, but there has not yet been made a decision on whether or not this will be possible in any or all penal facilities.

The Directorate would also like to question the degree of gain that is envisaged in implementing such a tool. Is the envisaged gain big enough to defend the costs? And is the gain big enough to defend the possible issues regarding data security? A further analysis of the cost and benefit would be necessary.

POLAND / POLOGNE

Suite a votre demande j'ai le plaisir de vous présenter l'informations suivantes :

Nous sommes vivement intéressés par la mise de cet outil en place. Au présent, il y a beaucoup de discussions concernant l'utilisation de mesures par voie électronique dans l'administration nationale mais nous n'avons pas pour l'instant de positions concrète dans le cas concerné . Nous ne sommes pas en mesure de répondre aux questions détaillées, avant de discuter les grandes lignes de ce projet.

L'application d'un tel outil sera lié à des modifications dans la législation et demandera des moyens techniques et informatiques et le budget national séparé. Il faudra surtout fournir tous les éléments pour sécuriser ce système contre l'accès illégitime.

A présent, des contacts par voie électronique entre le citoyen et la justice et l'administration nationale sont possibles, car nous avons plusieurs systèmes informatiques de différents domaines (p.ex. la fiscalité, la procédure civile).

SLOVAKIA / SLOVAQUIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Yes, in principle. We see the added value.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Yes, of course. We expect the traditional method of communication being used more often though. This might change in the future.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Directly, under supervision of the prison staff but it can't jeopardize the execution of the sentence or thwart its purpose in any way.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

Yes, we suggest to give the prisoners the opportunity to withdraw the request or to submit an appeal against the final decision.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- a. by manual processing?
 - b. via the tool itself?

We suggest the authorisations be issued via the tool itself.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?

- a physical token?
- replies to multiple questions on the application?

We believe that the best way for securing the two-level protection of access, for a primary protection, the applicant will be asked to fill in his or her login and password, the second security factor for accessing the system will be a unique applicant number of the request generated by the system.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

Yes of course, in terms of Article 4 para 5 of the Convention.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

We suggest that all the officials involved in the procedure at all levels should have the access to the tool.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

We suggest the same procedure as in the case of prisoner/applicant (see question No. 5).

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes, of course.

10. Would you have any further comments?

No, not at this stage.

SLOVENIA / SLOVÉNIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

In principle we can confirm our initial interest in the development of an e-transfer tool, but our final consent will be dependent form the point of view of the foreseen expenses and IT solutions in respect to the number of the transfer cases with third countries.

With reference to that some of our answers below are more or less hypothetical, as we tried to keep in mind an indicative of growth in e-transfer and on the other hand also our present situation, which includes several competent authorities involved in the transfer proceeding.

If this is the case, would you envisage using the e-tool in parallel with the existing system?

It would be appropriate if the tool would be used by all agencies who are involved in transfer of prisoners in our country (Ministry of Justice, Courts and Prison system). For example inside the prisons we now already have some possibilities for inmates to access the internet with limited access via e-classroom. We think there could be some option for them to access the e-tools concerning transfer process in a similar way as they do now in case for example of e-classroom.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Directly under supervision of prison staff

3. **Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:**
 - X** enter a request for transfer to the sentencing state or to the administering state?;
 - X** consult the request?;
 - X** withdraw the request?.

In case prisoners would have access to some web pages all three possibilities could be in one place.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3 For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?

- b. via the tool itself?

Via the tool itself?

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Replies to multiple questions on the application

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

Of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

As we already mentioned in No 1 we have different institutions involved in the process of transfer. It would be essential for us that all of them could use the same tool.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Replies to multiple questions on the application

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

We would agree that Secretariat could consult these data for the purpose of collecting statistics.

SWITZERLAND / SUISSE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Basically yes. Such development would be in line with changes in dealing with international cooperation in other fields (e.g. extradition, 4. Addition Protocol).

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?
This question would depend mainly from the facilities of prisons and especially from the regime of the detention.
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?
See a) for prisoners. For any other persons would be no specific restrictions. However such persons need to have a mandate from the prisoner.
3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?; **yes**
 - consult the request?; **yes**
 - withdraw the request?; **yes**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- a. by manual processing?
 - b. via the tool itself? **Would be preferable**
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone? **no**
 - a physical token? **no**
 - replies to multiple questions on the application? **yes**
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:

- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
- b. of the final outcome only?

No automatic information would be preferable. But authorities should inform prisoner actively about each important step.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

It is not possible to define a clear figure. It depends on the case, the canton and also the wish of the prisoner, etc.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone? **no**
 - a physical token? **yes**
 - replies to multiple questions on the application? **no**

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

No need for access of the Secretariat as the procedure does involve only both States concerned and the prisoner.

10. Would you have any further comments?

TURKEY / TURQUIE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

YES

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

YES

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
- a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Directly under supervision of prison staff

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned?;**
 - consult the request?;
 - withdraw the request?.**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- a. by manual processing?
 - b. via the tool itself?

By manual processing

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

A physical token

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - of the final outcome only?

Both of them might be

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

one or two may be enough

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

A physical token

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

YES

10. Would you have any further comments?

This idea is beneficial for transfer. It makes transfer much faster. In addition, some measures should be taken for data security. I hope it will entry into force soon.

UKRAINE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

In principle, the Ministry of Justice of Ukraine as a Central Authority is interested in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Yes.

If you are interested in the development of an e-tool, please reply to the questions below.

(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:

a. directly under supervision of prison staff?

b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

According to Article 110 of the Penal Enforcement Code of Ukraine sentenced to deprivation of liberty persons shall have a right to use the Internet under control of prison staff.

The sentenced may create an e-mail account and use it under control of prison staff. The prison staff shall become familiarized with the content of the incoming and outgoing messages in cases, if it is necessary in view of individual risks concerning certain sentenced.

While using the Internet the sentenced are prohibited to:

enter any information, in particular send letters, comments, signs etc., and to log in at web-sites, except creation and using of e-mail accounts in manner, established by this Article, as well as if it is necessary to register with the aim of using the permitted web-sites;

create any databases or storage discs, in particular virtual ones;

visit web-sites of social networks, web-sites, propagandizing cruelty, violence, those of erotic or pornographic content, view web-sites, which can have a negative impact on mentality of the sentenced.

The list of web-sites, access to which is allowed, shall be drawn up by the central executive authority, responsible for national probation and prison policy/managment²⁴, and under an application of sentenced persons such a list can be supplemented by the prison staff with web-sites, the content of which does not contradict the requirements of this Article.

The use of the Internet shall be paid to the account of personal funds of the sentenced or other persons by depositing the funds to an e-wallet. The use of the Internet shall be

²⁴ under the Governmental Decree No. 343, adopted on 18 May 2016, the State Penitentiary Service (SPS) of Ukraine was abolished as a central executive body, with the Ministry of Justice taking over direct responsibility for their functions.

conducted during a day during their free time and outside the time, allotted for eating and uninterrupted sleep.

The sentenced during their stay in an inpatient facility for healthcare, with the permission of the prison staff may keep about themselves and use under control of prison staff portable personal computers with access to the Internet.

Moreover, according to Article 605 of the Criminal Procedure Code of Ukraine a request for transfer may be entered by a sentenced person, as well as his defence counsel or close relatives or family members. Frequently, in practice, the person concerned realizes this right using the Internet. Taking into account, it is also may be considered as indirectly access of prisoner and other mandated him persons to the Internet.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:

- enter a request for transfer to the states concerned?;**
- consult the request?;**
- withdraw the request?.**

For all options

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

a. by manual processing?

b. via the tool itself?

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- **replies to multiple questions on the application?**

Persons, sentenced to the deprivation of liberty, have no right for free using of the mobile phones. The authentication may be realised for instance by sending an e-mail at the e-mail address, that must have been indicated by the person concerned in the framework of the actions described in question 4.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:

- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
- b. of the final outcome only?

Both options

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

At that moment 10 state officials of the MoJ of Ukraine should have the access to the tool.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - **replies to multiple questions on the application?**

The authentication may be realised for instance by sending an e-mail at the official e-mail address of the state official.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Yes

10. Would you have any further comments?

The establishment of an e-transfer is a good challenging idea, but we deem it advisable to explore in details the issue of ensuring an adequate level of security of data protection and system in a whole, as well as technical requirements for the software equipment, and depends largely on sufficient financial resources in the States in implementing the electronic case management system, the access to which would have as the sentencing and administering States as well as the sentenced or other persons concerned.

CANADA

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

YES

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

YES

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?

In the Canadian Federal Prison System - Correctional Service Canada (CSC), inmates do not have direct access to Internet. They do have supervised access to computers, where certain legal information can be pre-loaded.

It should be noted that sentences of two years and more are administered by CSC in Canada, whereas sentences under two years are administered by the provincial/territorial correctional systems. It should also be noted that requests for international transfers from foreign offenders in Canada are almost exclusively submitted by offenders under the jurisdiction of CSC.

- b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

In the Canadian Federal Prison System (Correctional Service Canada), inmates do not have indirect access to Internet via prison staff. However, for the purpose of this initiative, foreign offenders may be able to mandate their country's consular services, their defence counsel, a family member or any other person. However, it would be the responsibility of each Foreign Mission to confirm whether they can take on such a mandate.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?; **YES**
 - consult the request?; **YES**
 - withdraw the request?. **YES**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned

- a. by manual processing? **YES**
 - b. via the tool itself? **YES**
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone? **NO**
 - a physical token? **NO**
 - replies to multiple questions on the application? **YES**
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or **YES**
 - b. of the final outcome only? **YES**
7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Up to 10.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone? **NO**
 - a physical token? **YES**
 - replies to multiple questions on the application? **YES**
9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

YES

10. Would you have any further comments?

As indicated in previous communications, Canada supports this extremely interesting and long overdue initiative, which should increase communication, cooperation and efficiencies with respect to processing timeframes.

However, Canada's concerns remain mostly related to the sensitivity/security of the information being shared and stored on an international system. Assuming that national legislations in matters of privacy and security of the information might be different between member, as well as non-member states, we envisage serious challenges. Consequently, it would appear that a significant preliminary step would be to explore the manner in which the privacy requirements of the offenders and the security of the information are protected. Other potential challenges are related to the conception and management of the technical logistics of such an international system.

Even if offenders/applicants authorize by mandate a third person to act on their behalf, the access should be very limited, monitored and very well protected.

Therefore, clear guidelines would need to be established for countries adhering to the system, especially in relation to how the information should be managed. Again, this may present challenges, due to the potential differences in countries' legislation in matters of Information Management throughout its lifecycle (creation, protection, accessing, sharing, and disposing).

This questionnaire is an important first step to understand the requirements by all parties for the establishment of the e-transfer tool.

COSTA RICA

In response to the questionnaire submitted, I should say that Costa Rica is not interested in applying the E- tool as far as it involves the access for inmates or their representatives. The reasons we have are this:

a- We do not have now a platform what would allow us to implement such an idea.

b- Representatives to inmates change very often and in most cases, we have very limited access to this information; besides, law of protection of the person against the processing of his personal data is very restricted in terms of allowing access to personal data. regardless the authorization given by inmates to share their information with others, the fact is that even though is information of their concern, it is true that it is official information that could end up in the wrong hands when a representative are no longer representing an inmate.

We do share with our colleagues from Israel the fact that we need to speed up the process to transfer inmates. Having an easier access to information among ourselves about the status of the applications, sending out and receiving documents issue by the official authorities such as approval letter, fingerprints, photos, sentences, and others will smooth and speed up the process and effectiveness of our job on the daily basis.

We will suggest to have a platform as the one suggested but to be use only between central authorities.

ISRAEL / ISRAËL

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

Reply: Israel is interested in the development of an e-transfer tool.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

The e-transfer tool should not exclude the use of the traditional method of communication between the sentenced person and the authorities and between parties to the convention.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

Reply: directly, while on furlough (which not every prisoner is entitled to); indirectly, by mandated persons such as family members and defence counsel

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

Reply: all three. In our view, the interpretation of the term "consult the request" should mean to, receive a general status update.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?

Reply: In this context, Israel's central authority does not view "trolling" or "hacking" as a significant threat that poses an irreversible outcome. Therefore, unless an intrusion has been definitely proven, Israel's central authority will not delay the initiation of the administrative process until an external identification and verification has been provided; however, the official Israeli position concerning the transfer request will be

given following an external consent verification, as it is done today by a member of the consular staff.

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Reply: the moment the application is made through the internet, any of these methods could be used. It seems that the use of a physical token might limit access to the tool and complicate it. If that is the case, then we would not recommend its use.

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

Reply: we recommend the provision of 3 categories of generic information: under examination, request granted/denied by country A, request granted/denied by country B.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

Reply: 20.

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?

Reply: replies to multiple questions on the application.

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

Reply: yes

10. Would you have any further comments?

JAPAN / JAPON

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Japan is not interested in the introduction of an e-transfer tool so far for the following reasons.

1. In Japan, prisoners are not allowed to access the Internet. Also, regarding the transfer, prisoners' family or other mandated person are not permitted to be a representative of the prisoner.

2. In Japan, documents regarding the transfer must be delivered through diplomatic channels, and cannot be exchanged through e-transfer tools among the parties.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

NA

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

NA

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?

NA

5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

NA

6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

NA

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?

NA

8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:

- SMS to a mobile telephone?
- a physical token?
- replies to multiple questions on the application?

NA

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?

NA

10. Would you have any further comments?

No.

UNITED STATES / ETATS UNIS

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

The United States is interested in a greater use of technology to enhance our use and exchange of information pertinent to the transfer process. However, due to our established processing procedures, security concerns and the need to protect the privacy of the prisoner and others, the participation of the United States cannot be as expansive as envisioned for the proposed e-transfer system. The United States believes it would be able to periodically provide information about pending federal transfer applications. This information could show the various statuses of the transfer application including: (1) when the application was submitted; (2) when the application was received and processed by the Criminal Division of the Department of Justice (DOJ); (3) the date and U.S. decision on the application; (4) if approved, date application package was sent to the prisoner's home country; (5) status of home country decision; (6) if case is approved, date of U.S. consent verification hearing; (7) date of transfer. Access to this information would be separated by country and country access would be restricted to the applications submitted by their nationals.

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

Yes, these two systems would be separate.

If you are interested in the development of an e-tool, please reply to the questions below.
(If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:

a. directly under supervision of prison staff? **No.**

b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?

No. It would be possible for the central authority or the designated diplomatic official to make a transfer request using the e-transfer tool but it is not clear whether using that procedures would be more expeditious than just emailing the request and any supporting documents directly to our office.

In federal prisons in the United States, prisoners do not have access to the internet. It is not known whether any of the 50 states in the United States would allow prisoners incarcerated in state prisons to use the internet. In our federal prison system, a well-established procedure exists notifying the prisoner of his right to apply for transfer and allowing him to submit a transfer request. Most federal prisoners apply for transfer in this manner. Once the prisoner submits his request, prison staff prepares an application package containing critical documents that is transmitted to DOJ for processing and decision. Each of the 50 states has a process by which a prisoner can apply for transfer. As stated previously, the United States would be willing to periodically transmit information about foreign nationals who have applied for transfer from federal prisons in the United States. This information, however, would not

include information about foreign nationals who are in state custody since the United States does not have access to this information.

3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
- enter a request for transfer to the states concerned? **No.**
 - consult the request? **Yes, if this question refers to the ability of the prisoner, his legal representative or his consular officer to consult the system to determine the status of the request.**
 - withdraw the request? **No.**

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
- a. by manual processing? **Yes**
 - b. via the tool itself? **No**
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone? **Yes**
 - a physical token? **No**
 - replies to multiple questions on the application? **Yes**
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
- a. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - b. of the final outcome only?

The United States would favor informing the prisoner of all critical decisions or actions in his case. However, because the United States will be unable to enter its decisions and actions in real time into the system, the notification to the prisoner would be delayed on the e-transfer system until the United States made its periodic submission of data to be entered in the e-transfer system.

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool? **The exact number of officials needing access to the system is not clear at this time but would probably be under 10. At a minimum, certain officials in the Department of Justice involved in the various stages of the transfer process would need access.**
8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
- SMS to a mobile telephone? **No**
 - a physical token? **Yes or perhaps a token accessible by an app.**
 - replies to multiple questions on the application? **No**

9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics? **Yes**
10. Would you have any further comments?

The United States believes that the concept of an e-transfer system is a positive step towards improving how COE transfer partners share information about the transfer process. The problem remains, however, how to design a system that addresses not only the needs of the member countries but also the constraints posed by already established processing systems and by considerable, security and personal privacy concerns. Although it seems possible that the proposed e-transfer system could provide a valuable vehicle by which to share information it is less clear if obstacles could be surmounted that would allow the proposed system to be used as set forth in the e-transfer proposal.

APPENDIX / ANNEXE

QUESTIONNAIRE

1. Is your country interested, in principle, in the development of an e-transfer tool by the Council of Europe to facilitate the functioning of the Convention on the Transfer of Sentenced Persons and of its Additional Protocol?

If this is the case, would you envisage using the e-tool in parallel with the traditional method of communication?

If you are interested in the development of an e-tool, please reply to the questions below. (If your country is not interested in the tool, please explain why)

2. Under which conditions could your country allow access of prisoners to the Internet:
 - a. directly under supervision of prison staff?
 - b. indirectly via prison staff, consular services, the prisoner's defence counsel, family or other mandated person?
3. Do you wish to give prisoners, or a person mandated by them, the opportunity to use the tool so as to:
 - enter a request for transfer to the states concerned?;
 - consult the request?;
 - withdraw the request?.

If this is the case please answer the questions below.

4. In order to make the system secure, the access of the prisoner/mandated person to the tool would require the verification of the identity and mandates of the persons concerned as well as the issuing of an authorisation before he or she is entitled to use it for the actions described in question 3. For this purpose should those authorisations be issued by the country concerned
 - a. by manual processing?
 - b. via the tool itself?
5. In order to secure the access to the system of the prisoner and/or his representative, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
6. Would you want the system to automatically inform the prisoner/mandated person that his/her request is under examination and:
 - c. of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - d. of the final outcome only?

7. How many state officials processing the application (within the central authorities) in your country should have access to the tool?
8. In order to secure the access to the system of the officials representing the state, a double factor authentication will be required. Should this authentication be realised by, for instance:
 - SMS to a mobile telephone?
 - a physical token?
 - replies to multiple questions on the application?
9. The Secretariat would not be able to read the messages exchanged by the users. However, it would be technically possible to allow the Secretariat to follow the number of requests posted and the number of refusals/acceptances. Would you agree that the Secretariat could consult these data for the purpose of collecting statistics?
10. Would you have any further comments?

1. Votre pays est-il, en principe, intéressé à ce que le Conseil de l'Europe développe un outil de « e-transfert » pour faciliter le fonctionnement de la Convention sur le transfert de personnes condamnées et de son Protocole additionnel ?

Si tel est le cas, envisageriez-vous d'utiliser l'outil électronique en parallèle avec la méthode traditionnelle de communication ?

Si vous êtes intéressé par le développement d'un outil électronique, merci de répondre aux questions ci-après

(Si votre pays n'est pas intéressé merci d'en indiquer la raison)

2. Dans quelles conditions votre pays pourrait-il permettre à une personne détenue l'accès à internet
 - a. directement sous le contrôle du personnel pénitentiaire ?
 - b. indirectement par l'intermédiaire du personnel pénitentiaire, des services consulaires, de son avocat, d'un membre de sa famille ou par d'autres personnes mandatées par elle?
3. Désirez-vous donner la possibilité aux personnes détenues, ou à leurs mandataires, d'utiliser l'outil afin de :

- faire une demande de transfert aux états concernés?;
- consulter la demande de transfert ?;
- retirer la demande ?

Dans l'affirmative, merci de répondre aux questions suivantes

4. Afin de sécuriser le système informatique, l'accès à l'outil de la personne détenue/ mandatée devrait être soumise à une vérification de l'identité et du mandat de la personne concernée ainsi qu'à la délivrance d'une autorisation d'accès à l'outil avant qu'elle ne puisse l'utiliser pour effectuer les actions décrites dans la question 3. A cet effet, est-ce que ces autorisations délivrées par le pays concerné devraient être
 - a. gérées manuellement ?
 - b. à travers l'outil lui-même ?
5. Afin de sécuriser l'accès au système par la personne détenue/mandatée, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
 - un SMS sur un téléphone mobile ?
 - un « token » (cryptocarte) matériel ?
 - des réponses à de multiples questions sur l'application ?
6. Le système devrait-il informer automatiquement la personne détenue/mandatée que sa demande est en cours d'examen et fournir
 - a. l'information prévue par l'Article 4, paragraphe 5 de la Convention sur le transfert des personnes condamnées, ou
 - b. le résultat final uniquement ?
7. Combien de fonctionnaires de votre pays chargés du traitement de la demande (relevant de l'autorité centrale) devraient avoir accès à l'outil ?

8. Afin de sécuriser l'accès au système par le fonctionnaire représentant de l'État, une authentification à double facteur devra être établie. Est-ce que cette authentification pourrait être réalisée, à titre d'exemple, par:
 - un SMS sur un téléphone mobile ?
 - un « token » (cryptocarte) matériel ?
 - des réponses à de multiples questions sur l'application ?

9. Le Secrétariat ne sera pas en mesure de lire le contenu des messages échangés par les utilisateurs. Cependant, il serait techniquement possible de permettre au Secrétariat de suivre le nombre de demandes déposées et le nombre de refus/acceptations. Seriez-vous d'accord que le Secrétariat utilise ces données à des fins statistiques ?

10. Avez-vous des commentaires ?