workshop on international cooperation

Session 1
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Section 2 - Specific provisions

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Title 3 - 24/7 Network
Article 35 - 24/7 Network
1 - A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, which is located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.
3 - Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.

3. Après avoir reçu la demande d’une autre Partie, la Partie requise doit prendre toutes les mesures appropriées afin de procéder sans délai à la conservation des données spécifiées, conformément à son droit interne. Pour pouvoir répondre à une telle demande, la double incrimination n’est pas requise comme condition préalable à la conservation.
Article 30
expedited disclosure of preserved traffic data

1. Where, in the course of the execution of a request made under Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data in order to identify that service provider and the path through which the communication was transmitted.
Article 31
mutual assistance regarding accessing of stored computer data

1. A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29.
Article 31
mutual assistance regarding accessing of stored computer data

3. The request shall be responded to on an expedited basis where:
   (a) there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or
   (b) the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.
Article 32
trans-border access to stored computer data with consent or where publicly available

A Party may, without obtaining the authorisation of another Party:

(a) access publicly available (open source) stored computer data, regardless of where the data is located geographically; or

(b) access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.
Article 33
mutual assistance regarding the real-time collection of traffic data

1 The Parties shall provide mutual assistance to each other with respect to the real-time collection of traffic data associated with specified communications in its territory transmitted by means of a computer system. Subject to paragraph 2, assistance shall be governed by the conditions and procedures provided for under domestic law.

2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.

Article 33
Entraide dans la collecte en temps réel de données relatives au trafic

1 Les Parties s’accordent l’entraide dans la collecte en temps réel de données relatives au trafic, associées à des communications spécifiées sur leur territoire, transmises au moyen d’un système informatique. Sous réserve des dispositions du paragraphe 2, cette entraide est régie par les conditions et les procédures prévues en droit interne.

2 Chaque Partie accorde cette entraide au moins à l’égard des infractions pénales pour lesquelles la collecte en temps réel de données concernant le trafic serait disponible dans une affaire analogue au niveau interne.
Article 34
mutual assistance regarding the interception of content data

The Parties shall provide mutual assistance to each other with respect to the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted by their applicable treaties and domestic laws.

Les Parties s’accordent l’entraide, dans la mesure permise par leurs traités et lois internes applicables, pour la collecte ou l’enregistrement en temps réel de données relatives au contenu de communications spécifiques transmises au moyen d’un système informatique.
1. Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures:
   a. the provision of technical advice;
   b. the preservation of data pursuant to Articles 29 and 30;
   c. the collection of evidence, the provision of legal information, and locating of suspects.

2. a. A Party’s point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.
   b. If the point of contact designated by a Party is not part of that Party’s authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis.

3. Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.

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1. Chaque Partie désigne un point de contact joignable vingt-quatre heures sur vingt-quatre, sept jours sur sept, afin d’assurer une assistance immédiate pour des investigations concernant les infractions pénales liées à des systèmes et à des données informatiques, ou pour recueillir les preuves sous forme électronique d’une infraction pénale. Cette assistance englobera la facilitation, ou, si le droit et la pratique internes le permettent, l’application directe des mesures suivantes:
   a. apport de conseils techniques;
   b. conservation des données, conformément aux articles 29 et 30;
   c. recueil de preuves, apport d’informations à caractère juridique, et localisation des suspects.

2. a. Le point de contact d’une Partie aura les moyens de correspondre avec le point de contact d’une autre Partie selon une procédure accélérée.
   b. Si le point de contact désigné par une Partie ne dépend pas de l’autorité ou des autorités de cette Partie responsables de l’entraide internationale ou de l’extradition, le point de contact veillera à pouvoir agir en coordination avec cette ou ces autorités, selon une procédure accélérée.

3. Chaque Partie fera en sorte de disposer d’un personnel formé et équipé en vue de faciliter le fonctionnement du réseau.
...thank you!