

Protocol on enhanced co-operation and disclosure of electronic evidence

In 2022, a new international agreement on cybercrime will become available:
The **Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence**.

This new Protocol is to provide for more **effective cooperation** on **cybercrime and electronic evidence** between public authorities but also with private sector entities across borders. Electronic evidence is crucial not only for investigating cybercrime but any type of crime. The Protocol is needed to protect individuals and their rights against crime and for victims to obtain **justice**.



The new Protocol will provide for effective and efficient criminal justice measures that are backed up by a strong system of safeguards to prevent misuse:

Enable direct **cooperation between criminal justice authorities** of one Party with service providers and registrars in another Party for the disclosure of information needed to identify a suspect of a **criminal offence**

Provide means for expedited cooperation in **emergency situations** where lives are at risk

Provide for strong human rights and rule of law, and in particular **data protection, safeguards**.

Establish more efficient means for cooperation between public authorities (such as the expedited production of data) and mutual legal assistance (joint investigation teams, videoconferencing)



The measures in the Protocol only apply to specific **investigations** and **proceedings** for which specified data is needed; they are covering the bulk collection of data, "**mass surveillance**" or similar measures associated with **national security**. The Protocol will be of much **operational and policy value**, by providing means for **efficient cooperation** with appropriate safeguards.

Between **2017 and 2021**, over **600 experts** from **75 States** held almost **100 meetings** and consulted civil society and other stakeholders to negotiate the new Protocol. With this new Protocol, the **Convention on Cybercrime** will continue to stand for a free and open Internet where restrictions are limited to cases of criminal misuse. And it will remain the **most relevant international treaty** protecting individuals and their rights against crime.

The **Second Additional Protocol** is expected to be opened for signature in **March 2022**.



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