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**24/7 Network of Contact Points under the Budapest Convention on Cybercrime**

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**Budapest Convention: International cooperation provisions**

**Combination: regular MLA + expedited and provisional measures**

Article	Budapest Convention
Art. 23	General principles
Art. 24	Extradition
Art. 25	General rules
Art. 26	Spontaneous information
Art. 27	MLA in absence of treaty
Art. 28	Confidentiality

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## Budapest Convention: International cooperation provisions

Article	Budapest Convention
Art. 29	Expedited preservation
Art. 30	Partial disclosure traffic data
Art. 31	MLA accessing data
Art. 32	Transborder access
Art. 33	MLA collection traffic data
Art. 34	MLA interception content
Art. 35	24/7 point of contact

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## Budapest Convention: Article 35 – 24/7 Network

- 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.
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  - 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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## Budapest Convention: MLA assessment - Recommendations

Rec 5 - Parties and the Council of Europe should work toward strengthening the role of 24/7 points of contact in line with Article 35 Budapest Convention, including through:

- a. Ensuring, pursuant to article 35.3 Budapest Convention that trained and equipped personnel is available to facilitate the operative work and conduct or support mutual legal assistance (MLA) activities
- b. Encouraging contact points to pro-actively promote their role among domestic and foreign counterpart authorities;
- c. Conducting regular meetings and training of the 24/7 network among the Parties;
- d. Encouraging competent authorities and 24/7 points of contact to consider procedures to follow up to and provide feedback to the requesting State on Article 31 requests;
- e. Considering to establish, where feasible, contact points in prosecution offices to permit a more direct role in mutual legal assistance and a quicker response to requests;
- f. Facilitating 24/7 points of contact to play a supportive role in “article 31” requests.

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## T-CY templates for requests

- ▶ Template: [Mutual Legal Assistance Request for subscriber information](#) (Art. 31 Budapest Convention)
- ▶ Template: [Data Preservation Request](#) (Articles 29 and 30 Budapest Convention)

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## Conclusions

- ▶ Network of 24/7 contact points essential for cooperation in urgent situations
- ▶ Relevance of 24/7 networks is increasing
- ▶ Article 35 Budapest Convention = international legal basis for 24/7 network

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