

Memorandum of Understanding

Translation

Between the Law Enforcement Agencies and Internet Providers based on the principles of cooperation in the field of cybercrime

Preamble

The parties of the given Memorandum of Understanding (MOU)
Recognizing the large and permanently growing threat,
Taking into account the importance of ensuring information security,
Recognizing the right to privacy,
Taking into consideration the inevitability of existence of the agreed principles for cooperation between Law Enforcement Agencies and Internet Providers for the above purpose
Agree on the given Memorandum of Understanding (hereinafter “Memorandum”).

1. Purpose

The purpose of the present Memorandum is to define the principles of cooperation between the Internet Providers and Law Enforcement Agencies in cybercrime control process, related to implementing the regulations of Criminal Procedures Code of Georgia.

2. Manual Principles of Cooperation

2.1 The fight against cybercrime should be carried out with the coordinated efforts of both, the Law Enforcement Agencies and Internet Providers.

- 2.2 The cooperation between Law Enforcement Agencies and Internet Providers shall not damage the Internet Providers and their users and shall not obstruct execution of internet provision activities.
- 2.3 The relations between the Law Enforcement Agencies and Internet Providers should be regulated through the parties authorized for this kind of relations.
- 2.4 The Law Enforcement Agencies and Internet Providers hereby undertake the responsibility to regularly exchange the information in order to identify new types of cybercrime and fight against them.
- 2.5 The parties to the Memorandum admit and confirm that for the efficiency of their cooperation it is important to provide regular technical and legal trainings.

3. The Rights and Responsibilities of Law Enforcement Agencies

- 3.1 The Law Enforcement Agency, according to the Georgian Legislation, shall be authorized to request information from the Internet Provider in writing.
- 3.2 The Law Enforcement Agency should make the information, about the persons authorized to have relationship with them, accessible for the Internet Providers.
- 3.3 The Law Enforcement Agency shall provide the Internet Providers with the maximum information about investigation, without causing any problems to the interests or main rights of investigation.
- 3.4 The Law Enforcement Agency should keep the received information confidential in accordance with the Legislation in force.

4. The Rights and Responsibilities of the Internet Providers

- 4.1 The Internet Provider, in accordance with the rules established by the Georgian Legislation, within its technical and administrative capacities, should provide the Law Enforcement Agency with the required information in writing.
- 4.2 The Internet Provider should make the information, about the parties authorized to have relations with them, accessible for the Law Enforcement Agency.
- 4.3 The Internet Provider should keep the received query confidential.

- 4.4 The Internet Provider should process the query received from the Law Enforcement Agency in reasonable time. In case of delay, the Internet Provider should inform the Law Enforcement Agency about the reason and approximate delay of response.
- 4.5 In case of not fulfilling the request and not providing the information, the Internet Provider should give explanations for the Law Enforcement Agency - initiator of the request.

5. The Rights and Responsibilities of the Depositary

- 5.1 Georgian National Communications Commission (“Depositary”) represents the registrar of the parties to the present Memorandum and the Depositary of its signed copies.
- 5.2 Georgian National Communications Commission hereby undertakes responsibility to regularly provide the Law Enforcement Agencies with the information about the newly authorized parties which, according to the “Law of Georgia on Electronic Communications”, are internet service providers.
- 5.3 Georgian National Communications Commission hereby undertakes the responsibility to inform the Law Enforcement Agencies about abolishment of authorization of signatory parties as internet service providers.
- 5.4 Georgian National Communications Commission shall issue identical copies of the present Memorandum and list of its signatories, as per request of the signatory.

6. The Scope of the Memorandum and Regulatory Legislation

- 6.1 The present Memorandum is made in accordance with the Georgian Legislation.
- 6.2 The present Memorandum shall enter into force from the moment of being signed and the signed copy being deposited with the Georgian National Communications Commission and shall remain in force indefinitely.

6.3 The effect of this Memorandum is terminated for the signatory party from the moment of abolishment of his/her authorization on providing internet service.

7. Amendments and Modifications

The present Memorandum may be amended and modified by written agreement of the parties.

8. Joining the Memorandum

Every authorized and internet service provider party shall be authorized to join the present Memorandum by signing and depositing the signed copy with the Georgian National Communications Commission.

9. Counterparts, Language of Memorandum of Understanding

The present MoU is made in Georgian language only. Several copies of this Memorandum may be made, the authenticity of which shall be verified by the Depositary.

The Memorandum is made on 14th May, 2010

Depository, Georgian National Communications Commission

Represented by Sophio Britanchuk

Signature: _____

The Ministry of Internal Affairs

Represented by Shalva Kvinikadze

Signature: _____

“Magticom” Ltd (Identification Code: 204876606)

Represented by David Lee

Signature: _____

“Silknet” Ltd (Identification Code: 204566978)

Represented by Andro Labakhua

Signature:_____

“Caucasus Online” Ltd (Identification Code: 211380833)

Represented by Giorgi Chelidze

Signature:_____

“Geonet” Ltd (Identification Code: 204918321)

Represented by Alexandre Kevkhishvili

Signature:_____

Georgian Research and Educational Networking Association “Grena” (Identification Code: 204931654)

Represented by Ramaz Qvatadze

Signature:_____

“Global Ertv” Ltd (Identification Code: 201949918)

Represented by Rusudan Goginava

Signature:_____

“Georgian Railway Telecom” Ltd (Identification Code: 202239737)

Represented by Thengiz Tabidze

Signature:_____

“CDN” Ltd (Identification Code: 202943182)

Represented by Davit Tutberidze

Signature:_____

“Vitel Georgia” Ltd (Identification Code: 204532728)

Represented by Burak Bilgutay

Signature:_____

“Service” Ltd (Identification Code: 211383304)

Represented by Khatuna Petriashvili

Signature:_____