

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

<http://www.coe.int/tcj>

Strasbourg, 16 February 2017

PC-OC Mod (2017) 02 Bil.

[PC-OC/PC-OC Mod/ 2017/Docs PC-OC Mod 2017/ PC-OC Mod (2017) 02]

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

Contents

| | |
|--|----|
| Overview and Compilation of replies/ Vue d'ensemble et compilation des réponses..... | 3 |
| Andorra / Andorre | 17 |
| Armenia / Arménie | 19 |
| Austria / Autriche | 21 |
| Bosnia and Herzegovina / Bosnie et Herzégovine | 24 |
| Croatia / Croatie | 25 |
| Czech Republic / République tchèque | 27 |
| Finland / Finlande | 30 |
| Germany / Allemagne..... | 32 |
| Greece / Grèce..... | 34 |
| Republic of Moldova / République de Moldova | 36 |
| Netherlands / Pays-Bas..... | 38 |
| Slovenia / Slovénie | 40 |
| Switzerland / Suisse..... | 42 |
| Turkey / Turquie | 44 |
| Canada | 46 |
| Costa Rica | 49 |
| Israel / Israël | 50 |
| Japan / Japon | 52 |
| APPENDIX / ANNEXE: Questionnaire | 54 |

OVERVIEW AND COMPILATION OF REPLIES/ VUE D'ENSEMBLE ET COMPILATION DES 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 |
|--------------|----------|---|--------------|
| Andorra | Yes | | Yes |
| Armenia | No | Cost, security, no legal basis , data protection | |
| Austria | Yes | Previous agreement with EU on data protection required | No |
| 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 |
| Finland | Yes | | Yes |
| 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-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 informationline | No |
| Slovenia | Yes | Analysis of expenses and IT solutions | |
| Switzerland | Yes | | Yes |
| Turkey | Yes | | Yes |
| Canada | Yes | | Yes |
| Costa Rica | No | Lack of platform, representatives of inmates change oft | |

| | | | |
|--------|-----|---|-----|
| Israel | Yes | data protection requirements | Yes |
| Japan | No | No access to internet by prisoners, no possibility to represent prisoner, docs to be delivered by diplomatic channels | |

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 |
|--------------|---------------|--------------------|---|
| 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 |
| Bosnia Herz. | N/A | | |
| Croatia | Yes | | |
| Czech Rep. | | Yes | Compliance with existing detention rules and conditions to be considered |
| Finland | | Yes | Via prison staff or defense counsel |
| 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 | |
| Slovenia | Yes | | Under supervision of prison staff |
| Switzerland | Yes | Yes | Depending on the prison's facilities and detention regime. Representatives would need to be mandated by prisoners |
| Turkey | Yes | | Under supervision of prison staff |
| 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 |

| | | | | |
|------------|-----|--|-----|---|
| Costa Rica | N/A | | | staff. Foreign inmates might be able to mandate their consular services. Each foreign mission should confirm whether they can take on such mandate. |
| 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 | | | |

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 |
|--------------------------|---------------|------------------|------------------|
| Andorra ¹ | Yes | Yes | Yes |
| Armenia | N/A | | |
| Austria | | Yes | |
| Bosnia Herz. | N/A | | |
| Croatia | Yes | Yes | Yes |
| Czech Rep ² . | | | |
| Finland | Yes | | Yes |
| Germany | N/A | | |
| Greece | Yes | Yes | Yes |
| Moldova | Yes | Yes | Yes |
| Netherlands | Yes | Yes | Yes |
| Slovenia | Yes | Yes | Yes |
| Switzerland | Yes | Yes | Yes |
| Turkey | Yes | | Yes |
| Canada | Yes | Yes | Yes |
| Costa Rica | N/A | | |
| Israel | Yes | Yes ³ | Yes |
| Japan | N/A | | |

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 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.

³ The interpretation of the term "consult the request" should mean to receive a general status update.

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 |
|--------------|-------------------|----------|--|
| Andorra | Yes | | |
| Armenia | N/A | | |
| Austria | Yes | | For the moment, after reform of the IKT support for prisoners, "via tool" should be the standard |
| 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. |
| Finland | | Yes | |
| Germany | N/A | | |
| Greece | | Yes | |
| Moldova | Yes | | Authorisations should be issued by the country concerned by manual processing |
| Netherlands | | Yes | |
| Slovenia | | Yes | |
| Switzerland | | Yes | Would be preferable |
| Turkey | 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 | | |

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 |
|--------------------------|-----|-------|--------------------|
| Andorra | | Yes | |
| Armenia | N/A | | |
| Austria ⁴ | | | |
| Bosnia Herz. | N/A | | |
| Croatia | | | Yes |
| Czech Rep ⁵ | | | |
| Finland ⁶ | | | |
| Germany | N/A | | |
| Greece | | | Yes |
| Moldova | Yes | | Yes (SMS + MQ) |
| Netherlands ⁷ | | | |
| Slovenia | | | Yes |
| Switzerland | | | Yes |
| Turkey | | Yes | |
| Canada | | | Yes |
| Costa Rica | N/A | | |
| Israel ⁸ | | | |
| Japan | N/A | | |

⁴ 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).

⁵ 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

⁶ Can't say

⁷ A combination striking the balance between the safest option while at the same time being practical in its use.

⁸ , 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?**

| Country | Info on Art 4.5 | Final outcome | Comments |
|--------------|-----------------|---------------|---|
| 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). |
| 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). |
| Finland | | Yes | |
| Germany | | | |
| 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 foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons. |

| | | | |
|-------------|-----|-----|---|
| Netherlands | | | No opinion yet |
| Slovenia | Yes | | |
| Switzerland | | | No automatic information would be preferable. But authorities should inform prisoner actively about each important step. |
| Turkey | Yes | Yes | |
| Canada | Yes | Yes | Both of them might be |
| 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 | | |

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

| Country | Number | Comments |
|----------------------|----------|--|
| Andorra | 4 | Représentant de l’Autorité centrale judiciaire + Représentant du Centre pénitentiaire + membres suppléants |
| Armenia | N/A | |
| Austria ⁹ | N/A | |
| 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. |
| Finland | 2 | |
| 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 |
| 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 | |
| Canada | Up to 10 | |
| Costa Rica | N/A | |
| Israel ¹⁰ | 20 | |
| Japan | N/A | |

⁹ 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).

¹⁰ 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

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 |
|---------------------------|-----|-------|--------------------|
| Andorra | | Yes | |
| Armenia | N/A | | |
| Austria ¹¹ | | | |
| Bosnia Herz. | N/A | | |
| Croatia | | | Yes |
| Czech Rep ¹² | | | |
| Finland ¹³ | | | |
| Germany | N/A | | |
| Greece | | | Yes |
| Moldova | Yes | | Yes (SMS+MQ) |
| Netherlands ¹⁴ | | | |
| Slovenia | | | Yes |
| Switzerland | | Yes | |
| Turkey | | Yes | |
| Canada | | Yes | Yes |
| Costa Rica | N/A | | |
| Israel | | | Yes |
| Japan | N/A | | |

¹¹ 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).

¹² 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.

¹³ Can't say

¹⁴ The safest possibility.

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 |
|--------------|-----------------------------------|--|
| Andorra | Yes | |
| Armenia | N/A | |
| Austria | Yes | |
| Bosnia Herz. | N/A | |
| Croatia | Yes | |
| Czech Rep | Yes | |
| Finland | No | |
| Germany | N/A | |
| Greece | Yes | |
| Moldova | Yes | |
| Netherlands | No | |
| 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 | |
| Canada | Yes | |
| Costa Rica | N/A | |
| Israel | Yes | |
| Japan | N/A | |

10. Would you have any further comments?

| Country | Comments |
|----------------|---|
| Andorra | None |
| Armenia | None |
| Austria | None |
| Bosnia Herz. | None |
| Croatia | None |
| Czech Rep | None |
| Finland | None |
| Germany | I recommend to involve the PC-CP working group in this questionnaire |
| Greece | None |
| Moldova | None |
| Netherlands | 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. |
| 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> <p>This questionnaire is an important first step to understand the requirements by all parties for the establishment of the e-transfer tool.</p> |
| Costa Rica | 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.

Israel

None

Japan

None

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?

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? Yes¹⁵**
- 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? ¹⁶
 - a physical token?
 - **replies to multiple questions on the application?**

¹⁵ At least for a transitional period

¹⁶ 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

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?

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:
 - 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 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
 - a. by manual processing?
 - b. 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:
- of the information foreseen under Article 4, paragraph 5 of the Convention on the Transfer of Sentenced persons; or
 - 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 informationline.

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?

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.

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.

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-transfertement » pour faciliter le fonctionnement de la Convention sur le transfertement 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 transfertement aux états concernés?;
 - consulter la demande de transfertement ?;
 - 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 transfertement 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 ?