Lesson 2.4 (Procedural Powers under the Budapest Convention - Part 1 – online version)

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| Lesson 2.4 Procedural Powers under the Budapest Convention - Part 1 | | Duration: 90 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Access to the online conferencing software/platform. * Internet access. * Student notepaper and pens * Copy of the Budapest Convention | | |
| **Session Aim:**  The aim of this session is to provide the delegates with a comprehensive understanding of the elements of the procedural powers related to the preservation of stored computer data, partial disclosure of traffic data and production orders, the scope of procedural powers and conditions and safeguards related to their application. The session covers, in detail, each element of Article 14 (scope of procedural provisions), Article 15 (conditions and safeguards), Article 16 (expeditious preservation of stored computer data), Article 17 (expeditious preservation and partial disclosure of traffic data), Article 18 (production order) of the Budapest Convention. | | |
| **Objectives:**  By the end of this session delegates will be able to:   * Identify the elements of the procedural powers of:  1. Search and seizure of stored computer data 2. Real-time collection of traffic data 3. Interception of content data  * Understand the jurisdictional scope of the Budapest Convention. | | |
| **Trainer Guidance**  This session has been prepared to provide delegates with a comprehensive understanding of the procedural law provisions outlined in Chapter II Section 2. This session has been divided in four parts, in addition to an introduction and a conclusion. The first part covers the scope of the procedural provisions. The second part covers the associated conditions and safeguards. The third part covers the expedited preservation of store computer data and partial disclosure of traffic data. The fourth part covers production orders  Prior to delivery of this session, it is recommended that the trainer review Paragraph 131 – 183 of the [Explanatory Report to the Convention on Cybercrime](https://rm.coe.int/16800cce5b).  The trainer may wish to encourage a discussion about how each of the provisions covered in this session have been established under domestic law. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 4  Mandatory Slides | The opening slides are the introduction to the session and include the agenda and the session aims and objectives. | |
| 5 to 7  Mandatory Slides | These slides explain the scope of the procedural provisions, as provided under Article 14 of the Budapest Convention.  These slides have been divided into two columns. The column on the left-hand side replicates the text of Article 14 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 14 of the Budapest Convention. | |
| 8 to 13  Mandatory Slides | These slides explain the conditions and safeguards, as provided under Article 15 of the Budapest Convention.  These slides have been divided into two columns. The column on the left-hand side replicates the text of Article 15 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 15 of the Budapest Convention.  The trainer can ask the delegates instances of how their countries implement the conditions and safeguards. | |
| 14 to 27  Mandatory Slides | These slides explain the procedural law provisions related to expeditious preservation of stored computer data under Article 16 of the Budapest Convention and expeditious preservation and partial disclosure of traffic data under Article 17 of the Budapest Convention.  The first set of slides provides a summary of the power under Article 16 of the Budapest Convention. It also provides a case study of an instance of how the court interpreted a preservation order.  The next set of slides have been divided into two columns. The column on the left-hand side replicates the text of Article 16 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 16 of the Budapest Convention.  The next set of slides provide a summary of the power under Article 17 of the Budapest Convention.  The last set of slides have been divided into two columns. The column on the left-hand side replicates the text of Article 17 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 17 of the Budapest Convention.  The trainer can ask the delegates instances of how their countries implement the procedural powers related to expedited preservation of stored computer data and the expedited preservation and partial disclosure of traffic data. | |
| 28 to 39  Mandatory Slides | These slides explain the procedural law provisions related to production order under Article 18 of the Budapest Convention.  The first set of slides provides a summary of the power under Article 18 of the Budapest Convention. It also provides a case study of the Belgium Yahoo! case which shows the implementation of Article 18 of the Budapest Convention by one country.  The next set of slides have been divided into two columns. The column on the left-hand side replicates the text of Article 18 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 18 of the Budapest Convention. | |
| 40 to 41  Important Slides | The trainer should recap the session objectives with the delegates and give them the opportunity to ask any questions relating to the materials covered in this module. | |
| **Practical Exercises**  There are no practical exercises associated with this lesson. | | |
| **Assessment/Knowledge Check**  No knowledge check or assessment has been requested for this session. | | |