**Lesson Plan**

Lesson 1.3.5 (Public Private Cooperation)

|  |  |  |
| --- | --- | --- |
| Lesson 1.3.5 (Public Private Cooperation) | | Duration: 90 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Projector and display screen. * Internet access (if available). * Student notepaper and pens. | | |
| **Session Aim:**  The overall purpose of this session is to provide to the delegates a comprehensive understanding of the means and channels available for cooperation between the public and private sector, both domestically and internationally, for the purposes of combatting cybercrime. | | |
| **Objectives:**  By the end of the lesson the students will be able to:   * Recognise that cooperation with the private sector is essential for the purposes of combatting cybercrime * Identify the levels of cooperation with domestic industry (compulsory and voluntary cooperation) * Identify the various tools in domestic legislation that enable mandatory cooperation between law enforcement agencies and domestic industry * Recognise the challenges that cloud data poses with respect to conducting cybercrime investigations * Identify the different levels at which cooperation can take place with foreign industry * Explain the hurdles that law enforcement agencies have with respect to accessing data held by multinational service providers * Identify that cooperation can occur formally through governments or informally by law enforcement officials directly with multinational service providers * Discuss examples of cooperation with multinational service providers in obtaining access to data * Identify the commonly faced challenges with respect to cooperating directly with multinational service providers | | |
| **Trainer Guidance**  Public private cooperation is of utmost importance in the global battle against cybercrime. This session has been prepared with a view to provide delegates with a comprehensive understanding of public private cooperation, within both a domestic and an international context. This session has been divided into four parts, in addition to an introduction and a conclusion. The first part covers basic definitions of terms including cloud data as well as the challenges posed by cloud data to electronic evidence procedural laws. The second part deals with public private cooperation in a domestic context, including compulsory and voluntary cooperation. The third part covers public private cooperation in an international context, including compulsory cooperation, voluntary cooperation with legal mandate and voluntary cooperation without a legal mandate. The fourth part contains case studies that have been prepared with a view to enable trainers to test the knowledge of the delegates acquired both in this module as well as previous modules on substantive law, procedural law and international cooperation. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 5 | The first slides lay out the structure and objectives of this session. Delegates will be given an opportunity to ask any preliminary questions that they may have regarding the structure and objectives of the session. | |
| 6 to 17 | These slides introduce the delegates to some basic definitions that are pertinent to the remaining parts of the session. Some terms that have been defined in this section have been covered in other modules, and the trainer may elect to skip the slides marked non-essential or briefly cover them. This section also introduces the delegates to the work of the Cloud Evidence Group. | |
| 18 to 40 | These slides cover cooperation between the public and private sectors in a domestic context, compulsory and voluntary. A brief explanation of domestic legislation that enables such cooperation is recommended, with examples of how such procedural powers can be exercised with respect to a domestic service provider. The trainer is also expected to discuss examples, if any, of memorandums of understanding or formal agreements between private sector bodies and public sector agencies with respect to cooperation in matters relating to cybercrime and electronic evidence. The trainer should clarify to the delegates that all the domestic procedural powers apply to cloud data. | |
| 41 to 72 | These slides cover cooperation between public and private sectors in an international context. This part of the module deals with three levels of cooperation; namely compulsory cooperation with legal mandate, voluntary cooperation with legal mandate, and voluntary cooperation regardless of legal mandate. The slides deal with each level of cooperation individually.  With respect to compulsory cooperation, the trainer is expected to explain how formal international cooperation channels enable the public sector of one country to mandate cooperation of another country’s private sector service provider by requesting that second country to exercise procedural powers mandating cooperation from its private sector service provider. The trainer should also reiterate the extraterritorial application of production orders, and how they may enable seeking compulsory cooperation from foreign service providers operating within the territory, with respect to specified subscriber information in the possession or control of such service provider.  With respect to voluntary cooperation with legal mandates, the trainer is to focus on Article 32 of the Budapest Convention, which enables direct transborder access to stored computer data with consent or where publicly available. This section has been already dealt with in the same details under the Module on International Cooperation (1.4.1), so the trainer can decide to use the slides just as a refresher, focusing only on salient aspects that may arise in the collaboration with foreign service providers.  Finally, these slides discuss mechanisms by which cooperation with foreign service providers can be undertaken without any legal mandate. This section covers processes adopted by some service providers for direct cooperation. | |
| 74 to 83 | These slides list considerations that need to be taken into account when cooperating with foreign service providers. It is expected that the trainer will take delegates through these considerations in a manner that will highlight the role of the delegates in ensuring effective cooperation with such service providers. | |
| 84 to 103 | These slides contain individual case studies. Each case study consists of brief facts relating to the materials covered in the session. The trainer should first read out the facts of a case study, and then give the delegates an opportunity to propose answers. The trainer may need to step in and guide the delegates regarding possible answers. The trainer should ensure that this part of the session is interactive as it will give the trainer an opportunity to gauge whether the training was effective. | |
| 104 to 107 | 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**  No practical exercises are envisaged in this lesson. | | |
| **Assessment/Knowledge Check**  No formal assessment has been prepared for this session. The trainer is encouraged to check knowledge and understanding by asking relevant questions throughout the session. The trainer should also use the case studies to gauge whether the objectives of the session were met. | | |