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This information sheet has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of facilitating international cooperation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.

1. Categories of Data (subscriber information, traffic data, content data)

1.1. Definitions under national legislation

Subscriber Information <reference to the law if applicable>	<definition if applicable>
Traffic Data <reference to the law if applicable>	<definition if applicable>
Content Data <reference to the law if applicable>	<definition if applicable>

<General comment as to whether Domestic law distinguishes subscriber information from that of traffic and / or content data, whether the same or different rules of procedure apply to obtaining of all types of data>

2. Procedures for preservation requests of stored computer data

2.1 Expedited preservation of stored computer data (Art. 29)

General remarks

Article 1 of the Law on MLA in criminal matters BiH, the domestic law gives priority to the international agreements that govern the specific area.

Procedures in place

Submitting request to Ministry of Justice of Bosnia and Herzegovina. The Ministry will transmit the request to The Prosecutor's Office of Bosnia and Herzegovina for realization.

<how urgent requests are treated>

2.2 Expedited disclosure for stored traffic data (Art. 30)

General remarks

Article 1 of the Law on MLA in criminal matters BiH, the domestic law gives priority to the international agreements that govern the specific area

Procedures in place

Submitting request to Ministry of Justice of Bosnia and Herzegovina. The Ministry will transmit the request to The Prosecutor's Office of Bosnia and Herzegovina for realization.

<how urgent requests are treated>

3. Procedures for mutual legal assistance

3.1 Requests for stored computer data: subscriber, traffic, content data (Art. 31)

»» Go to [Subscriber information](#) | [Traffic Data](#) | [Content Data](#)

► Requests for subscriber information

General remarks

According to Article 4 of the Law on mutual legal assistance in criminal matters of Bosnia and Herzegovina (BiH Official Gazette, No.53/09) letters rogatory and supporting documents shall be transmitted to the national judicial authority through the Ministry of Justice of Bosnia and Herzegovina, and vice versa. In urgent cases, and when provided by international treaty, Ministry of Justice may transmit and receive letters rogatory through the INTERPOL. As an exception, national judicial authorities may directly address the request for mutual legal assistance to a foreign judicial authority, when such a communication is envisaged by an international treaty. In such a case the national judicial authority shall communicate a copy of the request for mutual legal assistance to the Ministry of Justice of Bosnia and Herzegovina.

Competent Authorities

Ministry of Justice is the designated central authority for mutual legal assistance in criminal matters (Department for Mutual Legal Assistance and Cooperation).

Complying with Article 35 of the Budapest Convention, a 24/7 point of contact was established, and it is placed in the Directorate for coordination of police bodies of Bosnia and Herzegovina which cooperates with the INTERPOL.

Cooperation between Europol and Bosnia and Herzegovina is performed in accordance with the Temporary decision from 11 December 2013, which also covers computer crime. Bosnia and Herzegovina designated a joint contact point consisting of all police bodies in Bosnia and Herzegovina, which is mandated to act as the central point of contact between Europol and other competent authorities of Bosnia and Herzegovina.

Also, the Ministry of Security of Bosnia and Herzegovina has signed the Agreement with CEPOL on training of police officers in accordance with European standards. The communication with CEPOL is performed through one point of contact consisting of: the Ministry of Security, the Ministry of the Interior of the Republic of Srpska, and the Federal Ministry of the Interior.

In accordance with the constitutional structure of Bosnia and Herzegovina, the Republic of Srpska Ministry of the Interior is competent for criminal offences of cybercrime according to the Criminal Procedure Code of the Republic of Srpska. In addition, according to the Law on Police and Internal Affairs

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of the Republic of Srpska, the Republic of Srpska Ministry of the Interior directly provides international cooperation.

In accordance with the constitutional structure and legal jurisdiction of Bosnia and Herzegovina in fight against cybercrime, the ministries of the entities, the canton entities and the Brcko District Police exclusively have jurisdiction in this area.

Relevant contact points

Contact point for Federation of Bosnia and Herzegovina: Federation Ministry of Interior, Directorate of Federal Police, Federal Criminal Police Investigation Service, Cyber Crime Section

Prior consultations

Accepted legal basis / mechanisms for MLA requests

Available on the web site of Ministry Justice of Bosnia and Herzegovina

http://www.mpr.gov.ba/organizacija_nadleznosti/medj_pravna_pomoc/bilateralni_ugovori/ugovori/default.aspx?id=3813&langTag=en-US

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Zakon o krivičnom postupku F BiH.

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Content of the request

Defined by Article 3. of Law on the International Legal Assistance in Criminal Matters.

Request for mutual legal assistance shall be transmitted in the form of Letter Rogatory. The Letter Rogatory of a foreign judicial authority and the attached documentation must be supported by the translation into one of the official languages of Bosnia and Herzegovina. The translation must be verified by a certified court interpreter. The Letter Rogatory by a national judicial authority and the attached documentation must be translated into the official language of the requested State. Unless otherwise stipulated in an international treaty or this Law, the Letter Rogatory must contain the following: a) name of the authority making the request, case reference number, exact name of the requested State, and, if possible, name of the requested authority; b) legal grounds to afford mutual legal assistance; c) specific description of an act of mutual legal assistance sought and the reason for the request; d) legal definition of the criminal offense and a short summary of the facts; e) exact personal details and nationality of the person concerned and his status in the proceedings; 3 f) the title of the documents and the name and the address of the recipient, if the letter rogatory refers to the service of court writs and other documents, and g) other information that may be of significance in order to proceed upon request. Letter Rogatory, as well as the court writs and documents transmitted by courts or other

relevant authorities, must bear the signature and seal of the court or the authority of issuance. If the information contained in the Letter Rogatory and the attached documentation is not sufficient, supplementary information and documentation may be requested.

Applicable legal requirements

"Subscriber information", in accordance with the Criminal Code of Bosnia and Herzegovina, are the name and the address of the legal, physical or any other person that telecommunication address is registered.

In addition to the prescribed substance of the request, in order to obtain subscriber information with court order, requirements of Article 72a (1) of the Criminal Procedure Code of the of BiH needs to be fulfilled:

- a) Grounds for suspicion that a person has committed a criminal offense and
- b) Proof that such information could be used as evidence ins criminal proceedings or serve the collection of information that can be used in criminal proceedings.

Confidentiality requirements

Notification of processing of personal data is required by Articles 22-27 of the Law on Protection of Personal Data, however, Article 28 of the same Act provides for exemptions to be observed by all law enforcement agencies in BiH. This means that the recipient application is not required to provide information on the processing of personal data or allow access to personal data if that action could cause significant damage to the legitimate interests of:

- a) national security;
- b) defense;
- c) public security;
- d) the prevention, investigation, detection of crimes and prosecution of perpetrators, as well as violations of ethical rules of the profession;
- e) economic and financial interests, including monetary, budgetary and taxation matters;
- f) inspection and control responsibilities;
- g) protection of the data subject or the rights and freedoms of others.

The confidentiality during the execution of the request it is possible, especially if the content of the letters rogatory marked appropriately classified prescribed by the Law on the protection of classified information.

Urgent requests

In principle, in any case, the competent national judicial authority shall immediately comply with the request by the foreign judicial authorities.

Priority will be treated in any case when this is indicated in the request especially if lives are in danger people or there could be destroying evidence. In these cases, requests can be submitted through Interpol and Eurojust and the Directorate for Coordination of Police Bodies urgent request submitted directly to the competent judicial body to treatment.

It is advisable to explain why the urgency of the treatment is necessary in order to be able to adequately address the possible prioritization of treatment.

Translation

Translation of MLA requests into one of the Bosnia and Herzegovina official languages is legally necessary. Translation made by certified or sworn interpreter needs to be provided either on Bosnian language, Croatian language or Serbian language.

Limitations

Only if information is classified as confidential according to Bosnian legislation.

► Requests for Traffic Data

General remarks

Competent Authorities

Ministry of Justice of Bosnia and Herzegovina (Ministarstvo pravde Bosne i Hercegovine)

Relevant contact points

Direction for cooperation of police bodies of Bosnia and Herzegovina (Direkcija za koordinaciju policijskih tijela Bosne i Hercegovine)

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3.2 Requests for real time collection of traffic data (Art. 33)

General remarks

Competent Authorities

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