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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 Law 51 of September 2009, arts 1 and 2	The subscriber is the user of services also known as the person who hires the services.
Traffic Data Law 81 of March 2019, art 4 <i>*Not applicable yet. It enters into force on March 29, 2021</i>	Make known, disseminate, communicate, exchange and / or transmit, in any way and by any means, from one point to another, intra or cross-border, the data to natural or legal persons other than the owner, whether determined or indeterminate.
Content Data	There is no definition given by any law.

A draft law on cybersecurity is being worked on, which should contain a clearer description of the terms related to this matter.

2. Procedures for preservation requests of stored computer data

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

General remarks

Internet service providers (ISP) are required by the Law 51 of September 2009, to provide information at the request of the Prosecutors. Subsequently, it must be brought before a Judge of Guarantees, to validate the obtaining of the data.

The data that may be requested from the service provider are those related to: a) origin of communication b) destination of communication c) time, date and duration of a communication d) to identify the type of communication e) to identify the equipment used for the communication. They are obliged by mandate of article 6 of Law 51 of September 2009, to keep these records for 6 months. And they are extendable for a further 6 months, but only when ordered by a judicial authority.

Procedures in place

1. The contact point receives the request from its counterpart by official email. Verification of double criminality is made to process the application.
2. A Prosecutor of the Office is assigned to process the request.
3. Generally they are received in English, so if there is any doubt about the request, contact the homologous is made, to clarify the request or have it translated into the official language of Panama, Spanish.
4. It should be clarified that the service provider is obliged to maintain the subscriber data record for a period of 6 months. Therefore, if the required data was produced in this period, the Prosecutor requests it. Otherwise, it would be necessary to request authorization from a Judge of Guarantees, who can extend the registration for 6 more months.
5. Communications are issued to service providers who must issue a data preservation confirmation.

Urgent requests:

Aware of the importance of cooperation in these cases, in which evidence can be eliminated easily and extremely quickly, all requirements are dealt with urgently and diligently.

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

1. The contact point receives the request from its counterpart by official email. Verification of double criminality is made to process the application.
2. A Prosecutor of the Office is assigned to process the request.
3. Generally they are received in English, so if there is any doubt about the request, contact the homologous is made, to clarify the request or have it translated into the official language of Panama, Spanish.

4. It should be clarified that the service provider is obliged to maintain the subscriber data record for a period of 6 months. Therefore, if the required data were produced in this period, the Prosecutor requests it. Otherwise, it would be necessary to request authorization from a Judge of Guarantees, who can extend the registration for 6 more months.

5. Communications are issued to service providers who must issue a data preservation confirmation.

Urgent requests:

Aware of the importance of cooperation in these cases, in which evidence can be eliminated easily and extremely quickly, all requirements are dealt with urgently and diligently.

3. Procedures for mutual legal assistance

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

► Requests for subscriber information

General remarks

The Office of the Prosecutor has created an action protocol, precisely, to provide all requirements with diligent, fast and efficient treatment, for which we have consulted our Office of International Affairs, our forces of order and other intervening parties, to act in a manner precise and adequate to the request made by different colleagues from other countries.

The Law 51 of September 2009 establishes that the Prosecutor must issue a resolution in order to request this information from the service provider. Then, it must be validated or legalized, by a judicial authority, in this case, a Judge of Guarantees.

Competent Authorities

In accordance with the provisions of **Article 24** - Extradition, paragraph 7.a, of the Convention, the authority responsible for making or receiving requests for extradition or provisional detention is the Ministry of Foreign Affairs, with the following address:

Ministry of Foreign Affairs
General Directorate of Legal Affairs and Treaties
Bolívar Palace
Third Street, San Felipe
Phone: (507) 511-4228; (507) 511-4230; (507) 511-4225 and (507) 511-4234 Fax:
(507)511-4008
Email: namontenegro@mire.gob.pa ; jaquirre@mire.gob.pa

In accordance with the provisions of **Article 27** - Procedures pertaining to mutual assistance requests in the absence of applicable international agreements, paragraph 2.a, of the Convention, the Government of the Republic of Panama has designated the following central authorities to submit, respond to and execute requests for mutual assistance:

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In accordance with **Article 35** – 24/7 Network, the Government of the Republic of Panama has designated the Judicial Investigation Department of the National Police – INTERPOL National Central Bureau – Panama, with the following address:

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Relevant contact points

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Prior consultations

We are convinced that prior communications always facilitate work and save a lot of time. The contact points operate 24/7 and are ready to answer your questions, comments and answer any questions or concerns about our judicial procedure, if it is the case.

Accepted legal basis / mechanisms for MLA requests

The main instruments for requesting international cooperation are:

a) Budapest Convention

- b) Palermo Convention on Organized Crime
- c) Bilateral Agreements of Mutual Cooperation and
- d) Based on the principle of reciprocity.

It is worth stating that, in the case of Panama, the Central Authority is different, depending on the instrument used or the request for international support is based.

Content of the request

Both for the request via contact points or if it is in a formal sense, mutual Legal Assistance, the following elements must be taken into account:

1. Address the Central Authority, as indicated by the legal instrument or Agreement that supports the request.
2. Verify the dual criminality requirement. In other words, the event that occurred in the requesting country is also a crime in the requested country and explaining the type of crime in question and in what law of the country it is located.
3. Include a brief account of the events related to the investigation.
4. Explain the importance of the evidence or piece of evidence that is requested to collect.
5. Include any other element, such as compliance with a term or period, that implies the urgency of complying with the request, for example, an upcoming hearing date.

Applicable legal requirements

Our country is governed by an adversarial type of criminal procedure system, which raises the standard of guarantees in favor of those processed or investigated. Therefore, the more elements are provided in the formal letter of Assistance, on the seriousness of the facts, the relevance of the element that is requested through international cooperation, the more likely that we can have prior or subsequent judicial authorizations, depending on the case of what is requested. It is worth stating that by constitutional mandate, the Republic of Panama does not extradite its nationals.

Confidentiality requirements

Our country abides by the confidentiality of Mutual International Assistance. However, on occasions, when performing security checks before the Judge of the Investigation Phase, it is likely that it requires the appearance of a Public Defense lawyer. But, the Prosecutors always request the holding of these hearings in a reserved manner and explain that it is necessary to maintain secrecy, based on the principle of confidentiality. However, it is the judge's decision to keep the reservation or not. In other words, whether or not there is a defender in the act of legalizing the way in which the information or data was obtained.

Urgent requests

All requests are processed with notorious urgency. Once it arrives at our office, it can take 3 days to be completed and in the worst case, up to 30 days, depending on whether it requires legalization by a Judge of Guarantees. Well, in the latter case, the times do not depend on our office but on the availability of the judges.

Translation

The official language of the Republic of Panama is Castilian or Spanish, therefore, if it is a Mutual Legal Assistance, it must come in that language. However, if the request is sent by the point of contact, informally, it can be sent in English, there is no greater difficulty, since we have a team of staff translators who help us in a fairly short time.

Limitations

As limitations Panama, requires the specialty of the requirement. It means that it cannot be too general or not specific enough, because it could be classified as a "fishing" expedition.

► Requests for Traffic Data

General remarks

Our legislation requires the prior authorization of a Judge of Guarantees, to intercept communications in real time. It is the same for the seizure of correspondence and private or confidential documents, in consideration of the respect of privacy and secrecy.

Competent Authorities

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Prior consultations

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Accepted legal basis / mechanisms for MLA requests

The main instruments for requesting international cooperation are:

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Limitations

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

General remarks

Interception or recording by any Technical means of other forms of personal communication require judicial authorization.

At the request of the Prosecutor, the Guarantee Judge may, taking into account the nature of the case, decide whether or not to authorize the recording of conversations and interception of communications cybernetics, satellite tracking, electronic surveillance and telephone communications for prove the punishable act and the connection of a certain person.

The intervention of the communications will be exceptional.

If the request is authorized, the judge must indicate a term that does not exceed of the twenty days and may only be extended at the request of the Public Ministry, which must explain the reasons that justify the request.

Competent Authorities

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The intervention of the communications will be exceptional.

If the request is authorized, the judge must indicate a term that does not exceed of the twenty days and may only be extended at the request of the Public Ministry, which must explain the reasons that justify the request.

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(507)511-4008
Email: namontenegro@mire.gob.pa ; jaquirre@mire.gob.pa

In accordance with the provisions of **Article 27** - Procedures pertaining to mutual assistance requests in the absence of applicable international agreements, paragraph 2.a, of the Convention, the Government of the Republic of Panama has designated the following central authorities to submit, respond to and execute requests for mutual assistance:

Office of the Attorney General
Prosecutor's Office of International Affairs
Peru Avenue and 33 A Street (in front of Parque Porras)
Phone: (507) 507-3018
Fax: (507) 507-3421
Email: eduardo.ulloa@procuraduria.gob.pa ; procurador.mp@procuraduria.gob.pa

Senior Prosecutor's Office specialized in crimes against Intellectual Property and Cyber Security,
España Avenue, Avesa Building, 3rd Floor
Phone: (507) 505-3255 and (507) 505-3298
Fax: (507) 505-3246
Email: ricaurte.gonzalez@procuraduria.gob.pa
rdgt0876@gmail.com
fepisi@procuraduria.gob.pa.

In accordance with **Article 35** – 24/7 Network, the Government of the Republic of Panama has designated the Judicial Investigation Department of the National Police – INTERPOL National Central Bureau – Panama, with the following address:

Judicial Investigation Unit
National Central Bureau of Interpol – Panama
Ancon, Building No.424, between Omar Torrijos avenue and Venao street, next to the Omar Torrijos Foundation.

Relevant contact points

In our country, a main point of contact and another alternate have been designated. The main one is the Intellectual Property and Computer Security Prosecutor Ricaurte D. González Torres and his alternate is Major Gloria Silva, who is the Head of the Interpol Panama office. It is worth stating that our time zone is UTC / GMT- 5 hours. Our contact details:

RICAURTE GONZALEZ
Tel: +507 5053298
Whatsapp 1: +50764196252
Whatsapp 2: +50762005950
Email: ricaurte.gonzalez@procuraduria.gob.pa; rdgt0876@gmail.com

GLORIA SILVA
Tel: +507-512-2415, +507-512-2267 / EXT-1936
Email: interpol.dij@policia.gob.pa

Prior consultations

The same terms explained above. We are convinced that prior communications always facilitate work and save a lot of time. The contact points operate 24/7 and are ready to answer your questions, comments and answer any questions or concerns about our judicial procedure, if it is the case.

Accepted legal basis / mechanisms for MLA requests

The main instruments for requesting international cooperation are:

- a) Budapest Convention
- b) Palermo Convention on Organized Crime
- c) Bilateral Agreements of Mutual Cooperation and
- d) Based on the principle of reciprocity.

It is worth stating that, in the case of Panama, the Central Authority is different, depending on the instrument used or the request for international support is based.

Content of the request

Both for the request via contact points or if it is in a formal sense, mutual Legal Assistance, the following elements must be taken into account:

1. Address the Central Authority, as indicated by the legal instrument or Agreement that supports the request.
2. Verify the dual criminality requirement. In other words, the fact that occurred in the requesting country is also a crime in the requested country and explaining the type of crime in question and in what law of the country it is located.
3. Include a brief account of the facts related to the investigation.
4. Explain the importance of the evidence or piece of evidence that is requested to collect.
5. Include any other element, such as compliance with a term or period, that implies the urgency of complying with the request, for example, an upcoming hearing date.

Applicable legal requirements

Our country is governed by an adversarial type of criminal procedure system, which raises the standard of guarantees in favor of those processed or investigated. Therefore, the more elements are provided in the formal letter of Assistance, on the seriousness of the facts, the relevance of the element that is requested through international cooperation, the more likely that we can have prior or subsequent judicial authorizations, depending on the case of what is requested. It is worth stating that by constitutional mandate, the Republic of Panama does not extradite its nationals.

Confidentiality requirements

Our country abides by the confidentiality of Mutual International Assistance. However, on occasions, when performing security checks before the Judge of the Investigation Phase, it is likely that it requires the appearance of a Public Defense lawyer. But, the Prosecutors always request the holding of these hearings in a reserved manner and explain that it is necessary to maintain secrecy, based on the principle of confidentiality. However, it is the judge's decision to keep the reservation or not. In other words, whether or not there is a defender in the act of legalizing the way in which the information or data was obtained.

Urgent requests

All requests are processed with notorious urgency. Once it arrives at our office, it can take 3 days to be completed and in the worst case, up to 30 days, depending on whether it requires legalization by a Judge of Guarantees. Well, in the latter case, the times do not depend on our office but on the availability of the judges.

Translation

The official language of the Republic of Panama is Castilian or Spanish, therefore, if it is a Mutual Legal Assistance, it must come in that language. However, if the request is sent by the point of contact, informally, it can be sent in English, there is no greater difficulty, since we have a team of staff translators who help us in a fairly short time.

Limitations

As limitations Panama, requires the specialty of the requirement. It means that it cannot be too general or not specific enough, because it could be classified as a "fishing" expedition.