

Cooperation with providers

Regional workshop for Latin America and Caribbean
Octopus Conference 2021

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Subscriber Information, Article 18.1.b.

- Any information contained in the form of computer data or any other form that is **held by a service provider**, relating to subscribers of its services other than traffic or content data and by which can be established:
 - a. the **type of communication service used**, the technical provisions taken thereto and the period of service;
 - b. the subscriber's **identity, postal or geographic address, telephone and other access number, billing and payment information**, available on the basis of the service agreement or arrangement;
 - c. any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.

Subscriber information

- Subscriber information – for example, to identify the user of a specific e-mail or social media account or of a specific Internet Protocol (IP) address used in the commission of an offence – is **the most often sought information** in domestic and international criminal investigations relating to cybercrime and other crimes involving electronic evidence. Without this information, it is **often impossible to proceed with an investigation**.

Budapest 2nd Add'l Protocol – Article 8

Giving Effect to Orders from Another Party

- Each Party shall:
 - Empower its authorities to issue a to issue an **order** to be submitted as part of a request to another Party for the purpose of compelling a service provider in the requested Party's territory to produce specified and stored
 - a. subscriber information and
 - b. traffic data

Giving Effect to Orders from Another Party

- Each Party shall:
 - Adopt such legislative and other measures as may be necessary **to give effect** to an order under paragraph 1 submitted by a requesting Party.

Requirements for an Order

- The order shall specify:
 - i. the issuing authority and the date the order was issued;
 - ii. a statement that the order is submitted pursuant to this Protocol;
 - iii. the **name and address of the service provider(s)** to be served;
 - iv. the **offence(s)** that is/are the subject of the criminal investigation or proceeding;
 - v. the authority seeking the information or data, if not the issuing authority; and
 - vi. a **detailed description** of the specific information or data sought.

Supporting Information

- The supporting information,
 - provided for the purpose of assisting the requested Party to give effect to the order and
 - which **shall not be disclosed to the service provider** without the consent of the requesting Party, shall specify:



Supporting Information, cont.

- ii. the legal provisions and **applicable penalties** for the offence(s)
- iii. the reason why the requesting Party believes that the service provider is in possession or control of the data;
- iv. a **summary of the facts** related to the investigation or proceeding;
- v. the **relevance of the information** or data to the investigation or proceeding;
- viii. whether the information has or data have **already been sought by other means**, and, if so, in what manner.

Benefits

- Legal certainty – once “endorsed,” will be an order of the receiving party
- Available even if there is no Mutual Legal Assistance Treaty in effect between Parties
- Hope is that it will be more streamlined than traditional MLA, for use earlier in an investigation

Registrant Data

- First step: WHOIS Lookup
- Enter domain address, get back registrant and other information



Some information had to be accurate

At least one email for
administrative
contact

Name servers for
functionality

Whois Record

Registrant:

Connie Fielder
123 Anywhere St.
Los Angeles, California 57501-0955
United States

Domain Name: allsoftwaredownload.com

Created on: 08-Jun-05

Expires on: 08-Jun-10

Last Updated on: 31-May-09

Administrative Contact:

Fielder, Connie conniefielder666@gmail.com
123 Anywhere St.
Los Angeles, California 57501-0955
United States
2131234567 Fax --

Technical Contact:

Fielder, Connie conniefielder666@gmail.com
123 Anywhere St.
Los Angeles, California 57501-0955
United States
2131234567 Fax --

Domain servers in listed order:

NS1.GOTOPOINTB.COM
NS2.GOTOPOINTB.COM

After 2018:

Queried whois.enom.com with "[websitewelcome.com](https://www.websitewelcome.com)"...

```
Domain Name: websitewelcome.com
Registry Domain ID: 98149826_DOMAIN_COM-VRSN
Registrar WHOIS Server: WHOIS.ENOM.COM
Registrar URL: WWW.ENOM.COM
Updated Date: 2020-08-27T15:00:01.00Z
Creation Date: 2003-05-21T03:31:17.00Z
Registrar Registration Expiration Date: 2026-05-21T03:31:00.00Z
Registrar: ENOM, INC.
Registrar IANA ID: 48
Domain Status: clientTransferProhibited https://www.icann.org/epp#clientTransferProhibited
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: REDACTED FOR PRIVACY
Registrant Street: REDACTED FOR PRIVACY
Registrant Street:
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: TX
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: US
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext:
Registrant Fax: REDACTED FOR PRIVACY
Registrant Email: https://tieredaccess.com/contact/6c739f33-55b4-41
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin Street:
Admin City: REDACTED FOR PRIVACY
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Article 6

Request for domain name registration information

- Each Party shall:
 - Empower its authorities to issue a request to a “registrar” for information to identify or contact the registrant of a domain name (Paragraph 1)and
 - Permit a “registrar” in its territory to disclose information in response to a request issued by another Party (Paragraph 2)

Requirements for a request (Paragraph 3)

- Identity/contact information of authority issuing the request
- The domain name about which information is sought
- What information is sought
 - name, address, telephone, email
- Fact that request is issued pursuant to the Protocol
- Fact that request is related to specific criminal investigation
 - Only to be used for that investigation
- How/when to disclose the information

Consultations (Paragraph 5)

- It is expected that this Article will permit greater cooperation between Parties with respect to disclosure of registrant information
- In the event a registrar does not disclose information, the Article permits consultations between the Parties to determine available measures to obtain cooperation

Benefits

- Complements ICANN multi-stakeholder policy for criminal investigations
- Provides safeguards that should facilitate the ability of registrars to respond (*see* ER ¶ 82)
- Hopefully provides an effective and efficient framework to obtain information for identifying or contacting the registrant of a domain name