



CONFERENCE ON ENHANCED CO-OPERATION AND DISCLOSURE OF ELECTRONIC EVIDENCE

CO-OPERATION IN EMERGENCY SITUATIONS: THE ROLE OF 24/7 POINTS OF CONTACT

A View From The United States of America

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The Perspective From the United States of America

First, a quick caveat

- **Statutory Framework**
- **The disclosure of stored computer data by providers is governed by the Stored Communications Act, 18 U.S.C. § 2702-2703**
- **Establishes a framework for compelling production of stored data**
- **This satisfies our obligations under Article 18 of Budapest Convention**

- **Handling of Emergency Situations**
- **Section 2702 Emergency Disclosure Provision**
- A provider may disclose stored computer data, including contents, “to a government entity, if the provider, in good faith, believes that an emergency involving danger of **death or serious physical injury** to any person requires disclosure without delay of [data] relating to the emergency”
- Definition of “government entity”

- **Computer Crime and Intellectual Property Section (CCIPS)**
- **Serve as the U.S. Point of Contact to the Art. 35 24/7 Network**
- **Act to facilitate emergency disclosure requests (EDRs) on behalf of foreign governments**

- **Act as a trusted intermediary between foreign governments seeking assistance and U.S. providers possessing the data**
- **Review requests to ensure compliance with statutory standard**
- **Leverage existing relationships with U.S. providers**
- **Utilize providers' emergency disclosure forms**
- **Have attorneys on call 24/7/365**

- **Article 9 of the Second Additional Protocol**
- **CCIPS would operate to receive and transmit any requests under this provision**
- **Would utilize the emergency disclosure provision of Section 2702, as appropriate, to advance in-coming requests**
- **Use of the 24/7 Network provides trust and reassurance**



THANK YOU!