



Strasbourg, 19 July 2024

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

QUESTIONNAIRE
ON
THE REGULATION OF SPYWARE
AT DOMESTIC LEVEL

1. *Does your legal framework allow for the use of spyware as a tool of targeted surveillance either in criminal or intelligence investigations or is there an explicit prohibition on the use of spyware? If so, how does your domestic legal framework define spyware?*
2. *Are there specific rules (covering notably the scope ratione materiae, temporis and personae) in place or do the general rules on targeted surveillance (interception of communications) apply (could you please provide us with such specific or general rules)?*
3. *What kind of data, if any, could be collected with spyware?*
4. *Has there been any official evaluation of the need for, or added value of, spyware?*
5. *Who authorises/approves measures of targeted surveillance in criminal and intelligence investigations (judiciary, executive, expert bodies, security services)?*
6. *What are the national oversight mechanisms in place in your country for the activities of the security services (are they judicial, parliamentary, executive, or expert)? Do these bodies have (binding) remedial powers?*
7. *Does a post-surveillance notification mechanism exist? Are there any other remedies available for individual targeted by measures of targeted surveillance?*