



**POLITIET**  
KRIPOS

**NCIS Norway**  
National Criminal Investigation Service

# **Case study: illegal distribution of private photos etc**

Eirik Trønnes Hansen  
prosecutor, NCIS Norway

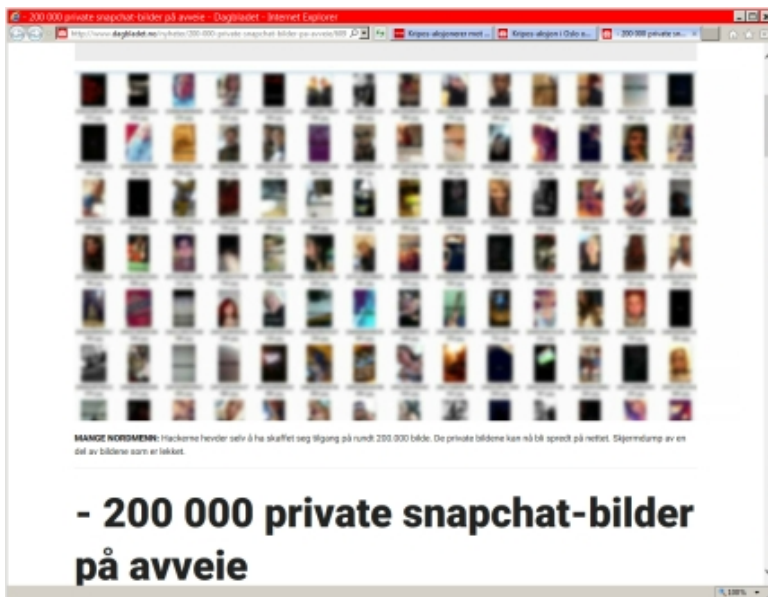
Strasbourg, June 7.-9., 2017





## Background for the case

- 10.10.2014: Sapsaved, a third party service for storing photos from Snapchat, had allegedly been hacked. A large number of private photos, including photos of Norwegian Snapchat users, were now available online, including on the website AnonIB.






## Identification

- NCIS Norway identified the IP addresses used by the BitTorrents users of the file shown at AnonIB. This was compared with the findings after the search and seizure.
- Only the two biggest uploaders at the time were arrested.
- 525419 of 781769 (67,2%) of incoming connections came from one IP address, used by one of the two suspects.
- A request to the ISP identified the subscriber: the mother of the actual user/uploader



- "Put up something from Sandefjord/Vestfold whoever has :) "

 Anon 10/05/14 (Sun) 03:26:18 [No.3320](#)


Sleng opp noe fra Sandefjord / Vestfold dem som har :)

- "Anyone who has pictures of Marlene? Possibly someone who can add more photos/folders"?

 M Karst 10/13/14 (Mon) 23:38:57 [No.3780](#)

Noen som har noen bilder av Marlene? Eventuelt noen som kan legge opp noe flere bilder/mapper?

- "Anyone who can post the photos of xxx folder? Disappeared before I could download."

 Anonymous 10/10/14 (Fri) 22:36:17 [No.3631](#)

noen som kan poste bildene av marthine N fra telemark mappa? forsvant før jeg fikk lastet dem ned.



- "Anything illegal about syncing the pictures? When I try I only get the folders, no pictures... What am I doing wrong?"



Anonymous 10/17/14 (Fri) 15:32:01 [No.3937](#)

Noe ulovlig rundt å synce bildene?  
Når jeg prøver får jeg kun opp mappene, ikke bilder.. Hva gjør jeg galt?



## First case presented for the District Court

- The prosecution argues for conviction for possession and distribution of illegally obtained material. The distribution was done via BitTorrent, and made more public via the "group effort" at AnonIB to identify and catalogue individual, Norwegian users (photo subjects). The photos included nude pictures of young women.
- The photos were collected in a database that grew quickly, with more photos (possibly from other sources) added.


File: [1412262024429.png](#) (52.2 KB, 356x356, s.png, [io g t](#))



 Anonymous 10/02/14 (Thu) 15:00:24 [No. 3249](#)

Chat:  
<https://volafire.io/r/FeoFE1>

Master Key (R only): B6KXNNOYPAJZYS4ZRNYKC6JQIBVFFKIFN

 Anonymous 10/02/14 (Thu) 16:02:19 [No.3253](#)

Opp i 4GB nå. 2 156 bilder/videoer.

For og dumpe innhold last opp i AQQT5DTIHKY42OYHYJJNROPJLTF6RE7JK eller ta kontakt på chatten for og få R+W tilgang på Master Key.



## November 9, 2014: acquittal

- The District Court acquitted the defendant, mainly because insufficient evidence for stolen data ("hacking"). The Shapsaved service had shut down after the data leak, with no contact information, and limited information about how the data had been "leaked" in the first place. The defendant was sentenced to 60 hours community service, for possession of 400 g marihuana.
- The case was appealed to the Eidsivating Court of Appeals. The charge was not changed, but some legal arguments were new: it was illegal to access and distribute the private photos, due to no consent from the photo subjects.
- **June 15, 2016: conviction**, sentenced to **120 days imprisonment** and confiscation of a computer, for possession and distribution of illegally acquired material (+ possession of 400 g marihuana). The provision in the Copyright Act regarding consent to distribution of photos, could be used in connection to the charge regarding possession and distribution of stolen material.



## November 3, 2016: the Supreme Court

- Final verdict: 5 months imprisonment, and confiscation of a computer used by the defendant. The Supreme Court compares the sentencing to sentencing in cases regarding child sexual abuse material, and points to the fact that the private photos in question may be difficult or impossible to remove from the internet.
- "The women themselves did not know that pictures of them were circulating on the Internet. Consequently, they **did not consent to the pictures' use**. (...) The right to determine the use of one's own photographs also clearly has to do with privacy protection. (...) In the Official Norwegian Reports 2007:2 item 3.7.4 (about personal pictures on the net) highlights section 45 c as a key provision which will particularly have a bearing on unwanted and illegal publication of such pictures on the net. The provision does not only defend financial interests, as some opinions expressed in the act's preparatory works"





## November 3, 2016: the Supreme Court

- "The need to ensure a **general deterrent** warrants a firm reaction in cases such as this one. Counsel for the prosecution has referred to sentencing precedent in cases of child abuse pictures. However, an important distinction between them and this type of case, where the pictures were initially posted voluntarily, is that sexual child abuse pictures are derived from mistreatment. Although the child in a child abuse picture is usually not identified, the sentencing level in our case needs to be lower. I have considered the penalty for the convicted person's receipt of proceeds of digital data abuse bearing this in mind. In view of what I have said about the extent and seriousness of the case, I believe the custodial sentence should not be too short."
- The charge had a maximum penalty of 3 years imprisonment.
- The legal instruments used were not new and not "internet-adjusted". This was **the first case of its kind in Norway**.
- The second case will come up for Oslo District Court in August 2017.