**APPLICATION FOR SECURING COMPUTER DATA UNDER SECTION [-] OF [-]**

*[Insert Name of Judicial Authority/Competent Authority]*

This Application is made by Carlo Rivas in the capacity of Inspector, Ostland Federal Police under Section [*Section No.*] of [*Name of Procedural Law*] for search and seizure of computer data.

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| **Description of Offences Subject to Criminal Investigation** | |
| *Applicable Substantive Legislation(s)*  *Title of Legislation(s)*  *Relevant Section(s) (including title/brief description of section(s))*  *Relevant Section(s) (including title/brief description of section(s))*  *Relevant Section(s) (including title/brief description of section(s))* | *[Insert Applicable Domestic Legislation(s) relating to computer-related fraud and/or computer-related forgery]*  *[Insert Applicable Domestic Legislation(s) relating to computer-related fraud and/or computer-related forgery]*  *[Insert Applicable Domestic Legislation(s) relating to computer-related fraud and/or computer-related forgery]* |

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| **Details of Previous Requests** |  |
| First application related to criminal investigation: | ☑ |
| Application Number of previous request: | N/A |

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| **Stage of Request** |  |
| Pretrial Application – First Instance  Pretrial Application – Extension  Application During Trial – First Instance  Application During Trial – Extension | ☑  🗆  🗆  🗆 |

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| **Confidentiality** |  |
| Confidential Application  Confidential Hearing Required | ☑  ☑ |
| It is requested that this application and any subsequent hearing be kept confidential and that the holder of the subject bank account “United Bank Printing Ostland” in particular not be notified by the court or by the Ostland Branch as this entity is believed to be a dummy entity created by the perpetrators to create the subject bank account.  The exercise of this measure may be notified in advance to Mr. Alphonse Qualls, Chief Technical Officer of Ostland Branch with the condition that Mr. Alphonse Qualls be mandated to refrain from disclosing the measure to any other person whether within or outside Ostland Branch with the exception of any person so designated by him to assist the Applicant with execution of the measure. | |

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| **Urgency** | |  |
| Urgency | | ☑ |
| **Grounds for Urgency:**  Threat to life  Crime in progress  Imminent threat of serious nature to public security  Only evidence available  Volatility of data  Other grounds for urgency: | | 🗆  ☑  🗆  ☑  🗆  See below |
| Justification for urgency: | Any delay in granting permission to secure specified computer data stored in the main computer system of Ostland Branch may frustrate a cross-border investigation and severely impede the ability of investigators in identifying persons involved in criminal activities and tracing proceeds of crime as the likelihood of dissipation of proceeds of crime increases exponentially with time. | |

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| **Statement of Facts** |
| This application is being made to seek permission for securing computer data specified in this application.  Unknown cybercriminals prepared and dispatched an email dated Thursday, September 28, 2017 5:55 PM from email account <otos@ubp.co.nrl> to email account <cfo@fba.co.atls> belonging to the Chief Financial Officer of the Federal Atlantis Bank (FBA) which has its headquarters in Atlantis.  The email appeared to FBA have been sent by an employee of United Bank Printing (UBP), which is a business partner of FBA and also has its headquarters in Atlantis. The email contained an invoice with date September 29, 2017 for €200,000 apparently on UBP’s letterhead and included details of a bank account in the name of UBP in Docklands Securities Bank of Norland, Ostland Branch (hereinafter referred to as “Ostland Branch”:  *Docklands Securities Bank of Norland/Ostland branch*  *Account number 23568974*  *SWIFT UBPNRO26*  *IBAN NRLO23568974986532255896523*  FBA pursuant to a commercial understanding with UBP made a payment of €200,000 to Ostland Branch Account Number 23568974. Subsequently FBA and UBP learned that the payment was not made into UBP’s account but to the above-mentioned account which has no link to UBP.  Further investigations showed that the unknown criminals had installed spyware similar to FlexiSpy or Spytech on computer systems in UBP and had used information made available through use of the spyware to gain critical information based on which the identified spoofed email was dispatched.  No arrests have been made till date and investigators in Atlantis have not been able to identify any individual involved in above-described criminal acts. Central Authority of Atlantis has made a request (number 219031) for mutual assistance to the Central Authority of Ostland on 5 October 2017 seeking access to stored computer data in Ostland under [*insert local equivalent of Article 31 of Budapest Convention*] particularly specified computer data believed to be in the main computer system of Ostland Branch.  Pursuant to said mutual assistance request received from the Central Authority of Atlantis, this application is being made to seek permission to secure specified computer data for onwards disclosure to the Central Authority of Ostland in accordance with the provisions of [*insert local mutual assistance law*]. |

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| **Description of State of Investigation** |
| Initial investigation by the Ostland Federal Police has revealed that Docklands Securities Bank of Norland/Ostland Branch has only office in Ostland at the following address: Docklands Security Bank of Norland, Ostland Branch, 2245 Thomas More Street, 11000 New Ostia. The Ostland Branch only provides digital bank accounts to its customers.  Ostland Federal Police has recorded the statement of Mr. Alphonse Qualls, Chief Technical Officer of Ostland Branch through which it has learned that the Bank retains computer data related to bank account subscribers, IP logs of persons who have accessed electronic bank accounts and computer data related to balance information & transaction history for all its accounts. It has also been learned that all said data is stored on a single central computer system at the Ostland Branch. The Ostland Federal Police believes that the Ostland Branch does not have the necessary technical capacity to produce the required computer data while ensuring the integrity of data.  Separately the Atlantis Federal Police (AFP) has conducted an extensive investigation in Atlantis into the described criminal activity. AFP issued production orders to FBA and UBP and has obtained emails exchanged between the unknown cybercriminals and has also seized computer systems (and secured stored computer data) belonging to FBA that appear to have been compromised by a spyware similar to FlexiSpy or Spytech to conduct further forensic analysis. The concerned officer from AFP who is currently in Ostland for this investigation also seeks to be present during the hearing to answer any queries regarding the state of the investigation in Ostland. |

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| **Description of Subject Computer Data/Computer Systems** |
| Preliminary investigation including interview of the Mr. Alphonse Qualls, Chief Technical Officer of Ostland Branch held on 7 October 2017 at 14:20 has revealed that the main computer system at Ostland Branch, a Western Brand computer with Serial Number 0123012-S1234911, contains stored computer data relating to bank account number 23568974. This data includes:   * Stored computer data relating to the subscriber of bank account number 23568974; * Stored computer data relating to IP logs of persons who have accessed bank account number 23568974 through a computer system since 28 September 2017, 00:01; * Stored computer data including digital access pages to bank account number 23568974 * Other stored computer data related to said bank account including balance information & transaction history since 01 June 2017, 00:01; * Other stored computer data related to bank account number 23568974.   Based on the statement of Mr. Alphonse Qualls, Chief Technical Officer of Ostland Branch, the above-mentioned computer system and computer data is believed to be located at Docklands Securities Bank of Norland/Ostland Branch, 1st Floor, 123 Ostland Street, Ostland City, Ostland 23985.  The statement of Mr. Alphonse Qualls, Chief Technical Officer of Ostland Branch is believed to be reliable as he is understood by the Applicant to be well-conversant with the IT setup of the Ostland Branch. |

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| **Grounds for Securing Specified Computer Data** |
| This Application is being made on the following grounds:   * The application is being made pursuant to mutual assistance request number 219031 regarding accessing of stored computer data received from the Central Authority of Atlantis on 5 October 2017; * The application is based upon the commission of a serious offence involving the fraudulent transfer of funds to bank account number 23568974 at the Ostland Branch; * There is a high degree of probability that the perpetrators of the offence, who are believed to be in possession of a powerful spyware, may commit another related offence unless immediately identified and arrested; * There is a high degree of probability that subscriber information related to bank account number 23568974 stored in the form of computer data sought to be secured will assist in identification of the perpetrators of the offence; * Measures involving securing access codes and rendering the access codes inaccessible to the owner of the bank account will prevent further dissipation of proceeds of crime believed to be contained in bank account number 23568974; * Atlantis Federal Police has made significant progress in regards to the investigation but has reason to believe material evidence is located in the Ostland Branch in Ostland; * Computer data will be used by the Atlantis Federal Police in its investigation and may also be used by the Ostland Federal Police if it finds cause to continue its investigation; * The application is limited only to securing specified data relating to persons concerned with the ongoing investigations, and will not involve seizure of the computer system in which the computer data is secured – if this is deemed necessary, a separate application for seizure of the computer system will be made; * The Ostland Branch appears not to have the necessary technical capacity to extract and produce the specified computer data without compromising the integrity of the computer data. |

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| **Scope of Measure** |
| The application is being made to secure computer data specified in the application. In addition to securing the specified computer data, the Applicant also seeks permission to:   * Create and retain images of the secured computer data using MD5 cryptographic hash to ensure integrity of the secured computer data; and * Order Ostland Branch to maintain integrity of the computer data for an initial period of four weeks renewable with appropriate permissions from the competent authority; and * Render inaccessible stored computer data including digital access pages to bank account number 23568974 for an initial period of two weeks renewable with appropriate permissions from the competent authority. |

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| **Execution of Measure** |
| The measure is intended to be executed on 11 October 2017 at 20:00 until 12 October 2017 at 08:00. Further extension of the specified may be urgently requested by the Applicant if required.  Persons to Accompany the Applicant:   1. Ms. Georgetta Koehler, Chief Forensic Expert, Ostland Federal Police 2. Mr. Minh Alger, Deputy Forensic Expert, Ostland Federal Police 3. Mr. Arlie Keeton, Senior Inspector, Atlantis Federal Police 4. Mr. Alphonse Qualls, Chief Technical Officer, Ostland Branch [or any designee who has knowledge about the functioning of the computer system that contains specified computer data] |

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| **Safeguarding Third Party Rights** |
| * During the period of execution of the measure, the Ostland Branch server will be rendered temporarily inaccessible and users of Ostland Branch may be unable to access their digital bank accounts. It is estimated that the measure will take 12 hours; thus the measure will not be conducted during business hours of the Ostland Branch * The Applicant and the executing team will seek to minimize downtime of the Ostland Branch server by attempting to isolate relevant data and enable access to unrelated data to the extent possible * Only specified computer data related to bank account 23568974 is being sought as said account is relevant to the investigation. No other computer data or information is being sought * Limited computer data is being rendered inaccessible only to the extent of preventing access to digital bank accounts to prevent further commission of offences * Only Applicant and the executing team will have immediate access to computer data secured. All data secured will be transmitted to the Central Authority of Atlantis pursuant to the mutual assistance request * Secured computer data and/or copies thereof will be retained by Atlantis Federal Police for only as long as necessary for the purposes of the investigation |

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| **Reporting** |
| The Applicant will submit a confidential report within 48 hours of completion of measures undertaken. The report will describe measures undertaken and provide a summary of items or computer data secured.  In case seizure of a computer system or securing/rendering inaccessible computer data not specified in this application is required, the Applicant will make a separate urgent application before this judicial authority. |

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SECURING COMPUTER DATA**

I, Carlo Rivas, being duly sworn, depose and say:

I have been an Inspector of the Ostland Federal Police for approximately thirty months. I am authorized to investigate crimes involving violations of [*Insert Name of Law*].

This affidavit is respectfully submitted in support of the accompanying Application for securing computer data under [*Section Number*], [*Name of Law*], which may be read as part of this Affidavit.

The statements in this Affidavit are based upon information provided by the Central Authority of Atlantis and on information identified in the accompanying Application in the possession of Ostland Federal Police. I have only set forth facts I believe are necessary to establish the necessary foundation for this urgent measure.

Carlo Rivas

Inspector

Ostland Federal Police