Questionnaire: Identifying industry and EU Member States' best practices on e-evidence.

Please send input by April 18 by email to Christian Borggreen (cborggreen@ccianet.org) and Bijan Madhani (bmadhani@ccianet.org).

Introduction:

Stakeholders are encouraged to provide input to this questionnaire aimed at identifying best practises by EU Member States and companies in processes related to the handling of "e-evidence". Relevant stakeholders include industry, civil society and academics.

The aim is to point to constructive, practical solutions -- which protect European fundamental rights including data protection -- which public authorities and companies currently are or should consider implementing.

The paper is meant to feed into the European Commission's policy recommendations to be presented to European Justice and Home Affairs Ministers (June 8-9, 2017).

The European Commission has been tasked by ministers improve "criminal justice in cyberspace" via concrete measures:

- Streamlining mutual legal assistance (MLA) proceedings and, where applicable, mutual recognition related to cyberspace, through the use of standardised electronic forms and tools.
- Improving cooperation with service providers, through the development of a common framework (e.g. use of aligned forms and tools) with them to request specific categories of data;
- Launching a reflection process on possible connecting factors for enforcement jurisdiction in cyberspace.

Questionnaire:

Industry best practices:

Which industry-wide or company best practices are you aware of in the following areas? Does your company have processes in place that might be useful examples for other members of industry?

- Designating a Single Point of Contact (SPOC) for law enforcement request processing for member states
- Developing clear guidance on submission and processing of requests
- Developing and providing training to law enforcement representatives for submission and handling of requests
- Creating secure online forms for request submission
- Providing responses to law enforcement requests in consistent formats
- Flagging and preserving data in response to sensitive, high-priority, or time-delayed requests

EU Member States/public authorities:

Which EU-wide, national or regional best practices are you aware of in the areas of:

- Establishing a Single Point of Contact (SPOC) for law enforcement/judiciary requests
- Developing and administering training programs for officials, e.g. webinars and "train the trainers"
- Publishing clear guidance/legislation (available in English) including on who has authority to request e-evidence
- Designing and/or using secure online platforms
- Submitting high-quality production orders (e.g. measured by percentage responded to by service providers)
- Publishing guidance on user notification policies
- Designing standardised and easy-to-use forms
- Flagging high-priority requests or MLAT requests for companies

Other initiatives:

Which other initiatives, e.g. civil society or international organisations, in Europe should be highlighted?