

I&JPN TOOLKIT ON CROSS-BORDER ACCESS TO ELECTRONIC EVIDENCE

The Toolkit is the result of broad consultations with key policy actors since 2016 and the collaboration between over 100 senior-level global key actors from governments, internet companies, technical operators, civil society, leading universities, and international organizations to develop solutions for legal interoperability concerning cross-border access to electronic evidence.

ISSUE

Criminal investigations increasingly require access to electronic evidence stored by private companies from jurisdictions outside the requesting country, while the existing Mutual Legal Assistance Treaty systems are under stress and not a scalable solution.

PURPOSE

The I&JPN Toolkit on Cross-border Access to Electronic Evidence intends to inform public, private and civil society actors in their own activities and interactions in developing and implementing alternate practices for cross-border access to electronic evidence.

CONTENTS

Part one: GENERAL STRUCTURE OF REGIMES FOR ACCESSING ELECTRONIC EVIDENCE

Regime standards

- Cross-border Access to Electronic Evidence General Regime Architecture (I&JPN REF: 20-111)
- Regime Scope (Operational Approaches: Criteria A)
- Public Authorities (Operational Approaches: Criteria B)
- Providers (Operational Approaches: Criteria C)
- Users (Operational Approaches: Criteria D)

Request/orders Standards

- Transmission (Operational Approaches: Criteria I)
- Request Formats (Operational Approaches: Criteria J)
- Nexus (Operational Approaches: Criteria K)

Part two: VOLUNTARY DISCLOSURE

Regime Standards

- Subscriber Information: A Voluntary Framework For Cross-border Requests, including Annex (Pending Finalization by Contact Group)

Request/Orders Standards

- Request Components for Access to Subscriber Information under Voluntary Disclosure Regime (I&JPN REF: 20-112)



STATES



INTERNET
COMPANIES



TECHNICAL
OPERATORS



CIVIL
SOCIETY



ACADEMIA



INTERNATIONAL
ORGANIZATIONS

ABOUT THE INTERNET & JURISDICTION POLICY NETWORK (I&JPN)

The Internet & Jurisdiction Policy Network is the leading multistakeholder organization addressing the tension between the cross-border internet and national jurisdictions. Its Secretariat facilitates a global policy process engaging over 400 key entities from governments, the world's largest internet companies, technical operators, civil society groups, academia, and international organizations from over 70 countries. Stakeholders currently work in three Programs (Data & Jurisdiction, Content & Jurisdiction, and Domains & Jurisdiction) to jointly develop policy standards and operational solutions to pressing legal challenges at the intersection of the global digital economy, human rights, and security. The organization is also the home of the world's first Internet & Jurisdiction Global Status Report and knowledge mutualization activities include regional and thematic reports as well as the I&J Retrospect Database.

The regular Global Conferences of the Internet & Jurisdiction Policy Network are institutionally supported by the Council of Europe, European Commission, ICANN, OECD, United Nations ECLAC, and UNESCO. Partner countries include France (2016), Canada (2018), and Germany (2019). Recognising the contribution of the Internet & Jurisdiction Policy Network to global governance, the work of the organization was presented to the G20 digital track, recognised by the G7 Cyber Group, one of only 40 worldwide initiatives especially showcased at the inaugural Paris Peace Forum gathering over 80 heads of government and IGOs, featured as an example in the 2020 Report "Governance Innovation Society 5.0" of Japan launched together with the OECD, and highlighted as a global cooperation mechanism by the 2020 UN Secretary General HLP Report on Digital Cooperation. The work of the organization has been covered in top media outlets such as The Economist, Washington Post, Financial Times, Politico or Fortune. The organization is financially supported by a uniquely diverse coalition of over 20 governments, companies, and organizations.

ABOUT THE I&JPN DATA & JURISDICTION PROGRAM

From framing problems in common to developing operational approaches, stakeholders in the Data & Jurisdiction Program works collectively towards defining policy problems, sharing knowledge, and designing common policy approaches for cross-border content moderation.

The Data & Jurisdiction Program Contact Group¹ engages a selected set of senior-level global key actors from governments, internet companies, technical operators, civil society, leading universities, and international organizations.

The work is facilitated by the Secretariat of the Internet & Jurisdiction Policy Network and guided by a neutral Coordinator and Working Group Facilitators, appointed by the Secretariat for their outstanding expertise and standing in the community. They serve in their personal capacity.

¹ List of I&JPN Data & Jurisdiction Program Contact Group Members <https://www.internetjurisdiction.net/news/data-jurisdiction-program-members>