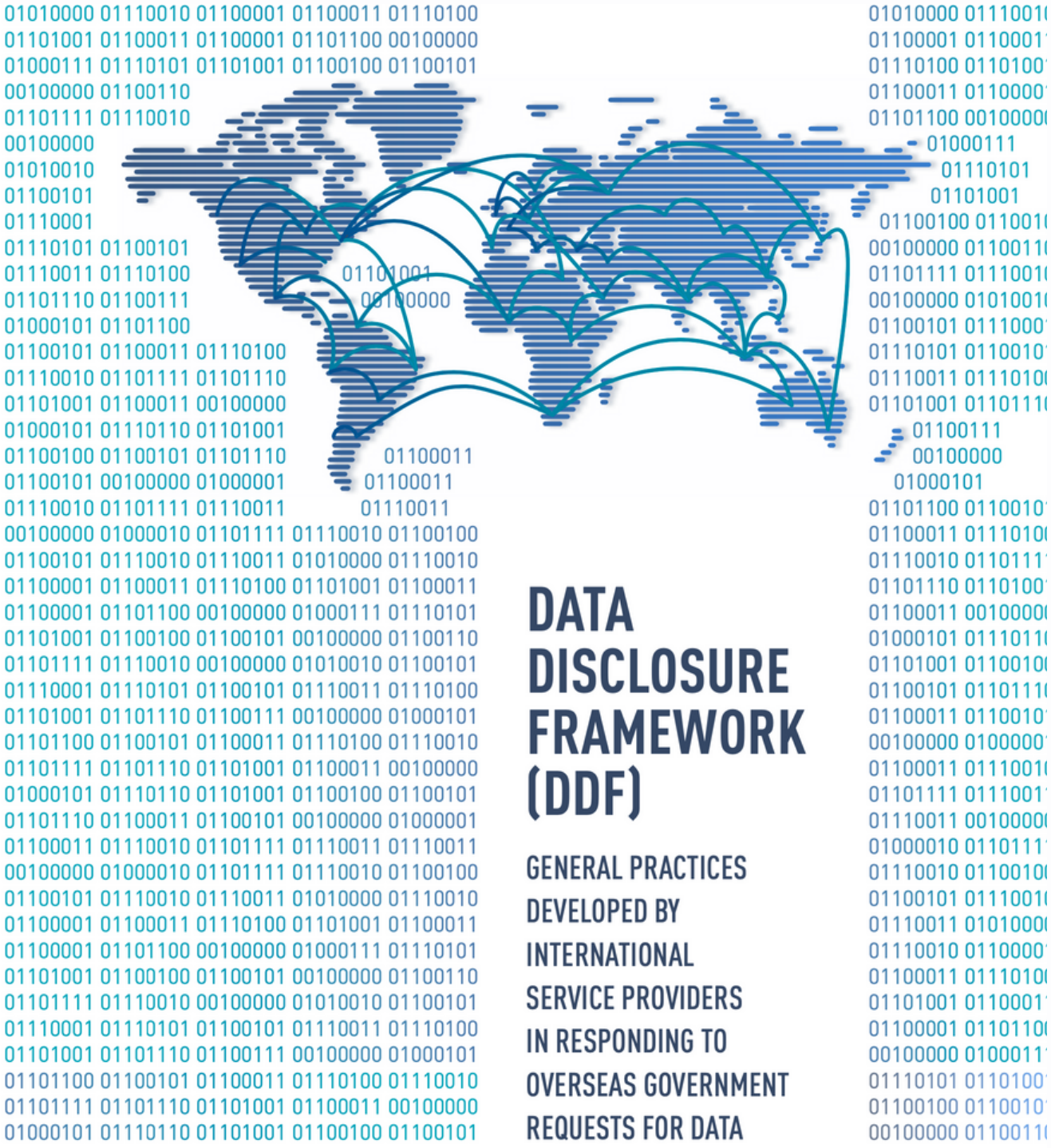
UNODC
United Nations Office on Drugs and Crime

United Nations Security Council
Counter-Terrorism Committee
Executive Directorate (CTED)



DATA DISCLOSURE FRAMEWORK (DDF)

GENERAL PRACTICES DEVELOPED BY INTERNATIONAL SERVICE PROVIDERS IN RESPONDING TO OVERSEAS GOVERNMENT REQUESTS FOR DATA

Oficial Launch
28 October 2021
15:00 (CET)

Join via
Microsoft Teams
http://lnnk.in/d9cH

No registration is required. The meeting will be conducted in English.

Concept Note

As terrorists and organized criminals increasingly use the Internet, social media and encrypted messaging apps to advance their criminal purposes, securing the evidence needed to bring them to justice is vital. Electronic evidence (e-evidence) stored by service providers (SPs) can prove where and when a crime was committed, disclose incriminating communications, and determine the location of offenders. Obtaining this e-evidence can ensure that the correct individual is apprehended and that those who perpetrate serious offences are effectively prosecuted. Legal access to data also raises important human rights issues, in particular the right to privacy, but also the rights to freedom of thought, conscience and religion. Law enforcement and legal practitioners are required to ensure that their requests are made in compliance with international law, in particular international human rights law, and the applicable domestic legal frameworks. Corporate service providers also have a responsibility to respect human rights.

In its resolution 2395 (2017), the Security Council recognizes the work of the Counter-Terrorism Committee Executive Directorate (CTED) on countering the use of the Internet and social media in furtherance of terrorist purposes, while respecting human rights and fundamental freedoms, and taking into account Member States' compliance with applicable obligations under international law. The Council further takes note of the need to preserve global connectivity and the free and secure flow of information facilitating economic development, communication, participation and access to information, and stresses the importance of cooperation with civil society and the private sector in this endeavour.

As the lead entity for capacity-building to prevent and address terrorism and transnational organized crime at the country, regional and global levels, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB) has the unique ability to assist Member States in addressing complex and imminent threats related to e-evidence, criminal justice, law enforcement and corresponding legislative issues. Moreover, UNODC/TPB ensures its global presence through its regional, field and country Offices and the deployment of in-country staff.

In its resolutions 2322 (2016), 2331 (2016), 2341 (2017) and 2396 (2017), the Council calls on Member States to collect and preserve evidence so that investigations and prosecutions may occur to hold those responsible for terrorist attacks accountable. In its resolution 2322 (2016), the Council notes the significant increase in requests for cooperation in gathering digital data evidence from the Internet and stresses the importance of considering the re-evaluation of methods and best practices, as appropriate, particularly those related to investigative techniques and e-evidence. In its resolution 2396 (2017), the Council encourages enhancing Member State cooperation with the private sector, in accordance with applicable law, especially with information communication technology companies, in gathering digital data and evidence.

In 2017, acting accordance with the aforementioned resolutions and in response to the challenges faced by Member States, UNODC/TPB, CTED and the International Association of Prosecutors (IAP) launched the Global Initiative on "Strengthening the Capacity of Central Authorities and Counter-Terrorism Prosecutors and Investigators in Obtaining Digital Evidence from private Communications Service Providers (CSPs) in Cross-Border Investigations, with a Particular Focus on Counter-Terrorism Matters".

The Global Initiative focuses on strengthening the capacity of national institutions and officials to combat crimes committed through the use of information and communications technologies (ICT), as well as those involving e-evidence, in an interconnected and holistic manner. Since its launch, the Global Initiative has obtained over $4.3 million in financial support from France, Germany, Japan, the European Union, the United Kingdom and the United States of America.

Within the framework of the Global Initiative, UNODC/TPB and CTED have facilitated the delivery of a number of tailored activities aimed at enhancing the capacity of central authorities, prosecutors and investigators to obtain electronic evidence in a timely manner, including through direct requests to CSPs. Those activities have included regional workshops, national workshops, expert group meetings (EGMs), specialized meetings for the private sector, and an e-Learning training course.

In 2018, the Global Initiative issued the "Practical Guide for Requesting Electronic Evidence Across Borders", which contains information to help criminal justice officials identify steps at the national level to gather, preserve and share e-evidence, with the overall aim of ensuring efficiency in mutual legal assistance (MLA) and facilitating understanding of other types of measures such as voluntary data preservation and disclosure. Since the release of the Practical Guide, the Global Initiative has received numerous requests for information, partnerships and specialized training in its use, as well as in the use of other UNODC/TPB tools.

However, tools of this nature are useful only if they effectively address the current challenges encountered by criminal justice officials and reflect the latest legislative developments. To this end, in May 2021 the Global Initiative updated the "Practical Guide" and UNODC/TPB launched the Electronic Evidence Hub, a "one-stop window" for legal resources and practical tools on e-evidence, encompassing relevant jurisprudence and national laws and hosting practical resources developed in cooperation with experts and practitioners.

Within the framework of the Global Initiative, criminal justice officials have also highlighted the challenges created by unclear or non-existent legal request policies of a large number of CSPs, which results in confusing and inconsistent operational practices in drafting direct requests. In response, the Global Initiative has developed two additional tools: the Data Disclosure Framework (DDF) and the Model Request Forms.

The DDF is the result of active engagement with CSPs aimed at giving start-ups, smaller tech companies and micro-platforms the confidence required to respond speedily and lawfully to requests for e-evidence in counter-terrorism investigations. By promoting the good practices of international CSPs, it aims to reduce operational inconsistencies so that more criminal justice officials can benefit from voluntary preservation and data disclosure. The Model Request Forms are based on best practices and are intended specifically for preservation (non-emergency) voluntary disclosure, and emergency disclosure requests sent to CSPs that lack their own format.

In this context, UNODC/TPB and CTED will hold a virtual open briefing on 28 October 2021 to mark the official launch of the Data Disclosure Framework (DDF).

Official Launch of the Data Disclosure Framework

AGENDA

15:00-15:15
Opening remarks

-Assistant Secretary-General Michèle Coninsx, Executive Director, Counter-Terrorism Committee Executive Directorate (CTED)
-Mr. Masood Karimipour, Chief, Terrorism Prevention Branch (TPB), United Nations Office on Drugs & Crime (UNODC)
-Ms. Gabriele Scheel, Head of Division, International Cooperation against Terrorism, Drug Trafficking, Organized Crime and Corruption, German Federal Foreign Office
- Mr. Andrew Dinsley, Deputy Head, Cyber Policy Department, United Kingdom Foreign, Commonwealth and Development Office

15:15-15:40
Session 1: Data Disclosure Framework (DDF)

-Ms. Hansol Park, External Expert
-Mr. Vivek Narayanadas, Vice-President, Legal & Data Protection Officer, Shopify
-Professor Dan Svantesson, Faculty of Law, Bond University
-Mr. Nima Binara, Counsel, Google
-Ms. Elizabeth Bacon, Senior Director, Policy and Privacy, Public Interest Registry (PIR)
-Mr. Andreas Gruber, Internet Service Providers Austria (ISPA)

15:40-15:55
Session 2: Public-private partnership:
Cooperation with the Global Initiative: technical assistance in Asia and expanding service provider mapping

-Ms. Arianna Lepore, Coordinator of Global Initiative, UNODC/TPB
-Ms. Kerri Woods, Law Enforcement Outreach, TikTok
-Mr. Jeff Wu, Trust & Safety Director, APAC, Facebook

15:55-16:00
Closing remarks

-Ms. Arianna Lepore, Coordinator of Global Initiative, UNODC/TPB
-Ms. Jennifer Bramlette, Senior Legal Officer, CTED

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This activity was made possible due to the generous support of the Governments of Germany, Japan and the United Kingdom of Great Britain and Northern Ireland.

The Federal Government

From the People of Japan

Foreign, Commonwealth & Development Office

Download the DDF directly from:

Electronic Evidence Hub

SHERLOC

https://sherloc.unodc.org/cld/en/st/evidence/ddf.html

The DDF was developed by UNODC/TPB and UN-CTED, in cooperation with:

BOND UNIVERSITY

ispa Internet Service Providers Austria

shopify

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