

# Electronic Evidence Fiche: Lao People's Democratic Republic (Lao PDR)

## 1) DEFINITIONS

Lao PDR
<b>What are the definitions in your laws/regulations, if any, of:</b>
<b>Electronic evidence</b>
There is no specific definition of "electronic evidence".
<b>Computer system</b>
Article 3 of the Lao Law on Combating Cybercrime defines the term computer system as follows: "Computer System means a piece of electronic equipment or sets of electronic equipment units integrated together, for which contains an ordering, sets of ordering and other related process to enable the electronic equipment to perform the duty of processing data automatically in a computer or any interconnected computers through computer network or internet system".
<b>Computer data</b>
Article 3 of the Lao Law on Combating Cybercrime defines the term computer data information as follows: "Computer's data and information means data, message, program or database system, personal data and information, computer traffic data in form of data processing and enabling computer to perform a function".
<b>Categories of computer data (e.g. basic subscriber information, traffic data and content data)</b>
Article 3 of the Lao Law on Combating Cybercrime defines the term computer traffic data as follows: "Computer Traffic Data means data related to communication through computer system-based developed by a computer system as a part of communication chain showing sender, source of origin, intermediary, route, destination, time, date as well as size and duration of communication, type of service and other service concerned relating to computer system communication".
<b>Electronic surveillance or real-time collection of computer/communication data</b>
There is no specific definition.

### **Service provider (e.g. ISP, hosting)**

Article 3 of the Lao Law on Combating Cybercrime defines the term computer traffic data as follows: “Service Provider means a person providing of communication data and information through computer system and/or a person providing of computer data storage”.

## **2) DATA RETENTION REGIME**

Lao PDR

**Do you have any domestic laws that stipulate a mandatory retention period of electronic data? If so, for what types of data and for how long?**

Article 40 of the Lao Law on Combating Cybercrime stipulates the mandatory retention data for service providers: “service providers are prohibited from [...]: 1. deleting computer traffic data before ninety days in case of having connection system and three hundred sixty five days of having no connection system; 2. Deleting data and information of any user causing damages before ninety days”.

## **3) ADMISSIBILITY OF ELECTRONIC EVIDENCE IN A CRIMINAL TRIAL**

Lao PDR

**What is the requirement under your domestic law for electronic evidence to be admissible in a criminal trial?**

There are no explicit provisions in Lao laws on the admissibility of electronic evidence, but the provisions of the Law on Criminal Procedure are applicable for electronic evidence as well. Admissible evidence in criminal trials is as follows:

“Article 20. Types of Evidence

Evidence in criminal proceedings consists of:

- Physical evidence;
- Documentary evidence;
- Evidence from persons.

Physical evidence is derived from material items relating to the offence, such as guns, knives, fingerprints, bloodstains, and other materials.

Documentary evidence is derived from letters, reports of the investigation, reports of the activities of the people's courts, accounts, drawings, sketches, photographs, and other documents relating to the offence.

Evidence from persons is derived from the testimony of suspects, accused persons, or defendants, the testimony of witnesses or injured parties, the identification and confirmation of the offender, and opinions of experts relating to the offence. The evidence mentioned above includes evidence to prove guilt that confirms that the accused person or defendant committed the offence, and evidence to prove innocence that confirms that the accused person or defendant is innocent. In criminal proceedings, [concerned persons] shall seek both evidence to prove guilt and evidence to prove innocence."

#### **4) RECEIVING REQUESTS FOR ELECTRONIC EVIDENCE FROM OTHER STATES**

##### **4.1. Direct requests from foreign authorities to service providers**

###### **4.1.1. Requests for preservation**

Lao PDR
<b>What legal framework(s) is/are applicable, if any?</b>
There is no specific legal provision.
<b>Are the service providers in your country prohibited from or have limited capacity for executing such requests from foreign authorities?</b>
There is no specific legal provision.
<b>If they are prohibited or if there are limitations, are there any alternative options to preserve the data from your country, e.g. through police-to-police cooperation, specialized networks (e.g. G7/8 24/7 Network) or mutual legal assistance (MLA)?</b>
Mutual Legal Assistance or police-to-police cooperation are the only channels available.
<b>Is a judicial order required from the requesting state?</b>
There is no specific legal provision.

**Are there any time limits for data preservation? Any possibility of extension?**

There is no specific legal provision.

**Would service providers in your country notify the data subjects of the request?**

There is no specific legal provision.

4.1.2. Requests for voluntary disclosure

Lao PDR

**What legal framework(s) is/are applicable, if any?**

There is no specific legal provision.

**Are the service providers in your country prohibited from or have limited capacity for executing such requests from foreign authorities?**

There is no specific legal provision.

**If they are prohibited or if there are limitations, are there any alternative options to obtain the data from your country, e.g. through police-to-police cooperation, specialized networks (e.g. G7/8 24/7 Network) or mutual legal assistance (MLA)?**

Mutual Legal Assistance or police-to-police cooperation are the only channels available.

**Is a judicial order required from the requesting state? Are there any time limits?**

There is no specific legal provision.

**Would service providers in your country notify the data subjects of the request?**

There is no specific legal provision.

**How can the process be simplified or quickened in emergency situations?**

There is no specific legal provision.

**4.2. Requests received by your central authority for Mutual Legal Assistance (MLA)**

Lao PDR

**How do you execute MLA requests for electronic evidence stored by domestic service providers (e.g. through a domestic court order or a search warrant)?**

Article 36 of the Lao Law on Combating Cybercrime stipulates that MLA requests shall include the following contents: “1 - Purpose, necessity reasons and de facto condition of the request; 2 - Any important information necessary for identifying and tracing and diagnosing of cybercrime offenders; 3 - Brief summarizing of computer system’s data and information or computer traffic data wanting to protect and storage; 4 - Legislative references and basis towards offences of the accused and the suspect; 5 - Information of organizations or authorities concerned for the case of asking for any additional information from the requesting state”.

**Can you provide assistance in real-time collection of non-content and/or content data (e.g. through electronic surveillance) upon the receipt of a MLA request? If yes, are there any limitations or conditions (e.g. limited to certain crime types or penalties thresholds)?**

There is no specific legal provision.

**What are the central and competent authorities in your country to:**  
**a) Receive a request for MLA in criminal matters?**  
**b) Execute/recognize the measure (if other than the receiving authority)?**

The Central Authority for MLA in criminal matters is the Office of the Supreme People’s Prosecutor.

**What are the accepted languages for MLA requests?**

The accepted language is English or the language foreseen in the applicable agreement.

**Can the request be submitted electronically to the central authority?**

Formal requests may be received electronically but hard copies are required to follow, even if electronic copies are provided.

**Can the request be submitted directly to the central authority?**

Article 9 of the Lao Law on Mutual Legal Assistance (2020) foresees the following procedure for the submission of MLA requests: “To make a request for legal assistance in criminal matters from the requesting state to Lao PDR, the request shall be submitted to the Central Authority via the diplomatic channel. For the submission of requests for legal assistance in criminal matters in accordance with the treaties to which Lao PDR is a party, they shall be made in accordance with the mechanism described in the relevant treaty.”

The submission of MLA requests directly to the Central Authority is possible within the framework of regional treaties (e.g. ASEAN MLAT) or existing bilateral treaties.

**What are the specific requirements (e.g. dual criminality, minimum penalty thresholds, etc.) that the requesting states have to meet under your domestic laws for MLA requests seeking for the provision of electronic evidence?**

No information provided.

**5) REQUESTING ELECTRONIC EVIDENCE ACROSS BORDERS**

**5.1. Direct requests to foreign service providers**

**5.1.1. Requests for preservation**

Lao PDR

**What legal framework(s) is/are applicable, if any?**

There is no specific legal provision.

**Which authority(ies) in your country is/are allowed to request data preservation to foreign service providers?**

There is no specific legal provision.

**If the requested foreign service providers are prohibited or limited to preserve the data, are there any alternative options to preserve the data, e.g. through police-to-police cooperation, specialized networks (e.g. G7/8 24/7 Network) or MLA?**

No information provided.

**Can a court order or a search warrant be issued for data preservation by foreign service providers? If not, what are the reasons?**

No information provided.

5.1.2. Requests for voluntary disclosure

Lao PDR

**What legal framework(s) is/are applicable, if any?**

There is no specific legal provision.

**Which authority(ies) in your country is/are allowed to request data disclosure to foreign service providers?**

There is no specific legal provision.

**If the requested foreign service providers are prohibited or limited to voluntarily disclose the data, are there any alternative options to obtain the data, e.g. through police-to-police cooperation, specialized networks (e.g. G7/8 24/7 Network) or MLA?**

No information provided.

**Can a court order or a search warrant be issued for data disclosure by foreign service providers? If not, what are the reasons?**

No information provided.

5.2. Requests sent by your central authority for Mutual Legal Assistance (MLA)

Lao PDR

**What is your central authority to send requests for MLA in criminal matters?**

The Office of the Supreme People's Prosecutor.

**Are informal contacts with the central authority of the requested states allowed and used?**

Yes, including through the South East Asia Justice Network (SEAJust).