QUESTIONNAIRE

The dynamic development of information and communication technologies contributes to changes in the way of processing IT data. We are currently witnessing a transition from a traditional model of storing all resources within one unit/entity for virtual solutions, accessible at the user's request via the Internet, which are located with an external cloud provider, such as e-mail and virtual disks. The new cloud computing model obliges national law enforcement and judicial authorities to update their knowledge and skills in securing and obtaining electronic evidence, with a particular focus on international cooperation.

The aim of this questionnaire is to gather information on the practice applied in the field of obtaining and securing electronic evidence by representatives of national law enforcement agencies and the judiciary and to identify the desired changes that will contribute to the improvement of the procedures applied in this area.

The questionnaire is fully anonymous, was developed with respect to the privacy of respondents and the applicable law, in particular in the field of data protection and protection of confidentiality. The results of the survey will be used only in scientific work. In this respect, I kindly request a reply to the questionnaire.

Thank you very much for your time.

1. Have you ever encountered the need to secure electronic evidence located in the cloud (e.g. from Gmail, Google Drive, etc.)?
   □ yes
   □ no

2. If you answered in the affirmative to the 1st question, please describe (with the exception of classified information) the way in which you proceeded in one of the cases you chose, together with the type of activity under which data was secured.
3. Do you think that obtaining electronic evidence from services offered in the clouds (e.g. files from e-mail accounts or virtual disks), in case of resources located on foreign servers, is a problem for law enforcement authorities and the judiciary?
   ☐ yes
   ☐ no
   ☐ I don’t know/It’s hard to say

4. If you answered in the affirmative to the question 3, please indicate possible problems in the area of acquisition and security electronic evidence from clouds.
5. If you answered to the question 4, please provide solutions to the problems identified in the area of obtaining electronic evidence from clouds?
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6. Have you ever requested a foreign service provider to secure electronic evidence?
☐ yes  ☐ no

7. If you answered in the affirmative to question 6, please indicate the rules allowing for sending requests to foreign service providers.
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8. Do you think that the cooperation of Polish procedural authorities with foreign service providers requires improvement?  
☐ yes  
☐ no  
☐ I don’t know/It’s hard to say

9. If you answered in the affirmative to question 8, please describe your problems with regard to cooperation with foreign service providers.

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10. If you answered question 9, please provide solutions to the problems identified in the area of cooperation of Polish procedural authorities with foreign service providers?

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11. Have you ever cooperated with the 24/7 contact point established in the structure of the Cybercrime Bureau in General Police Headquarters of Poland.  
☐ yes  
☐ no

12. If you answered in the affirmative to question 11, please indicate the scope of your cooperation.

☐ technical consultancy  
☐ data collection  
☐ providing information on existing legal regulations  
☐ locating suspects  
☐ providing access to the request for digital data gathering  
☐ sending the application to the foreign institution in order to secure the data  
☐ other answer:……………………………………………………………………………………………
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13. Czy Pana/Pani zdaniem istnieje potrzeba usprawnienia współpracy polskich organów ścigania i wymiaru sprawiedliwości z całodobowym punktem kontaktowym 24/7?
☐ yes
☐ no
☐ I don’t know/It’s hard to say

14. If your answer to question 13 is in the affirmative, please specify the elements that require improvement.

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15. If you answered to question 14, please indicate solutions that could improve cooperation with 24/7 contact point.

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16. Are you familiar with international efforts to improve the procedures for obtaining electronic evidence from clouds?
☐ yes
☐ no

17. If you answered in the affirmative to question 16, please indicate those initiatives.

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18. Have you ever attended a training course on cross-border gathering of digital evidence?
☐ yes
☐ no

19. Have you ever attended a cloud computing training course?
☐ yes
☐ no

20. If you answered in the affirmative to questions 18 or 19, please indicate the names of the training courses and the approximate date of their completion.

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21. Do you think that the Polish Police have procedural rights in the scope of remote search of IT resources and obtaining electronic evidence?
☐ yes
☐ no
☐ I don’t know/It’s hard to say

22. Do you think that exploring on the crime scene (as part of a process activity) the content of an open mailbox being a service of a foreign operator, e.g. Gmail, which is available via a web browser, is in accordance with the applicable legal regulations?
☐ yes
☐ no
☐ I don’t know/It’s hard to say

23. If your answer to question 22 is in the affirmative, please indicate the type of procedural act at which the verification of e-mail resources should take place.
☐ examination
☐ a search of the IT system
☐ forensics expertise
☐ process experiment
☐ process control
☐ other answer :……………………………………………………………………
24. Which of the following elements determines, in your opinion, the competence of national law enforcement and judicial authorities in terms of obtaining electronic evidence from the clouds?

☐ place of the head office of the service provider
☐ place where services are offered
☐ place where the offence was discovered
☐ location of stored data
☐ location of the data holder or controller
☐ location of the victim
☐ location of the offender
☐ location of the representative of the service provider
☐ I don’t know/It’s hard to say

25. Which circumstances, in your opinion, may be the basis for a remote search or other (by national law enforcement authorities) remote access to data located outside the country?

☐ no possibility to identify the service provider
☐ lack of knowledge of data location
☐ uncertainties about the location of data
☐ if the data are publicly available and are an open source of information
☐ after receiving a legally effective and voluntary consent of the person authorized to provide the information technology data
☐ as part of the process control
☐ when the search concerns a service provider operating in a country that has ratified the Cybercrime Convention.
☐ I don’t know/It’s hard to say

GENERAL INFORMATION

Please mark X

Gender: Woman ☐ Man ☐

Workplace size:
☐ city up to 25,000 inhabitants
☐ city from 25,000 to 100,000 inhabitants
☐ city from 100,000 to 300,000 inhabitants
☐ a city of more than 300,000 inhabitants.
Work seniority/services:
☐ up to 3 years  ☐ from 4 to 10
☐ from 11 to 15  ☐ from 16 to 25
☐ more than 25

The organisational unit you represent:
☐ Police Forensics Laboratory
☐ Bureau/Departments for Combating Cybercrime
☐ Prosecutor's office
☐ Court