Mutual Legal Assistance Requests Concerning Digital Evidence

The following survey is to assess existing approaches to requesting and obtaining electronic evidence in international cooperation under the conditions of Mutual Legal Assistance Treaties.

This survey consists of 36 questions, which will take approximately 20 minutes to complete.

Definitions:
Respondent - the person taking the survey.
Requesting country - a country making an international request for legal assistance.
Requested country - a country receiving an international request for legal assistance.

Responses will be considered the opinions of the respondent, and not the official position of any organizations to which the respondent belongs.

For any questions or comments about the following survey, please email

To help improve the effectiveness of mutual legal assistance requests, please share this survey with your colleagues.

Respondent Details
This section concerns the collection of general information about the respondent, such as geographic region and organization sector.

1) Please choose the following affiliation that best describes you:
   • Law Enforcement
   • Prosecution Services
   • Central Authority (Ministries, etc)
   • Service Provider
   • None of the above

2) Country:

3) Do you have experience with either creating or responding to mutual legal assistance requests, letter rogatory or other international requests for evidence?
   • Yes
   • No

4) Do you have experience with either creating or responding to mutual legal assistance requests dealing with cyber crime, electronic evidence or subscriber data?
   • Yes
   • No

If you answered “No” to both question 3 and 4, you do not need to continue. Thank you for your participation. If you answered “Yes” to either question 3 or question 4, please continue.
Mutual Legal Assistance: Treaties, Legislation and Best Practices
This section concerns the legal instruments and best practices that support mutual legal assistance between countries relating to electronic evidence.

5) [CC-216] Does your country have legislation used as a legal basis for mutual legal assistance for cybercrime?
   - Yes
   - No
   - Unsure

6) Do treaties, conventions and/or national legislation exist for incoming and outgoing electronic evidence requests?
   - Yes
   - No
   - Unsure

7) If yes, please identify the treaties, conventions and/or national legislation:

8) To your knowledge what are the different types of mutual legal assistance actions available IN YOUR COUNTRY in regards to electronic evidence requests?
   - Preservation requests
   - Search and seizure
   - Production of documents
   - Taking of witness statements/evidence
   - Temporary transfer of prisoners to give evidence
   - None

9) Is there a step-by-step, best-practice guide available describing how to conduct each type of mutual legal assistance request?
   - Yes
   - No
   - Unsure

10) If yes, please identify the any best-practice guides for each type of mutual legal assistance:

11) Are there national standards or ‘best practices’ in place for authorities to request and obtain electronic evidence from foreign countries?
    - Yes
    - No
    - Unsure

12) If yes, please identify the national standards or ‘best practices’ in place for authorities to request and obtain electronic evidence from foreign countries:
13) Does your country have information exchange protocols in place to transfer electronic evidence internationally?
   • Yes
   • No
   • Unsure

14) If yes, please identify the exchange protocols in place to transfer electronic evidence internationally:

**Writing Mutual Legal Assistance Requests**
This section concerns the writing of mutual legal assistance requests for electronic evidence.

15) Have you ever written or helped write a mutual legal assistance request for electronic evidence?
   • Yes
   • No

If you answered “No” to question 15, please **skip to question 23**. If you answered “Yes” to question 15, please continue to question 16.

16) What - in your experience - are the major challenges to writing mutual legal assistance requests for electronic evidence?
   • Acquiring appropriate documents from the requested country
   • Appropriately describing the required scope of digital evidence
   • Appropriately defining the required digital evidence
   • Information exchange protocols
   • Protocols for the exchange of data across borders
   • Other (please specify):

17) Of the MLA requests for electronic evidence that YOU HAVE WRITTEN, approximately what percentage resulted in you or your organization obtaining ALL requested electronic evidence?
   • 0%
   • 1% - 25%
   • 25% - 50%
   • 50% - 75%
   • 75% - 99%
   • 100%

18) Of the MLA requests for electronic evidence that YOU HAVE WRITTEN, approximately what percentage resulted in you or your organization obtaining SOME BUT NOT ALL of the requested electronic evidence?
   • 0%
   • 1% - 25%
   • 25% - 50%
   • 50% - 75%
   • 75% - 99%
   • 100%
19) Of the MLA requests for electronic evidence that YOU HAVE WRITTEN, approximately what percentage resulted in you or your organization obtaining NONE of the requested electronic evidence?
   • 0%
   • 1% - 25%
   • 25% - 50%
   • 50% - 75%
   • 75% - 99%
   • 100%

20) Of the MLA requests for electronic evidence that YOU HAVE WRITTEN, in approximately what percentage of the requests did you receive feedback about the status of your request?
   • 0%
   • 1% - 25%
   • 25% - 50%
   • 50% - 75%
   • 75% - 99%
   • 100%

21) Of the MLA requests for electronic evidence that YOU HAVE WRITTEN, what was the most common types of electronic evidence REQUESTED?

22) Approximately how long does a mutual legal assistance request for electronic evidence take to prepare on average?
   • 0 – 2 weeks
   • 2 – 4 weeks
   • 2 months
   • 3 months
   • 4 months
   • 5 months
   • 6 months
   • More than 6 months
   • Don't know

Receiving Mutual Legal Assistance Requests
This section concerns the receipt of mutual legal assistance requests for electronic evidence.
23) Have you ever RECEIVED or PROCESSED a mutual legal assistance request for electronic evidence?
   • Yes
   • No

If you answered “No” to question 23, please skip to question 32. If you answered “Yes to question 23, please continue to question 24.
24) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, approximately what percentage contained ALL information necessary to process the request?
   - 0%
   - 1% - 25%
   - 25% - 50%
   - 50% - 75%
   - 75% - 99%
   - 100%

25) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, approximately what percentage was the scope of the request too broad or the scope did not appear to match the reason for the request?
   - 0%
   - 1% - 25%
   - 25% - 50%
   - 50% - 75%
   - 75% - 99%
   - 100%

26) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, approximately what percentage of the requests were DENIED because of lack of dual-criminality?
   - 0%
   - 1% - 25%
   - 25% - 50%
   - 50% - 75%
   - 75% - 99%
   - 100%

27) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, approximately what percentage of the requests were DENIED because the request may violate local rights in the requested country?
   - 0%
   - 1% - 25%
   - 25% - 50%
   - 50% - 75%
   - 75% - 99%
   - 100%

28) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, approximately what percentage of the requests was feedback on the status of the request given to the requestor?
   - 0%
   - 1% - 25%
   - 25% - 50%
   - 50% - 75%
   - 75% - 99%
   - 100%
29) What is the most common reason a request for electronic evidence would be DENIED by your country (Choose one)?
   - Data protection laws in the requested country
   - Data no longer exists in the requested country
   - Data not normally collected by the requested country
   - Request for data not clear or missing required information
   - Scope of request not proportionate to the alleged crime
   - Authority conducting the investigation no clearly identified
   - Other:

30) What would you consider 'essential information' when REQUESTING electronic evidence?

31) Of the MLA requests for electronic evidence that YOU HAVE RECEIVED, what was the most common types of electronic evidence REQUESTED?

**Mutual Legal Assistance Process**

32) Does your country normally accept MLA requests only in your native language?
   - Yes, only nationally recognized languages are accepted for MLA requests
   - No, some other foreign languages are normally accepted for MLA requests
   - Unsure

33) Please identify the central authority responsible for receiving and sending requests for MLA in CRIMINAL INVESTIGATIONS or CASES involving electronic evidence.

34) How are mutual legal assistance request documents created in your organization?
   - Departments / investigators create their own request document
   - Used request organization's internal document template
   - Found official documents from requested country
   - Official request forms from INTERPOL I-24/7
   - UNODC Mutual Legal Assistance Request Writer Tool
   - Other:
35) Do mutual legal assistance request documents contain specific instructions or fields to describe required electronic evidence?
   - Yes
   - No
   - Unsure

36) What are the most common methods your organization uses to request international legal assistance?
   - Directly with investigators in the requested country
   - Directly with Law Enforcement organization in the requested country
   - Directly with the central authority in the requested country
   - Through your national central authority
   - Directly through INTERPOL networks
   - Directly through the U.N. networks
   - Directly through G8/G20 networks
   - Other:

**Contact**
Entering contact information is optional, and all information will be kept confidential.

Contact information may be used by the researchers to elaborate on some of the questions asked in the survey.

37) Please enter your name (optional):

38) Please enter your email address (optional):

39) May we contact you with follow up questions regarding mutual legal assistance requests? If yes, please make sure you enter your EMAIL ADDRESS above.
   - Yes
   - No

Thank you for participating!