PREPARATORY QUESTIONNAIRE
FOR THE EIGHTH MEETING OF THE WORKING GROUP ON CYBER-CRIME

INTRODUCTION

The object of this questionnaire is to collect useful information for the purposes of the Eighth Meeting of the Working Group on Cyber-Crime, which will take place in early 2014, with regard to the recommendations that have been put forward at previous meetings and that been adopted in the framework of the process of Meetings of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA), which are in accordance therewith.

To that end, the questionnaire is divided into five thematic areas: (I) Legislation; (II) International Cooperation; (III) Specialized Units and National Efforts; (IV) Results of Cyber-Crime Investigations and Prosecutions; and (V) Training.

Bearing the foregoing in mind, kindly submit the response of your State to this questionnaire by e-mail (LegalCooperation@oas.org) or fax (+ (202) 458-3598) to the OAS General Secretariat (Department of Legal Cooperation, Secretariat for Legal Affairs) by Tuesday, December 10, 2013.

Please use any extra space that might be required for each response, or attach additional pages, as necessary.

I. LEGISLATION

A. SUBSTANTIVE LEGISLATION:

1.1. Has your country criminalized the following types of cyber-crime?

a) Illegal access  
   Yes ( ) No ( )
b) Illegal interception  
   Yes ( ) No ( )
c) Data interference  
   Yes ( ) No ( )
d) System interference  
   Yes ( ) No ( )
e) Misuse of devices  
   Yes ( ) No ( )
f) Computer-related forgery  
   Yes ( ) No ( )
g) Computer-related fraud  
   Yes ( ) No ( )
h) Child pornography  
   Yes ( ) No ( )
i) Offences related to infringements of copyright and related rights  
   Yes ( ) No ( )
j) Other offences (please list): ____________________  
   Yes ( ) No ( )

If you answered yes to any of the foregoing, please list and enclose a copy, preferably electronic, of those laws: __________________________________________________
________________________________________________________________________
________________________________________________________________________
1.2. Has your country implemented legislation which:

a) Criminalizes the attempted commission of any of the above-noted types of cyber-crime? Yes ( ) No ( )

If so, please list and enclose a copy, preferably electronic, of those laws:
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

b) Criminalizes aiding and abetting in the commission of any of the above-noted types of cyber-crime? Yes ( ) No ( )

If so, please list and enclose a copy, preferably electronic, of those laws:
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

c) Contemplates the possibility of corporate responsibility for cyber-crimes, i.e., legislation wherein legal persons can be held responsible for criminal offenses related to cyber-crime? Yes ( ) No ( )

If so, please list and enclose a copy, preferably electronic, of those laws:
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

B. PROCEDURAL LEGISLATION:

1.3. If your country does not have a cyber-crime law that criminalizes any of the above conduct, are there currently any efforts to enact such laws: Yes ( ) No ( )

If so, please describe those efforts: _____________________________________________
_________________________________________________________________________
_________________________________________________________________________

1.4. Does the legislation of your country allow criminal investigators to compel Internet Service Providers to preserve electronic evidence without the need for a court order?

Yes ( ) No ( )

If so, kindly provide a brief description of the provisions and/or other measures in place in that regard, together with a copy, preferably electronic, thereof: _____________________
_________________________________________________________________________
_________________________________________________________________________
1.5. Has your country adopted legislation or other necessary measures whereby its competent authorities can:

a) Seize, confiscate, or attach computer systems or computer-data storage media? Yes ( ) No ( )
b) Copy and keep the computer data accessed? Yes ( ) No ( )

If so, kindly provide a brief description of the provisions and/or other measures in place together with a copy, preferably electronic, thereof:

________________________________________________________________________
________________________________________________________________________

II. INTERNATIONAL COOPERATION

2.1. Has your country joined the G8 24/7 High Tech Crime Network? Yes ( ) No ( )

If not, has your country taken any steps to join it? Yes ( ) No ( ) Do Not Know ( )

If so, please describe those steps:

________________________________________________________________________
________________________________________________________________________

2.2. Do the laws of your country allow for the processing of requests for mutual assistance from other states for the purpose of obtaining evidence in electronic form?

Yes ( ) No ( ) Do Not Know ( )

If so, kindly provide a brief description of the provisions and/or other measures in place in that regard, together with a copy, preferably electronic, thereof:

________________________________________________________________________
________________________________________________________________________

2.3. Has your government presented or received requests for mutual assistance for the investigation or prosecution of cyber-crimes or for the purpose of obtaining evidence in electronic form and taking other steps necessary to facilitate the investigation or prosecution of cyber-crimes? Yes ( ) No ( ) Do Not Know ( )

If so, please indicate the number of requests presented and/or received and the status of those requests:

________________________________________________________________________
________________________________________________________________________

III. SPECIALIZED UNITS & NATIONAL EFFORTS

3.1. Is there a specialized unit or agency in your country specifically charged with the investigation of cyber-crimes? (police authority) Yes ( ) No ( )

If so, please supply the following information:
3.2. Is there a specialized unit or agency in your country specifically assigned the responsibility of prosecuting cyber-crimes? Yes ( ) No ( )

If so, please supply the following information:

- Name of the unit or agency: ____________________________
- Institution to which it reports: ____________________________
- Internet address of the unit or agency: ____________________________
- Contact information:
  - Name of contact: ____________________________
  - Address: ____________________________
  - Telephone(s): ____________________________ Fax: ____________________________
  - E-mail address: ____________________________

3.3. Has your country established any Internet pages to provide citizens with information on how to avoid falling prey to cybercrimes and on how to detect and report such crimes to competent authorities when they do occur? Yes ( ) No ( )

If so, kindly provide the respective Internet address/es of the page/s, as well as a brief description of the website/s:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3.4. Has your country implemented any probity or awareness-raising programs on the dangers of cyber-crime, or produced manuals or guides to orient and alert the public on the dangers of cyber-crime and how to avoid becoming a victim thereof?

Yes ( ) No ( )

If so, kindly provide a brief description of those programs, manuals, or guides:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

IV. RESULTS OF CYBERCRIME INVESTIGATIONS AND PROSECUTIONS

4.1. Please indicate the number of investigations that your country has carried out with respect to each of the following cyber-crime offenses or conduct, from January, 2012 to the present:
a) Illegal access Number of investigations: ____
b) Illegal interception Number of investigations: ____
c) Data interference Number of investigations: ____
d) System interference Number of investigations: ____
e) Misuse of devices Number of investigations: ____
f) Computer-related forgery Number of investigations: ____
g) Computer-related fraud Number of investigations: ____
h) Child pornography Number of investigations: ____
i) Offences related to infringements of copyright and related rights Number of investigations: ____

4.2. If your country has criminalized any of the cyber-crime offenses referred to in question 1.1, above, please indicate the number of prosecutions that your country has carried out with respect to each of the corresponding cyber-crime offenses, from January, 2012 to the present, as well as the number of cases that resulted in a conviction:

a) Illegal access Cases prosecuted: ____ Convictions ____
b) Illegal interception Cases prosecuted: ____ Convictions ____
c) Data interference Cases prosecuted: ____ Convictions ____
d) System interference Cases prosecuted: ____ Convictions ____
e) Misuse of devices Cases prosecuted: ____ Convictions ____
f) Computer-related forgery Cases prosecuted: ____ Convictions ____
g) Computer-related fraud Cases prosecuted: ____ Convictions ____
h) Child pornography Cases prosecuted: ____ Convictions ____
i) Offences related to infringements of copyright and related rights Cases prosecuted: ____ Convictions ____

4.3. Have you encountered any difficulties with respect to the investigation and/or prosecution of the above offenses? Yes ( ) No ( )

If so, please provide a detailed and specific description of the type of difficulties that have been encountered: _________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4.4. Are there any areas related to the fight against cyber-crime in which your country could benefit from technical cooperation provided by other Member States? Yes ( ) No ( )

If so, please provide a detailed and specific description of the type of technical cooperation that would be of benefit to your country:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
V. TRAINING

5.1. Does your country provide training to law enforcement personnel on cyber-crimes and the collection of electronic evidence? Yes ( ) No ( )

If so, please provide a brief description on the type of training and number of personnel trained:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

5.2. Does your country provide training to prosecutors on cyber-crimes and the collection of electronic evidence? Yes ( ) No ( )

If so, please provide a brief description on the type of training and number of personnel trained:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

5.3. Does your country provide training to judges on cyber-crimes and the collection of electronic evidence? Yes ( ) No ( )

If so, please provide a brief description on the type of training and number of personnel trained: _________________________________________________________________

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State: _____________________________________________________________

(b) The official to be consulted regarding the responses to the questionnaire is:
( ) Mr.: _____________________________________________________________
( ) Ms.: _____________________________________________________________
Title/position: _________________________________________________________
Agency/office: _________________________________________________________
Address: ______________________________________________________________
_____________________________________________________________________

Telephone number: _____________________________________________________
Fax number: ___________________________________________________________
E-mail address: _________________________________________________________

MJ00672E01