



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE

Electronic evidence and criminal justice

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Electronic evidence

- Electronic evidence is everywhere
- Not only related to cybercrime
- Could be any offence
- Electronic evidence is becoming more important while investigating traditional / non-cybercrime cases

Electronic evidence

- No common definition
- Different categories of data
 - Subscriber information
 - Traffic data
 - Content data
- Level of interference with the fundamental rights and privacy different
- Conditions and safeguards important

Procedural law aspects

- Procedural measures to address electronic evidence
- Specific measures vs generic measures vs broad police powers
- Preservation, disclosure, real-time access
- Specific measures enable setting precise conditions and safeguards that take into account the sensitivity of data

Problems in practice

- No proper definition for electronic evidence or generic definition too limited
- Problems related to collection, handling, storing, analysing and using electronic evidence
- Problems related to admissibility
- If electronic evidence is not recognised, substantive and procedural law could become obsolete

Benefits of the Budapest Convention

- Convention not only about cybercrime offences
- Procedural law and measures can be used with regard to any crime involving electronic evidence
- Domestic measures and international cooperation
- Ongoing discussions – how to improve access to electronic evidence at domestic level, abroad, in the cloud etc
- Additional tools being developed for international cooperation

Capacity building

- Topic that has been receiving lots of attention and support by the IEG
- Must include also legislation on electronic evidence
- Collection, handling, storing, analysing, presenting at the court
- Training programs for law enforcement and judiciary, first responders' training
- Cooperation important at both national and international level



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Questions?

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