

## Annex to CU 2023/187/DTA/CEB/CSS

To facilitate the provision of information on good practices and challenges with respect to the use of information and communication technologies for the purpose of international cooperation and asset recovery in the framework of the implementation of the United Nations Convention against Corruption, the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the notes entitled “The use of information and communications technologies for the implementation of the United Nations Convention against Corruption” contained in documents CAC/COSP/WG.4/2016/2 and CAC/COSP/WG.4/2022/2<sup>1</sup> and the conference room paper entitled “Responses received from States with regard to existing software programmes for case management systems in the field of international cooperation contained in document CAC/COSP/EG.1/2017/CRP.1<sup>2</sup> that could be used as background material for the completion of the questionnaire.<sup>3</sup>

### I. General information on the use of information and communication technologies:

1. Has the Government used information and communication technologies (ICTs) **in the context of international cooperation** for the implementation of the Convention? Yes  /No

a. If yes, which ICTs has the Government used in the context of international cooperation? Please choose one or more of the options below:

- Email/messaging technologies
- Videoconference platforms/services
- Word processing technologies (e.g Microsoft Word, Google Docs, Open Office, etc.)
- Publicly available websites
- Artificial intelligence
- Case management systems
- Custom-made software for management and execution of requests
- Databases (Corporation registries, Register for beneficial ownership)
- Secure data storage platforms/facilities
- Secure information exchange/communication platforms (GlobE Threema, INTERPOL I 24/7, EUROPOL SIENA)
- Translation software
- Other, please specify:

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<sup>1</sup> CAC /COSP/WG.4/2016/2 (<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2016-August-22-24/V1603242e.pdf>); CAC/COSP/WG.4/2022/2 ([https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2022-June-13-17/CAC-COSP-WG.4-2022-2\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2022-June-13-17/CAC-COSP-WG.4-2022-2_E.pdf))

<sup>2</sup> CAC/COSP/EG.1/2017/CRP.1 (<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/EMInternationalCooperation/6-7November2017/V1707498e.pdf>)

<sup>3</sup> Please refer to resolution 6/7 entitled “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption” (<https://www.unodc.org/unodc/en/corruption/COSP/session6-resolutions.html>)

2. Please provide additional details of any ICTs that are particularly useful for international cooperation based on your experience, including any websites, resources or tools that you frequently use and find most useful.

The following databases, websites and resources are particularly helpful for international cooperation aims:

- Databases, including those managed by government, international organisations and private company databases, which may provide access to a range of information such as intelligence reports, company records, real estate information and ownership of other assets, and verification of requests received from foreign counterparts;
  - World Check One Refinitiv: provides information on the public record (ie. obtained from open source, research and newspaper articles); and
  - Web-based platforms which can share knowledge and best practices, for example the Europol Platform for Experts (EPE).
  - The Online Directory of Competent National Authorities under the United Nations Convention Against Corruption ([www.unodc.org/compauth\\_uncac/en/index.html](http://www.unodc.org/compauth_uncac/en/index.html))
3. If you are using software or have developed or use custom-made software in the context of international cooperation (e.g. case management for incoming and outgoing requests), please provide information on the main features of such software and how it could be useful. Additionally, would you consider making your custom-made software available to other States parties to the Convention?

The Australian Central Authority for extradition and mutual legal assistance uses a customised database, referred to as 'MAX', for the management of incoming and outgoing requests for extradition and mutual assistance in criminal matters. MAX is designed to assist case officers to manage and oversee individual matters, and to run various reports using advanced search metrics. MAX utilises the *Microsoft Dynamics 365 CRM* platform.

Australian authorities are unable to make this system available to other States parties.

## II. Evaluation and good practices

4. Have you evaluated the effectiveness of using ICTs for international cooperation in the fight against corruption? Yes  / No
- a. If yes, what indicators did you use for your evaluation? What was the outcome of the evaluation?
  - b. If the outcome of the evaluation was positive, how did the use of ICT facilitate international cooperation? Has the use of ICTs improved the quality of incoming and outgoing requests or their timely follow-up and reporting on international cooperation?
5. Please provide information (policies, measures, examples, case studies) of good practices in connection with your country's use of ICTs for international cooperation and asset recovery.

Australia seeks to transmit and receive formal mutual legal assistance requests and associated material via electronic means, such as email, wherever possible. The only exception to this

practice is in relation to requests made to Australia seeking the registration of orders for restraint and confiscation of assets, wherein original orders are required.

### III. Challenges

6. Have you experienced any challenges or limitations in using ICTs in the context of international cooperation related to anti-corruption efforts? **Yes**  / **No**

If yes, please indicate which of the following options are applicable:

- Lack of capacity or training
  - Lack of resources
  - Legal obstacles to the use of ICTs for the international cooperation
  - Reluctance from foreign counterparts to use ICTs
  - Security and confidentiality of sensitive information (personal data protection)
  - Technical obstacles (connectivity, access to stable internet connection, use of outdated technologies, etc.)
  - Other, please specify: The use of unsecured and open emails by some authorities (eg platforms such as Outlook, Hotmail and Yahoo), in particular with the intention of exchanging sensitive information.
7. Please elaborate on the responses provided to question 6. If possible, please provide examples of the obstacles mentioned and describe the measures taken to overcome them.

Some countries, including Australia in specific circumstances, have certain document certification requirements under their domestic laws that mean documents must be provided in hard copy rather than electronically, and must carry a signature or original seal made by a court or other issuing authority in the requesting country. For example, orders for restraint and confiscation of assets that are sought to be registered in a foreign jurisdiction may be required to carry the seal etc. of the court that made them. This can create practical challenges in respect of conveying these requirements to the issuing authorities, the timeliness of transmission, and ensuring that original documents reach the intended recipients when sent via post or similar means. Measures undertaken when dealing with these matters include proactive engagement with international counterparts to better understand the different procedural requirements that exist within different legal systems.

Regarding the use of unsecured email, Australia notes that some jurisdictions do not have the resources to establish and maintain secure government email servers.

Australia notes that limitations on the use of ICTs for international cooperation may be necessary and appropriate in the context of obligations that may exist in certain countries regarding data protection, information sharing, as well as procedural fairness and fair trial considerations.

- a. What kind of ICTs would help improve your ability to cooperate with other States on the fight against corruption?

Broader acceptance of electronic transmission and receipt of requests for assistance would likely assist Australia to cooperate with foreign counterparts in a more expeditious manner.

A greater use of hosting sites with appropriate two-factor authentication, rather than the use of generic servers, may be beneficial. A particular benefit of using hosting sites, in relation to facilitating international cooperation in the law enforcement space, which use two-factor authentication, is to allow information to be accessible only to people with particular codes to access them, which is particularly useful when information is exchanged and restricted on a need-to-know-basis. In addition, less people will access the hosting sites, as opposed to generic and publicly accessible websites. A greater level of security can be applied to purpose-built web-platforms, for instance measures are taken to apply security protocols fit for the law enforcement environment. We are aware that the hosting site used by the Asset Recovery Network of the Financial Action Task Force of Latin America (RRAG), facilitates the exchange of information between the international contact points that make up the Network, and we understand *“has been a determining instrument for the RRAG to develop its objective and ensure a timely and adequate exchange between contact points, which has allowed the identification of property and assets in the region”* (source: [https://baselgovernance.org/sites/default/files/2021-09/10th\\_anniversary\\_of\\_rrag.pdf](https://baselgovernance.org/sites/default/files/2021-09/10th_anniversary_of_rrag.pdf)).

#### **IV. Online one-stop hub of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)**

8. Are any law enforcement anti-corruption authorities from your country members of the Globe Network?<sup>4</sup> **Yes**  / **No**
- a. What online ICT services or functionality would be the most useful to your practitioners on the GlobE one stop hub, as a resource for international cooperation?
  - b. Has(ve) your GlobE member authority(ies) registered as GlobE Threema<sup>5</sup> user(s)? **Yes**  / **No** 
    - If yes, does the GlobE Threema address their needs for a secure communication platform? **Yes**  / **No**
    - What GlobE Threema functionality do they find the most useful for international cooperation?
    - Are there other features that your member authority(ies) require from a secure communication platform?

Please elaborate as necessary.

#### **V. Other**

9. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective use of ICTs in the international cooperation system that was not highlighted in the questions above.

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<sup>4</sup> The list of GlobE Members and Observers can be found in the following website: <https://globenetwork.unodc.org/globenetwork/en/membership.html>

<sup>5</sup> Information brochure on GlobE Threema: [https://globenetwork.unodc.org/globenetwork/uploads/documents/GlobE\\_Threema\\_Brochure\\_-\\_A4\\_version.pdf](https://globenetwork.unodc.org/globenetwork/uploads/documents/GlobE_Threema_Brochure_-_A4_version.pdf)

In Australia, our legislation guides the particular purpose and circumstances when information can be obtained, used, and shared and for what purpose. This means that information obtained through compulsive powers (such as notices to produce and search warrants) cannot generally be communicated through ICT (including hosting sites), where that information may be made available 'at large' or to people that do not have a 'need to know' based on the purposes for which the information was shared.