

3. Home Ministry Issues Revised Norms for Data-led Probes

Prelims Level: Governance - Policies

Mains Level: GS-II Government policies and interventions for Development in Various Sectors and Issues Arising out of their Design and Implementation.

Why in News?

- The Ministry of Home Affairs has issued revised guidelines to streamline the process of seeking legal assistance from foreign countries in criminal matters. The revised guidelines will direct how data requests are processed in any Criminal Investigations.

About the Guidelines:

- The revised guidelines includes the process for issuing directives on drafting and processing letters of request, mutual legal assistance requests and service of summons, notices and other judicial documents.
- Most intermediaries and social media platforms such as Facebook, WhatsApp, Google, Yahoo!, Twitter and YouTube have their servers outside India. And thus Indian investigation agencies need to follow a particular procedure to access the data from these platforms.
- The revised norms have come in the backdrop of recently tabled Personal Data Protection Bill, 2019 in the parliament.

Key Points of the Revised Guidelines:

1. Criteria to seek Information from Foreign Countries:

- ✓ Before seeking information about a person's e-mail account hosted on servers in foreign countries, investigating agencies will have to establish that it is linked to a crime.

2. Data Preservation:

- ✓ Data preservation is the key to the investigation of cyber-offences and those involving digital evidence.
- ✓ Accessing the internet through an Internet Service Provider (ISP) creates important records and other information such as customer records, connection information and stored data.
- ✓ These are very important evidence to prove the guilt intention of the Accused.

- ✓ Since this type of evidence can disappear quickly, it is important to get the data preserved through Appropriate Channels.

3. Place for Data Preservation:

- ✓ The G-8 24/7 Network allows law enforcement agencies to make urgent preservation requests of the digital data before it perishes.
- ✓ The request for data may be sent to the service provider or to the Central Bureau of Investigation (CBI) – the contact point for India with respect to G-8 24/7 Network.

4. Time Period:

- ✓ The requested country has to be informed about the time period for which the data is required.
- ✓ Such period shall be consented by the requested country.
- ✓ The transferred data shall be kept for no longer than the period required for the purpose for which it has been received and shall be returned to the requested country or deleted at the end of the period specified.

About G-8 24/7 Network:

- **The G8 24/7 provides for investigations involving electronic evidence that require urgent assistance from Foreign Law Enforcement.**
- **Therefore, to enhance and supplement (but not replace) traditional methods of obtaining assistance, the G8 countries has created this network.**
- **It is a new mechanism to expedite contacts between the Participating States or other autonomous law enforcement jurisdictions of a State.**
- **It is a point to point network for urgent assistance in Cybercrime Matters.**