Syllabus subtopic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Prelims and Mains focus: about the guidelines issued by MHA, significance of data preservation; about the 24/7 network

News: The Union Home Ministry (MHA) has said that before seeking information about a person’s email account hosted on servers in foreign countries, investigating agencies will have to establish that it is linked to a crime.

Background

- Most intermediaries and social media platforms such as Facebook, WhatsApp, Google, Yahoo!, Twitter and YouTube have their servers outside India.
- The Centre introduced the Personal Data Protection Bill, 2019 in the Lok Sabha last month that seeks to provide for protection of personal data of individuals and establishes a Data Protection Authority for it.

Guidelines issued by the MHA

- The Ministry said it was not enough to show that the accused had an email account as “the account must have something to do with the crime being investigated” and it was “the lowest legal standard required of all investigative processes”.

- The Ministry issued revised guidelines to streamline the process of seeking legal assistance from foreign countries in criminal matters, issuing directives on drafting and processing letters rogatory, mutual legal assistance requests and service of summons, notices and other judicial documents.

- In the guidelines issued to the States and other agencies, the Ministry
stressed “data preservation” as it was the key to the investigation of cyberoffences and those involving digital evidence.

- The Ministry said the **G8 countries’ 24/7 Network** was one such channel that could be used to place request for preserving data in real time.

- 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.

**Importance of Data Preservation**

- Accessing the Internet through an Internet Service Provider (ISP) creates important records and other information such as customer records, connection information and stored data. This is very important evidence to prove the guilt intention of the accused.
- Since this type of evidence can disappear quickly, it is of paramount importance to get the data preserved expeditiously through appropriate channels. The request may be sent to the service provider or to the CBI — the contact point in respect of G8 24/7 Network.

**About the G8 24/7 Network**

- The G8 network allows law enforcement agencies to make urgent preservation requests of the digital data before it perishes.
- The network, established among the G8 nations in 1997, has since grown to **55 member countries**, all of which have dedicated cyber crime investigators who can respond to fast-moving cases at a moment’s notice—often with the ability to “fast freeze” e-mail traffic and other stored electronic data, which can preserve a crook’s otherwise fleeting digital footprint.