Cross Border Sharing of Data: Challenges and Solutions

DECEMBER 8th 2017 | 10:30 am – 5:00 pm

INDIAN ISLAMIC CENTRE
87 - 88, Lodhi Road, New Delhi - 110003

Cloud computing, the growth and expanding presence of ICT companies incorporated in the US, and the dominance of the digital as a means of communicating and committing crime has increased exponentially the need for data located in another jurisdiction for an investigation. As the need for quick and efficient access to large quantities of data stored abroad increases - the need to ensure processes for accessing this data are efficient while at the same time formal, subject to oversight, transparent, and uphold the procedural and substantive rights of users. This is particularly true as accessing data of an identified individual or group of individuals is not necessarily straightforward and multiple persons can inadvertently be affected.

As a result of the above, policy and practice around cross border sharing of data has become a pressing policy issue in the last few years. With growing challenges in accessing data stored outside of a home jurisdiction, governments, law enforcement, and companies are asking for solutions to the existing methods of accessing data across borders - primarily the MLAT process - and are exploring potential new processes to complement the same to ensure effective and efficient sharing of data across borders for law enforcement purposes.

The Centre for Internet and Society has been following the debates around the MLAT process taking place globally as well as researching potential areas of tension in the tools that India uses to access data across borders. As part of this research, CIS is hosting a workshop on cross-border sharing of data on the 8th of December at the Indian Islamic Centre from 10:30 am - 5:00 pm.

The workshop will be in a discussion format with opening remarks and provocations from experts and subsequent discussion and dialogue between participants.

TENTATIVE AGENDA

10:30 - 11:00 Tea

11:00 - 11:30 Welcome and Setting the Scene

11:30 - 12:30 MLA Treaties: Content and Requests

- How do MLATs compare to other tools for cross border sharing of data?
- What are key provisions that MLATs need to contain to be relevant and effective today?

12:30 – 1:30 From India to the US and Back: MLAT Procedure and Process

- What are points of tension in the current process and what are the effects of these?
- What are potential solutions?

1:30 – 2:30 Lunch

2:30 – 3:30 International Developments: Reconceptualizing Cross Border Sharing of Data

- What are the new models emerging out of the US, UK, and EU for cross border sharing of information? What are the implications of these for India? Should India consider similar models?
- Do we need to reconceptualize jurisdiction? if so, how?

3:30 – 4:00 Tea

4:00 – 5:00 Capacity Building, Transparency, and Way Forward

- What are key capacity building efforts needed today to strengthen the MLAT process in India?
- What are potential ways forward?