

Fiches Belges on electronic evidence

Estonia

1. Definition of electronic evidence

There is no specific definition for electronic evidence.

Electronic evidence is considered as information in electronic format (computer data) that evidentiary value.

2. Which measures are possible in your Member State under International Judicial Cooperation?

Preservation or computer data, production of computer data, real-time interception.

3. Procedure for obtaining electronic evidence

a. National procedures

b. international procedures (including Available channels/ways to obtain electronic evidence from your Member State; urgent procedures; specialised networks to obtain electronic evidence e.g. 24/7 Budapest Convention/police channels)

There are no specific procedures in place for preservation and production of computer data.

For the retained telecommunications data (traffic data) permission of the prosecutor office is required.

General measures are being used by the investigative authority and prosecutors office.

As regards international cooperation different channels are available including 24/7 Point of Contact as well as Europol and Interpol channels.

4. International legal framework applicable for this measure in your Member State

Relevant EU, CoE instruments including the Budapest Convention

5. competent authority to receive and execute your request

Prosecutor Generals Office. Investigative authority can also issue orders for preservation and production.

6. accepted languages

Estonian, English

7. Definition of data category and examples: subscriber, traffic/transaction and content data in terms of requirements and thresholds for access to data needed in specific criminal investigations

For the criminal offences there are no thresholds for preservation and production of data. Real-time interception is available for specified serious offences which include cybercrime.

8. Voluntary-disclosure:

a. As issuing state: Admissibility of the electronic evidence obtained by voluntary disclosure.

b. As executing state: Procedures/legislation in your Member State with regards to the possibility for the OSPs in your Member State to provide data directly to other Member States

Evidence is admissible if it has been obtained by using official channels following the criminal procedure rules.

9. Data retention periods (including procedures for extensions)
Data retention period for telecommunication data is 12 months.

10. Procedure for data preservation/execution deadline
There are no specific procedures in place neither deadlines.

11. Procedure for data production/ execution deadline
There are no specific procedures in place neither deadlines.

12. Concise legal practical information

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