



EUROPEAN CRIMINAL LAW ASSOCIATION  
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### **LATE AFTERNOON ONLINE SEMINAR**

**Tuesday 8<sup>th</sup> February 2022**  
**4.00 – 6.00 pm**

UK Law Enforcement access to electronic evidence stored overseas: the US and European context post Brexit

#### **In the Chair**

**Gemma Davies**, Associate Professor, Northumbria University

#### **Speakers and panel members**

- **Peter Swire**, Georgia Tech Schneller College of Business, Alston & Bird USA, Director Cross-Border Data Forum
- **DeBrae Kennedy-Mayo**, Georgia Tech Schneller College of Business, Senior Fellow Cross-Border Data Forum
- **Andreas Gruber**, Chair of Cybercrime and Security Committee at EuroSPA and Head of Legal at Internet Service Providers Austria
- **Chloé Berthélémy**, Policy Advisor EDRI, the biggest European network defending rights and freedoms online

This event is free but advance **booking is required**. Details about how to join the virtual event will be circulated via email to registered attendees closer to the event date. **Bookings can be made at: <https://www.ials.sas.ac.uk/events/event/25739>**

This event will discuss UK law enforcement access to electronic evidence stored overseas with a focus on cooperation with the US and the EU. Presentations will cover the UK-US Cloud Act Agreement on Law Enforcement Access to Data and the progress of the EU-US proposed agreement. Also discussed will be the Council of Europe's 2<sup>nd</sup> Protocol to the Budapest Convention on access to electronic evidence which will shortly be open to signatures. The session will consider key aspects of the agreements outlining similarities and differences with the EU e-evidence proposals, consider the roadblocks to progress to date and the human rights and data protection concerns that still plague the new initiatives.

The second half of the session will be dedicated to a panel discussion comparing the UK and the EU's current approach to reforming the law on obtaining e-evidence. What may the UK be able to achieve post Brexit with both the US and the EU? Time will also be allocated for audience questions.

**To join: Book at <https://www.ials.sas.ac.uk/events/event/2573>**

**Peter Swire** is the Elizabeth and Tommy Holder Chair and Professor of Law and Ethics in the Scheller College of Business at the Georgia Institute of Technology, Research Director of the Cross-Border Data Forum, and senior counsel with the US-based law firm of Alston & Bird. Under President Clinton, Swire was Chief Counselor for Privacy in the U.S. Office of Management and Budget. Swire served as one of five members of President Obama's Review Group on Intelligence and Communications Technology. In 2015, the International Association of Privacy Professionals awarded Swire its annual Privacy Leadership Award. In 2018, Swire was named an Andrew Carnegie Fellow for his project on "Protecting Human Rights and National Security in the New Age of Data Nationalism."

**DeBrae Kennedy-Mayo** is a Research Faculty Member at the Scheller College of Business at the Georgia Institute of Technology. She works as part of a small team who research, write, and teach on legal and policy issues concerning privacy and cybersecurity. Peter Swire and Kennedy-Mayo are the co-authors of the 2020 edition of U.S. Private Sector Privacy: Law and practice for information privacy professionals. With her co-authors, Kennedy-Mayo has written on cross-border issues focusing on the U.S., Europe, and India. Prior to her work at Georgia Tech, Kennedy-Mayo was employed as both an Assistant Attorney General for the State of Georgia and an Assistant District Attorney.

**Andreas Gruber** works as a legal advisor in the internet and telecommunications sector with a focus on the regulation of electronic communications services and data protection. He is currently Head of Legal at the Austrian ISP association ISPA as well as the Chair of the Cybercrime and Cybersecurity Committee at EuroISPA, whose key dossiers include the EU

Evidence Regulation and the Second Additional Protocol to the Budapest Convention. In addition Andreas is also a Member of the UN Expert Group on the development of a Data Disclosure Framework. He has long-standing experience in the cooperation between service providers and law enforcement agencies, including cross-border access to E-Evidence.

**Chloé Berthélémy** leads EDRI's policy work on law enforcement and data protection issues, including cross-border access to data at EU and Council of Europe levels, Europol, EU police and migration databases as well as information exchange. She also has expertise related to online freedom of expression and content moderation in the context of the Terrorist Content Online Regulation. Before joining EDRI, she advocated for youth rights at the European level. She recently co-authored a compendium of scenarios illustrating the gaps in fundamental rights protections in the EU e-evidence proposals. The report is available [here](#).