

Portuguese Law and the Convention on Cybercrime

Pedro Verdelho



A – Substantive Law

Law nr 109/91, 17 of August 1991
(Computer Crime Law)

Article 2

- Definitions

- ◆ "computer data"
- ◆ "service provider"
- ◆ "traffic data"

A – Substantive Law

Law nr 109/91, 17 of August 1991
(Computer Crime Law)

Article 8

- ◆ illegal interception

Article 5

- ◆ computer damage

Article 6

- ◆ computer sabotage



A – Substantive Law

misuse of devices

Article 6 (Convention)

A – Substantive Law

Child Pornography
(Article 9 - Convention)

- ◆ age
- ◆ possession
- ◆ realistic representation

new Draft Penal Code
(Article 176)

A – Substantive Law

Corporate Liability
(Article 12 - Convention)

- ◆ Computer Crime Law
- ◆ new Penal Code

- ◆ the special case – liability because of lack of supervision
- ◆ child pornography and fraud



B - Procedural Law

Articles 16 and 17 - Convention

- ◆ Expedited preservation of stored computer data
- ◆ Expedited preservation and partial disclosure of traffic data

B - Procedural Law

Article 18 - Convention

production order



B - Procedural Law

Article 19 - Convention

search and seizure of stored computer data

B - Procedural Law

jurisdiction



C - International co-operation

Article 29 - Convention

expedited preservation of stored computer data

Article 30 - Convention

expedited disclosure of preserved traffic data

C - International co-operation

24/7 Network

other portuguese speaking countries...







Pedro Verdelho, Centro de Estudos Judiciários, Largo do Limoeiro, Lisboa
pedroverdelho@cej.mj.pt