Cybersecurity

New Cybersecurity Laws Introduced in Parliament

Introduction

In April 2016, the Minister for Communications and Information Dr Yaacob Ibrahim revealed that a standalone Cybersecurity Bill to strengthen laws against online crimes would be tabled in Parliament sometime in 2017. While we are still awaiting this standalone Cybersecurity Bill, the Singapore Government has taken steps to strengthen the existing Computer Misuse and Cybersecurity Act (Cap. 50A) ("CMCA").

On 9 March 2017, the Computer Misuse and Cybersecurity (Amendment) Bill ("Bill") was introduced in Parliament and given a First Reading. According to a press release by the Ministry of Home Affairs ("MHA"), the Bill seeks to amend the CMCA to "tackle the increasing scale and transnational nature of cybercrime, as well as the evolving tactics of cybercriminals".

The MHA further added that in developing the Bill, various stakeholders had been consulted and their views taken into account.

The Bill seeks to introduce the following key changes:

- Criminalise the act of dealing in personal information obtained via an act in contravention of the CMCA
- Criminalise the act of dealing in items capable of being used to commit a CMCA offence
- Extraterritorial application of CMCA offences that cause "serious harm" to Singapore
- Amalgamate charges for CMCA offences

This update looks at the key changes proposed.

New criminal offence: Act of dealing in personal information obtained via an act in contravention of the CMCA

The Bill will introduce a new section 8A for acts done in relation to personal information that the perpetrator knows, or has reason to believe, has been obtained by committing a computer crime.

"Personal information" is defined in the Bill as "any information, whether true or not, about an individual of a type that is commonly used alone or in combination with other information to identify or purport to identify an individual, including (but not limited to) biometric data, name, address, date of birth, national registration identity card number, passport number, a written, electronic or digital signature, user authentication code, credit card or debit card number, and password."

Under the provisions of the Bill, obtaining, retaining, supplying, offering to supply, transmitting or making available such personal information for illegitimate purposes will be an offence. This will be the case even if the trader may not have hacked into computers to obtain such information.
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An example given by the MHA is where criminals trade hacked credit card information even though they themselves may not have been responsible for hacking such information. This would be an offence under the proposed amendments.

However, it is not an offence if the perpetrator obtained and retained the information for a legitimate purpose. It is also not an offence if the perpetrator did the act for a legitimate purpose, and did not know or have reason to believe that the information would be or was likely to be used for an illegitimate purpose.

New criminal offence: The act of dealing in items capable of being used to commit a CMCA offence

A new section 8B will criminalise acts of obtaining items to commit or facilitate the commission of a computer offence, as well as the act of dealing in such items, intending it to be used for committing or facilitating the commission of a computer offence.

Such items (commonly known as hacking tools) include malware and port scanners which can be easily obtained online.

Giving the CMCA extraterritorial effect

Currently, it is not an offence under the CMCA if the perpetrator commits a criminal act while overseas, against a computer located overseas, even if the impact is felt within Singapore.

The proposed changes will make such extraterritorial acts an offence under the CMCA, if the act causes a significant risk of “serious harm” in Singapore.

“Serious harm in Singapore” has been defined in the Bill to include, among other things:

(i) illness, injury or death of individuals in Singapore;
(ii) disruption of, or a serious diminution of, essential services;
(iii) disruption of, or a serious diminution of public confidence in, the carrying out of governmental duties and functions; or
(iv) damage to the national security, defence or foreign relations of Singapore.

Amalgamation of Charges under the CMCA

The CMCA will also be amended to allow the prosecution to amalgamate, as a single charge of one offence, 2 or more acts that are the same computer offence and are committed over a 12-month or shorter period in relation to the same computer.

Amalgamating the various acts as a single charge will allow the attack to be described as a whole, rather than a series of acts thereby enabling enhanced punishments to be applied in appropriate cases.
Concluding Words

As described above, this Bill is designed to deal with the latest trends in cybercrime – theft of personal information, the widespread availability of hacking tools, and the transnational nature of many cybercrime activities. The proposed extraterritorial effect of the CMCA will provide further assurance to providers of essential services (such as banking and medical services), that enforcement action can be taken even if such acts were not committed in Singapore. The Bill also dovetails with the Government’s efforts to strengthen cybersecurity, as demonstrated by the separation of the Government computer network from the internet, which is planned to take full effect by May 2017.

The Bill will subsequently be proposed to be read a second time in Parliament. At that stage, Members of Parliament will then debate on the Bill. We look forward to providing future updates on the outcome of the debates.
ASEAN Economic Community Portal

The launch of the ASEAN Economic Community (“AEC”) in December 2015, businesses looking to tap the opportunities presented by the integrated markets of the AEC can now get help a click away. Rajah & Tann Asia, United Overseas Bank and RSM Chio Lim Stone Forest, have teamed up to launch “Business in ASEAN”, a portal that provides companies with a single platform that helps businesses navigate the complexities of setting up operations in ASEAN.

By tapping into the professional knowledge and resources of the three organisations through this portal, small- and medium-sized enterprises across the 10-member economic grouping can equip themselves with the tools and know-how to navigate ASEAN’s business landscape. Of particular interest to businesses is the “Ask a Question” feature of the portal which enables companies to pose questions to the three organisations which have an extensive network in the region. The portal can be accessed at http://www.businessinasean.com.
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