THE CYBERCRIMES ACT
(Act 31 of 2015)

ARRANGEMENT OF SECTIONS
PART I—*Preliminary*

PART IV—*General*

THE CYBERCRIMES ACT

Act
3 of 2010,
31of 2015.

[*21st December, 2015.*]

PART I—*Preliminary*

1. This Act may be cited as the Cybercrimes Act.

Short title.

2.—(1) In this Act—

Interpretation.

"computer" means any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data and—

　　(*a*) includes any data storage facility or electronic communications system directly connected to or operating in conjunction with such device or group of such interconnected or relates devices;

　　(*b*) does not include such devices as the Minister may prescribe by order published in the *Gazette*;

"computer service" includes provision of access to any computer or to any function of a computer, computer output, data processing and the storage or retrieval of any program or data;

"damages", for the purposes of sections 3(3), 4(4), 5(3), 6(5), 7(2), 8(2), 9(3) and 10(2), means any impairment to a computer, or to the integrity or availability of data, that—

　　(*a*) causes economic loss;

(b) modifies or impairs or potentially modifies or impairs the medical examination, diagnosis, treatment or care of one or more persons;

(c) causes or threatens physical injury or death to any person;

(d) threatens public health or public safety; or

(e) causes or threatens physical damage to a computer;

"data" includes—

(a) material in whatever form stored electronically;

(b) the whole or part of a computer program; and

(c) any representation of information or of concepts in a form suitable for use in a computer, including a program suitable to cause a computer to perform a function;

"electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities, and the word "electronically" shall be similarly construed;

"electronic communications system" means a system for creating, generating, sending, receiving, storing, displaying or otherwise processing electronic documents or data;

"function", includes logic, control, arithmetic, deletion, storage, retrieval, and communication to, from or within a computer;

"key", in relation to any data or other computer output, includes any key, code, password, algorithm, authentication or authorization token, biometric identifier, gesture, or other data the use of which (with or without other keys)—

(a) allows access to the data or output; or

(*b*) facilitates the putting of the data or output into intelligible form;

"output", in relation to a computer, data or program, means a statement or representation, whether in written, printed, pictorial, graphical, auditory, or other form—

(*a*) produced by a computer; or

(*b*) accurately translated from a statement or representation so produced;

"program" or "computer program" means data representing instructions or statements that, when executed in a computer, causes the computer to perform a function, and a reference to a program includes any part of that program.

(2) For the purposes of this Act, a person obtains access to any program or data held in a computer if the person causes a computer to perform any function that—

(*a*) alters or erases the program or data;

(*b*) copies or moves the program or data to any storage medium other than that in which the program or data is held or to a different location in the storage medium in which the program or data is held;

(*c*) causes the program or data to be executed;

(*d*) is itself a function of the program or data; or

(*e*) causes the program or data to be output from the computer in which it is held, whether by having the program or data displayed or in any other manner,

and references to accessing, or to an intent to obtain access to, a computer shall be construed accordingly.

(3) For the purposes of subsection (2)(*e*)—

(*a*) a program is output if the data of which it consists is output, and it is immaterial whether the data is capable of being executed;