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THE COMPUTER AND CYBERCRIMES BILL, 2017

A Bill for

AN ACT of Parliament to provide for offences relating to computer systems; to enable timely and effective detection, investigation and prosecution of computer and cybercrimes; to facilitate international co-operation in dealing with computer and cybercrime matters; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART 1—PRELIMINARY

1. This Act may be cited as the Computer and Cybercrimes Act, 2017. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“access” means gaining entry into or intent to gain entry by a person to a program or data stored in a computer system and the person either—

- (a) alters, modifies or erases a program or data or any aspect related to the program or data in the computer system;
- (b) copies, transfers or moves a program or data to—
 - (i) any computer system, device or storage medium other than that in which it is stored; or
 - (ii) to a different location in the same computer system, device or storage medium in which it is stored;
- (c) causes it to be output from the computer in which it is held, whether by having it displayed or in any other manner; or
- (d) uses it by causing the computer to execute a program or is itself a function of the program;

“Authority” has the meaning assigned to it under section 3 of the Kenya Information Communications Act; Cap 411A.

“authorised person” means a person designated by the Cabinet Secretary by notice in the Gazette for the purposes of Part III of this Act;