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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 3 April 2017 and assented to by the President on 2 May 2017:—

REPUBLIC OF SINGAPORE

No. 22 of 2017.

I assent.

TONY TAN KENG YAM,
President.
2 May 2017.



An Act to amend the Computer Misuse and Cybersecurity Act
(Chapter 50A of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the
Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Computer Misuse and Cybersecurity (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2(1) of the Computer Misuse and Cybersecurity Act (called in this Act the principal Act) is amended by deleting the words “or apparatus” in the definition of “electro-magnetic, acoustic, mechanical or other device” and substituting the words “, apparatus or program”.

New sections 8A and 8B

3. The principal Act is amended by inserting, immediately after section 8, the following sections:

“Supplying, etc., personal information obtained in contravention of certain provisions

8A.—(1) A person shall be guilty of an offence if the person, knowing or having reason to believe that any personal information about another person (being an individual) was obtained by an act done in contravention of section 3, 4, 5 or 6 —

- (a) obtains or retains the personal information; or
- (b) supplies, offers to supply, transmits or makes available, by any means the personal information.

(2) It is not an offence under subsection (1)(a) if the person obtained or retained the personal information for a purpose other than —

- (a) for use in committing, or in facilitating the commission of, any offence under any written law; or
- (b) for supply, transmission or making available by any means for the personal information to be used in committing, or in facilitating the commission of, any offence under any written law.

(3) It is not an offence under subsection (1)(b) if —

- (a) the person did the act for a purpose other than for the personal information to be used in committing, or in facilitating the commission of, any offence under any written law; and
- (b) the person did not know or have reason to believe that the personal information will be or is likely to be used to commit, or facilitate the commission of, any offence under any written law.

Example 1.— *A* comes across a list of credit card numbers on the Internet belonging to individuals who are customers of *B*, which *A* has reason to believe were obtained by securing access without authority to *B*'s server. *A* downloads the list for the purpose of reporting the unauthorised access to *B*'s server to the police.

A retains the list of credit card numbers and transmits it to *B* for the purpose of informing *B* of the unauthorised access to *B*'s server.

A has downloaded and retained the list of credit card numbers for purposes other than those mentioned in subsection (2)(a) and (b). Therefore *A* does not commit an offence under subsection (1)(a) by reason of subsection (2).

A has transmitted the list to *B* for a purpose other than for it to be used in committing or in facilitating the commission of an offence. If *A* did not know or have reason to believe that the list so transmitted will be or is likely to be used to commit or facilitate the commission of an offence, then *A* does not commit an offence under subsection (1)(b) by reason of subsection (3).

Example 2.— *C*, an employee of *B*, after receiving the list from *A* in *Example 1*, transmits it to *D*, another employee of *B*, for the purpose of facilitating *B*'s investigation of the unauthorised access of *B*'s server.

C has transmitted the list to *D* for a purpose other than for it to be used in committing or in facilitating the commission of an offence. If *C* did not know or have reason to believe that the list so transmitted will be or is likely to be used to commit or facilitate the commission of an offence, then *C* does not commit an offence under subsection (1)(b) by reason of subsection (3).

(4) For the purposes of subsection (1)(b), a person does not transmit or make available personal information merely because the person provides, or operates facilities for network access, or provides services relating to, or provides connections for, the transmission or routing of data.

(5) A person guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both.

(6) For the purpose of proving under subsection (1) that a person knows or has reason to believe that any personal information was obtained by an act done in contravention of section 3, 4, 5 or 6, it is not necessary for the prosecution to prove the particulars of the contravention, such as who carried out the contravention and when it took place.

(7) In this section —

- (a) personal information is 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; and
- (b) a reference to an offence under any written law includes an offence under subsection (1).

Obtaining, etc., items for use in certain offences

8B.—(1) A person shall be guilty of an offence if the person —

- (a) obtains or retains any item to which this section applies —
 - (i) intending to use it to commit, or facilitate the commission of, an offence under section 3, 4, 5, 6 or 7; or