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## BILLS SUPPLEMENT

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**Notification No. B 36** — The Computer Misuse (Amendment) Bill is hereby published for general information. It was introduced in Parliament on 12th November 2012.

# **Computer Misuse (Amendment) Bill**

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**Bill No. 36/2012.**

*Read the first time on 12th November 2012.*

A BILL

*i n t i t u l e d*

An Act to amend the Computer Misuse Act (Chapter 50A of the 2007 Revised Edition) and to make consequential amendments to certain other written laws.

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 may be cited as the Computer Misuse (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## **Amendment of long title**

2. The long title to the Computer Misuse Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the word “modification”, the words “, to require or authorise the taking of measures to ensure cybersecurity,”.

## **Amendment of section 1**

3. Section 1 of the principal Act is amended by inserting, immediately after the words “Computer Misuse”, the words “and Cybersecurity”.

## **Repeal and re-enactment of section 15A**

4. Section 15A of the principal Act is repealed and the following section substituted therefor:

### **“Cybersecurity measures and requirements**

**15A.**—(1) Where the Minister is satisfied that it is necessary for the purposes of preventing, detecting or countering any threat to the national security, essential services or defence of Singapore or foreign relations of Singapore, the Minister may, by a certificate under his hand, authorise or direct any person or organisation specified in the certificate (referred to in this section as the specified person) to take such measures or comply with such requirements as may be necessary to prevent, detect or counter any threat to a computer or computer service or any class of computers or computer services.

(2) The measures and requirements referred to in subsection (1) may include, without limitation —

(a) the exercise by the specified person of the powers referred to in sections 39(1)(a) and (b) and (2)(a) and (b)

and 40(2)(a), (b) and (c) of the Criminal Procedure Code (Cap. 68);

- (b) requiring or authorising the specified person to direct another person to provide any information that is necessary to identify, detect or counter any such threat, including —
  - (i) information relating to the design, configuration or operation of any computer, computer program or computer service; and
  - (ii) information relating to the security of any computer, computer program or computer service;
- (c) providing to the Minister or a public officer authorised by him any information (including real-time information) obtained from any computer controlled or operated by the specified person, or obtained by the specified person from another person pursuant to a measure or requirement under paragraph (b), that is necessary to identify, detect or counter any such threat, including —
  - (i) information relating to the design, configuration or operation of any computer, computer program or computer service; and
  - (ii) information relating to the security of any computer, computer program or computer service;
- (d) providing to the Minister or a public officer authorised by him a report of a breach or an attempted breach of security of a description specified in the certificate under subsection (1), relating to any computer controlled or operated by the specified person.

(3) Any measure or requirement referred to in subsection (1), and any direction given by a specified person for the purpose of taking any such measure or complying with any such requirement —

(a) shall not confer any right to the production of, or of access to, information subject to legal privilege; and

(b) subject to paragraph (a), shall have effect notwithstanding any obligation or limitation imposed or right, privilege or immunity conferred by or under any law, contract or rules of professional conduct, including any restriction on the disclosure of information imposed by law, contract or rules of professional conduct.

(4) A specified person who, without reasonable excuse, fails to take any measure or comply with any requirement directed by the Minister under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both.

(5) Any person who, without reasonable excuse —

(a) obstructs a specified person in the taking of any measure or in complying with any requirement under subsection (1); or

(b) fails to comply with any direction given by a specified person for the purpose of the specified person taking any such measure or complying with any such requirement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) No civil or criminal liability shall be incurred by —

(a) a specified person for doing or omitting to do any act if the specified person had done or omitted to do the act in good faith and for the purpose of or as a result of taking any measure or complying with any requirement under subsection (1); or

(b) a person for doing or omitting to do any act if the person had done or omitted to do the act in good faith and for the purpose of or as a result of complying with a direction given by a specified person for the purpose of taking any such measure or complying with any such requirement.