

Channel Islands Information Security Forum (CIISF) – Written Submission

Draft Cybercrime (Jersey) Law 201-

Thank you for asking Channel Islands Information Security Forum (CIISF) to consult on the draft Cybercrime Law. We reached out to members and as a whole the feedback was very positive. Therefore in accordance with your questions.

1. Whether what is being proposed is fit for purpose and proportionate

Yes the feedback was positive.

2. Whether it will effectively protect Jersey against cybercrime?

Computer Misuse (Jersey) Law 1995 – Questions have been raised as the draft law does not define “computer”. Questions have arisen as to if thought has been given to what this includes (tablets, mobile devices and future proofing i.e. internet of things devices). We would like to ensure this future proofed in the sense that in essence “computer misuse” could now occur through smart devices such as a kettle.

3. What impact it will have on Jersey’s business community.

The general consensus is this law is very positive on businesses as it offers extra protection in the event that an unlawful modification was to take place in particular the order to preserve and cross border cooperation as an attack on a local business could happen from anywhere in the world.

4. Whether you think any improvements or changes could be made to enhance the law.

- We have concerns over the definition of “computer” as mentioned above.
- Some people have expressed concerns in relation to the scenario that they may have forgotten a key, for example on an old USB. We feel that whether they have forgotten the Key should be proved in the same way as any other aspect of the law. With regard to this point, RIPL Article 42F (page 31) notes that in the event that someone claims not to know the key, the authorities have to prove beyond reasonable doubt that they do in fact know it.
- Another point that comes to mind is RIPL 27(A) on page 23: does the law cater for the operator using contractors or other third parties to do work? If not, such behaviour could be interpreted as unlawful. This should be looked into or clarified.