

Amendments to the Computer Misuse and Cybersecurity Act- How It Will Impact Businesses In Singapore

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The Computer Misuse and Cybersecurity Act (Cap. 50A) (“CMCA”) is the main piece of legislation in Singapore that makes provision for the securing of computer materials against unauthorised access or alterations and for authorizing the implementation of a framework to ensure cybersecurity.

The CMCA was amended in Parliament on 3 April 2017 and the amendments have significant implications for companies domiciled in Singapore. For example, under section 11 of the CMCA, even offences committed outside of Singapore will be criminalised if the offences cause “serious harm in Singapore”. For example, if someone or an entity in Singapore were to misuse the mobile phone numbers, MyKad (a Malaysian identity card) numbers, home addresses and SIM card data of the 46.2 million Malaysians whose personal data was leaked onto the internet in the massive data breach recently, the person or entity in Singapore could potentially be prosecuted under the CMCA if the person or entity in Singapore were to for example, download the data in Singapore and attempt to circulate the leaked personal data or attempt to profit from the data out of Singapore.

Secondly, under section 8B(1)(b) of the CMCA, individuals or companies that “makes, supplies, offers to supply or makes available” computer programs, passwords, access code or similar data to a third party who may misuse the data may be prosecuted pursuant to section 8B(3) of the CMCA even if the individual or company was unaware that the third party intended to acquire the information for ulterior motives. It is advisable that individuals or companies ask the right questions, seek further clarification from potential clients, on-board clients carefully and do their best to ensure that the clients will not misuse data or computer programs that have been sold or supplied to them. With the growth of e-commerce and online businesses and transactions, it is all the more necessary for individuals and businesses alike to understand the implications and reach of the CMCA.



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