

SA cybercrime bill to curb growing cyber criminality

As South Africa's business sector continues to expand across a myriad of digital platforms, cybercrime continues to threaten this burgeoning digital sphere.



Grant Christianson, legal advisor at e4 Group

“There are many victims of cybercrime, with limited recourse available in terms of current South African law. The need for tighter and more effective legislation is pressing,” says Grant Christianson, e4’s Group legal advisor.

The end of October 2018 hopefully saw the legislative cycle for the Cybercrimes Bill nearing completion, as the Department of Justice and Constitutional Development tabled an updated version. Christianson says that the existing laws have become problematic in adequately combatting cybercrime and the new Bill is needed to effectively “fill-the-gaps” that exist in current legislation and the common law.

“According to the South African Banking Risk Information Centre (SABRIC), South Africa’s annual loss is estimated at R2,2 billion, making it a significant threat to an already volatile economy.”

Framework for combatting cybercrime

While the Bill does no longer address cybersecurity, he says that it will provide a framework for combatting cybercrime. Initially drafted in 2015, it addresses criminal activity that is computer-based and is related to unlawful access to, interference with or distribution of data, electronic communications, information systems and networks.

He says the Bill also creates new offences for hacking, phishing, cyberbullying, unlawful interception and distribution of data, ransomware, cyber forgery and extortion, as well as acts involving malware and identity theft. Anyone convicted is likely to be fined and/or imprisoned up to 15 years.

The Bill is also expected to align with international best practice: "There will be a requirement to co-operate with other countries to effectively deal with multi-jurisdictional cybercrime activity, as often the cyber offence is created in one jurisdiction and felt in another," says Christianson.

As a country, with the third highest number of cybercrime victims worldwide, South Africa is a target. Christianson says that mobile technology will further impact users as the country's growing reliance on the app economy and other mobile trends will drive cybercriminals to penetrate mobile networks, "As devices become more connected and smarter, users are more exposed and so the threat grows. Digitisation is a trend that has no end in sight and while it brings with it innovation and exciting changes, cybercrime continues to grow in parallel."

While the timeframe for the Bill's signature is uncertain, Christianson says that it is at least in its final stages and once signed into law, the law-enforcement industry can become more proactive in its pursuit of cybercriminals.

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