

This document has been produced for Cheshire East LSCB's e-safety group, and contains a summary of the main criminal offences associated with communications technology. It should NOT be regarded as definitive, or as constituting legal advice.

The Computer Misuse Act (1990)

This was passed by Parliament and made three new offences:

1. Accessing computer material without permission, eg looking at someone else's files.
2. Accessing computer material without permission with intent to commit further criminal offences, eg hacking into the bank's computer and wanting to increase the amount in your account.
3. Altering computer data without permission, eg writing a virus to destroy someone else's data, or actually changing the money in an account.

The Data Protection Act (1998)

This was introduced to regulate personal data. This helps to provide protection against the abuse of personal information.

Copyright law

This provides protection to the owners of the copyright and covers the copying of written, musical, or film works using computers. FAST is the industry body which is against software theft.

There have been cases where laws such as Copyright have been used to crack down on file sharing websites or individuals who store and illegally distribute copyrighted material, eg music. There is a massive problem with many people around the world obtaining copyrighted material illegally.

Malicious communication Act (1988 sec 1)

This is the wording of this section as amended by Section 43 Criminal Justice and Police Act 2001.

It applies to offences committed from the 11th May 2001 onwards

(1) Any person who sends to another person

(a) a letter, electronic communication or article of any description which conveys

(i) a message which is indecent or grossly offensive

(ii) a threat or

(iii) information which is false and known or believed to be false by the sender or

(b) any article or electronic communication which is, in whole or part, of an indecent or grossly offensive nature,

is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

(2A) In this section 'electronic communication' includes _

- (a) any oral or other communication by means of a telecommunication system (within the meaning of the Telecommunications Act 1984 (c12)); and
- (b) any communication (however sent) that is in electronic form.

(4) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

Communications Act 2003 section 127

(Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)

(1) A person is guilty of an offence if he-

- (a) sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- (b) causes any such message or matter to be so sent.

(2) A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he-

- (a) sends by means of a public electronic communications network, a message that he knows to be false,
- (b) causes such a message to be sent; or
- (c) persistently makes use of a public electronic communications network.

(3) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(4) Subsections (1) and (2) do not apply to anything done in the course of providing a programme service (within the meaning of the Broadcasting Act 1990 (c. 42)).

Protection from Harassment Act 1997

The Protection from Harassment Act 1997 came into force on 16th June 1997 and applies to incidents of Harassment occurring after that date.

An Act to make provision for protecting persons from harassment and similar conduct.

Prohibition of harassment.

1. - (1) A person must not pursue a course of conduct-

- (a) which amounts to harassment of another, and
- (b) which he knows or ought to know amounts to harassment of the other.

Public Order Act 1986 (Sec 5)

(1) A person is guilty of an offence if he:

(a) uses threatening, abusive or insulting words or [behaviour](#), or disorderly behaviour, or

(b) displays any [writing](#), [sign](#) or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person likely to be caused [harassment](#), [alarm](#) or [distress](#) thereby.

Close down chat rooms

Some chat rooms have been closed down due to abuses, especially where children are vulnerable. Some have moderators who help to prevent abuses. Advice about sensible use is important; especially to never give personal contact details or arrange meetings without **extreme caution**.

Reduce email spamming

This may be reduced by:

- never replying to anonymous emails
- setting filters on email accounts
- reporting spammers to ISPs, who are beginning to get together to blacklist email abusers
- governments passing laws to punish persistent spammers with heavy fines

Regular backups and security

Just making something illegal or setting up regulations does not stop it happening. Responsible computer users need to take reasonable steps to keep their data safe. This includes regular backups and sufficient security with passwords.