

PAKISTAN SCHOOL ON INTERNET GOVERNANCE (pkSIG) 2020



17 – 20 August, 2020



Cyber LEGISLATION In Pakistan

FROM DATA SECURITY TO PERSONAL DATA
PROTECTION

Evolution of cyber laws



- Electronic Transaction Ordinance, 2002 (Sec 36-37)
- Prevention of Electronic Transaction Ordinance, 2007 – 2009 (PECO)
- Recognizing ownership of data and its unauthorized access
- Stakeholders consultations – industry experts - human rights groups – NGOs,
- PECA Product of 6-7 years of deliberations, consultations



Securing cyber frontiers – national critical infrastructure & Social fabric

Offences with respect to critical information systems or data –

- Cyber-terrorism, Hate Speech, Glorification of offence, Recruitment, Funding and Planning of Terrorism
- Specialized handling of these offences in the interest of national security
- Offences affecting social fabric:
 - Child – pornography
 - Pornography & Blasphemy

Salient features - Offences securing persons in the cyberspace

- Dignity, Modesty, Cyber-stalking, Spoofing, Spamming
- Unauthorized access to, copying, transmission or interference with information system or data
- E-fraud, E-forgery, Unauthorized SIMs, Unauthorized use of identify information, tampering of communication equipment etc.

Designation of FIA to take cognizance of these offences

Cybercrime Cell, FIA – a trained and well disciplined law enforcement agency technically equipped with requisite HR and infrastructure – Forensic Lab



Removal of unlawful online content

- PTA to order removal of any unlawful online content
- *“in the interest of glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence” under PECA*
- PTA to follow a transparent rule based process - Appeal to the High Court



Safeguards and precautions

- Confidentiality of information
- No arrest or seizure without warrant except under cyber terrorism and offences against modesty
- Designated court for trial of offences under PECA with requisite training on the subject
- Compensation for aggrieved
- Computer Emergencies Handling
- International Cooperation for investigation of offences
- Biannual Report to the Parliament

Preventive measures

- *“To make provisions for prevention of electronic crimes.”*
PECA Preamble
- *Provisions for developing Computer Emergency Response Teams (CERTs)*
- *PTA CERT for safeguarding Telecom Critical Infrastructure*
- *National Cyber Security Agency.....*



Learning Outcomes:

PECA

- Legislative Cycle
- Key features of law
- Enforcement
- Relationship with other laws

Personal Data Protection

Personal Data Privacy

- Personal information must be:
 - ✓ handled properly...
 - ✓ kept accurate and relevant..
 - ✓ used only for the stated purposes..
 - ✓ retained only for reasonable duration..
 - ✓ Secured against unauthorized access thereto.

8 Data Protection Principles

- Fair and lawful. ...
- Specific for its purpose. ...
- Be adequate and only for what is needed. ...
- Accurate and up to date. ...
- Not kept longer than needed. ...
- Take into account people's rights. ...
- Kept safe and secure. ...
- Not be transferred outside particular jurisdiction.

The GDPR – 7 key principles

- Lawfulness, fairness and transparency.
- Purpose limitation.
- Data minimization.
- Accuracy.
- Storage limitation.
- Integrity and confidentiality (security)
- Accountability.

Personal Data Protection Bill, 2020– Privacy Law

- Personal Data/Sensitive Personal Data – Data Subjects
- Data controllers
- Consent for Processing
- Transfers
- Data Protection Authority

CRITICAL ISSUES



- Definitions
- Processing Standards for Data Controllers – Duties
- Consent and its withdrawal – awareness
- Enforcement

Useful to know...

Phishing, or gaining information by tricking a user, is on the rise. PhishMe found that these attacks grew 65 percent in 2017. Phishing attacks, can be used to harvest information like credit card numbers by pretending to look like a respectable website.

*Proprivacy.com

*A Practical Guide to Data Privacy Laws by Country - i-Sight
<https://i-sight.com/resources/a-practical-guide-to-data-privacy-laws-by-country/>

Data Protection - Link below to our UPDATED video with GDPR

https://www.youtube.com/watch?v=vHvd6HaPq_s
"I have nothing to hide", Data Privacy in 2020 | Nelio
Leone | TEDxAmyUniversityDubai

A Growth Hacker, NELIO LEONE's personal journey from : "I've got nothing to hide" i.e., Data Privacy Skeptic to Data Privacy Evangelist