

CHAPTER I

LIMITED CIRCULATION DRAFT FOR NATIONAL ASSEMBLY STANDING COMMITTEE
PRELIMINARY

1. Short title, extent, application and commencement.- (1) This Act may be called the Prevention of Electronic Crimes Act, 2015.

(2) It extends to the whole of Pakistan.

(3) It shall apply to every citizen of Pakistan wherever he may be, and also to every other person for the time being in Pakistan.

(4) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context:--

(a) "act" includes_

i) a series of acts or omissions contrary to the provisions of this Act; or

ii) causing an act to be done by a person either directly or through an automated information system or automated mechanism or self-executing, adaptive or autonomous device, and whether having temporary or permanent impact;

(b) "access to data" means gaining control or ability to read, use, copy, modify or delete any data held in or generated by any device or information system;

(c) "access to information system" means gaining control or ability to use any part or whole of an information system whether or not through infringing any security measure;

(d) "Authority" means the Pakistan Telecommunication Authority established under Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);

(e) "authorisation" means authorisation by law or the person empowered to make such authorisation under the law:

Provided that where an information system or data is available for open access by the general public, access to or transmission of such information system or data shall be deemed to be authorized for the purposes of this Act;

(f) "authorised officer" means an officer authorised by the investigation agency to perform any function on behalf of the investigation agency under this Act;

(g) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(h) "content data" means any representation of fact, information or concept for processing in an information system including source code or a program suitable to cause an information system to perform a function;

(i) "Court" means the Court of competent jurisdiction designated under this Act;

(j) "critical infrastructure" includes:

(i) the infrastructure so vital to the State or other organs of the Constitution such that its incapacitation disrupts or adversely affects the national security, economy, public order, supplies, services, health, safety or matters incidental or related thereto or

(ii) any other private or Government infrastructure so designated by the Government as critical infrastructure as per rules prescribed under this Act;

(k) "critical infrastructure information system or data" means an information system, program or data that supports or performs a function with respect to a critical infrastructure;

(l) "damage to an information system" means any unauthorised change in the ordinary working of an information system that impairs its performance, access, output or change in location whether temporary or permanent and with or without causing any change in the system;

(m) "data" includes content data and traffic data;

(n) "data damage" means alteration, deletion, deterioration, erasure, relocation, suppression, of data or making data temporarily or permanently unavailable;

49. Amendment of Electronic Transactions Ordinance, 2002 (LI of 2002) and pending proceedings:—

(1) Sections 36 and 37 of the Electronic Transactions Ordinance, 2002 (LI of 2002) are omitted.

(2) Any action taken by or with the approval of the authority or proceedings pending under the provisions of the Electronic Transactions Ordinance, 2002 (LI of 2002) repealed by sub-section (1), shall continue and be so deemed to have been taken or initiated under this Act.

50. Savings of powers:— Nothing in this Act shall affect, limit or prejudice the duly authorized and lawful powers and functions of the institutions controlled by the Governments performed in good faith.
