

Human rights fear cleared in anti cybercrime bill

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by Natalie LeungThe bill against computer crime was passed at the Legislative Assembly yesterday on the grounds that freedom of speech and individual privacy will not be violated.

After the bill was presented by the government to the lawmakers in February, concerns were drawn mainly on the provision that suggested special power to be given to police authorities for seizing computer data evidence without needing to acquire a prior court order in "emergency situations".

However, after nearly four months of deliberation and meetings with government representatives, the legislature's Third Standing Committee concluded that the bill neither distorted Macau's law and order nor jeopardised human rights and freedom, particularly on the levels of freedom of speech, individual and communications privacy, as entitled in the Basic Law.

Third Standing Committee president Cheang Chi Keong said yesterday the final draft of the bill was able to maintain a balance between various values.

As such, Cheang pointed out that the government in the very beginning already stressed the concept that "local residents would remain to enjoy freedom of speech as protected by the Basic Law. The speech expressed, no matter of whether it is conducted on the Internet, would only be held liable for penalties when it violates provisions in the law.

"The bill did not come up with new crime or more restrictions related to freedom of speech," the government added.

In addition, Cheang said the bill "respects residents' individual privacy", as the measures are only to promptly preserve computer data or routing data before it gets to be removed from suspects.

The standing committee also believed that the bill did not violate communications privacy as regulated in the Basic Law, which is only to prevent the content from being improperly exposed regardless of what the forms of communications are. Yet, Cheang said the committee members were in the meantime fully aware of the possibility of police abuse of power in combating crime.

Hence the committee president reiterated that the special power to collect electronic data from individuals should not become "standard practice" of the police force, and police are required to validate the exercise of such power with the Public Prosecutions Office within 72 hours after the actions.

As the lawmakers deemed that the legislation was only intended for police investigation, Cheang said they were convinced authorities would be able to carry out actions based on the principles of law and order.

The 23 lawmakers who attended the plenary meeting did not pose any questions for Secretary for Administration and Justice Florinda Chan and voted for the final passage of the bill yesterday.