

CAYMAN ISLANDS



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**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY
AUTHORITY (AMENDMENT) LAW, 2005**

(LAW 22 OF 2005)

CAYMAN ISLANDS

Law 22 of 2005.

I Assent

George McCarthy

Acting Governor.

8 November, 2005

A LAW TO AMEND THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY LAW (2004 REVISION) TO ENABLE THE POLICE TO OBTAIN INFORMATION, FOR INVESTIGATIVE PURPOSES, FROM TELEPHONE COMPANIES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

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| <p>1. This Law may be cited as the Information and Communications Technology Authority (Amendment) Law, 2005.</p> | <p>Short title</p> |
| <p>2. The Information and Communications Technology Authority Law (2004 Revision) is amended in section 75(2) by inserting after paragraph (a) the following paragraph –</p> <p style="padding-left: 40px;">“(aa) the message is intercepted, replicated, monitored or interrupted for the purpose of preventing a contravention of section 76A;”.</p> | <p>Amendment of section 75 of the Information and Communications Technology Authority Law (2004 Revision) - interception of messages prohibited</p> |
| <p>3. The Information and Communications Technology Authority Law (2004 Revision) is amended by inserting in Part VIII, after section 76, the following section -</p> <p style="padding-left: 40px;">“Refusal to produce records to police officer</p> <p style="padding-left: 80px;">76A.(1) Subject to subsection (2), an ICT licensee who -</p> | <p>Insertion of section 76A in the Information and Communications Technology Authority Law (2004 Revision) – refusal to produce records to police officer</p> |

- (a) without reasonable excuse, refuses or fails to produce any document, message, record, thing, statement or information (whether in electronic form or otherwise) relating to its ICT network, ICT service or the users thereof and required by a constable of the rank of Inspector or above, upon the written request of a constable of the rank of Inspector or above, for the prevention or detection of crime or for the purposes of any criminal proceedings;
- (b) without reasonable excuse, destroys or alters, or causes to be destroyed or altered, any document, message, record, thing, statement or information (whether in electronic form or otherwise) relating to its ICT network, ICT service or the users thereof and required, upon the written request of a constable of the rank of Inspector or above, to be produced for the prevention or detection of crime or for the purposes of any criminal proceedings; or
- (c) knowingly gives false or misleading information to any constable requiring the information, upon the written request of a constable of the rank of Inspector or above, for the prevention or detection of crime or for the purposes of any criminal proceedings,

is guilty of an offence and liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for one year.

(2) Subsection (1) applies to any document (including a reverse directory), message, record, thing, statement or information (whether in electronic form or otherwise) held by an ICT licensee and relating to its ICT network, ICT service or the users thereof, other than any such message transmitted earlier than five years prior to the date of commencement of the

Information and Communications Technology
Authority (Amendment) Law, 2005.”.

Passed by the Legislative Assembly the 14th day of October, 2005.

EDNA MOYLE

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.