

CAYMAN ISLANDS



Supplement No. 4 published with Extraordinary
Gazette No. 35 dated 6 October, 2005.

**A BILL FOR 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**

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

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Information and Communications Technology Authority Law (2004 Revision).to make it an offence for a telephone company to refuse to produce any document, record or information required by a constable of the rank of Inspector or above for the prevention or detection of crime or for the purposes of any criminal proceedings.

CAYMAN ISLANDS

A BILL FOR 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.

1. This Law may be cited as the Information and Communications Technology Authority (Amendment) Law, 2005.

Short title

2. The Information and Communications Technology Authority Law (2004 Revision) is amended by inserting in Part VIII, after section 76, the following section -

Insertion of section 76A in the Information and Communications Technology Authority Law (2004 Revision) – refusal to produce records to police officer

“Refusal to produce records to police officer

76A. An ICT licensee who -

- (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.”.

Passed by the Legislative Assembly the day of , 2005.

Speaker.

Clerk of the Legislative Assembly.