

Client Alert

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New Cybersecurity Law

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Introduction

Over the years, there has been an increasing trend of cyber threats and attacks. The common forms of cyber attacks, which include phishing, malware, ransomware, hacking and denial-of-service attacks, have been making headlines globally and such threats could have a direct impact on Malaysian companies.

To date, there are no cybersecurity-specific laws in Malaysia. Therefore, enforcement agencies like the National Cyber Security Agency (NCSA), have to rely on existing legislation, such as the Communication and Multimedia Act 1998, the Defamation Act 1957 and the Sedition Act 1948, to combat cyber threats.

This is clearly inadequate to protect Malaysians against cyber threats as most of the existing legislation are archaic and may not have kept in pace with the advancement of modern technology.

New Cybersecurity Law in Malaysia

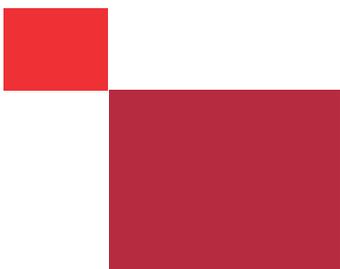
On 9 June 2017, the Deputy Prime Minister of Malaysia, Datuk Seri Dr Ahmad Zahid Hamidi, announced that the Malaysian Government will introduce a new law that is aimed at protecting Malaysians from cybersecurity threats.

The Deputy Prime Minister also mentioned that the draft Bill has been handed over to the Attorney-General of Malaysia, Tan Sri Mohamed Apandi Ali, and will be tabled by the Prime Minister's Department in the next Parliament sitting, starting 24 July 2017.

According to the Deputy Prime Minister, the NCSA, which was set up by the Cabinet in January 2016, would be placed under the umbrella of the National Security Council (NSC) and that the NCSA would be the single agency that coordinates all efforts in order to ensure that more effective actions may be taken against cybersecurity threats in Malaysia.

In view of the fact that there are about 10,000 cybersecurity-related reports being received every year by the Government¹, the arrival of this new cybersecurity law will be well received by Malaysians in general. This also shows that the Malaysian Government has taken a very serious approach in combating all sorts of cyber crime.

¹ "Zahid: Malaysia to introduce new cybersecurity law." The Star Online. 9 June 2017. <<http://www.thestar.com.my/news/nation/2017/06/09/zahid-malaysia-to-introduce-new-cybersecurity-law/#kbEpG5YP2OKgkQG5.03>>





It is also worth noting that China and Singapore have both recently introduced new cybersecurity laws to curb the increasing threat of cyber attacks in their respective jurisdictions. Thus, the introduction of this new cybersecurity law would put Malaysia alongside the aforesaid countries as one of the few countries in Asia to have enacted cybersecurity-specific laws.

We are optimistic that this new cybersecurity law is a step forward to strengthen and protect companies against cyber threats and attack, which would hopefully mark the dawn of a more efficient and effective cybersecurity regime.

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