



Amendments to Sections 19, 22, 28 and 30 submitted to subcommittee

19. Offences against dignity of natural person.- (1) When a person with malicious intent through an information system,

(a) produces, offers and makes available, distributes or transmits, procures or solicits, or possesses sexually explicit images of a natural person, or

(b) produces, offers and makes available, distributes or transmits, procures or solicits or possesses an image, photograph or video of a natural person in sexually explicit conduct or intimidates or threatens a natural person with production, distribution or transmission of such material, or

(c) cultivates, entices or induces a minor to engage in a sexually explicit act or in a lewd manner that is offensive to the privacy of the minor, shall be punished with imprisonment for a term up to three years which may extend up to six years in relation to a minor or with fine up to ten million rupees or both.

(2) Anyone, including the guardian of the aggrieved minor, may apply to the Authority for passing of such orders for removal, destruction or blocking access to such information referred to in sub-section (1) and the Authority on receipt of such application may take due and reasonable measures to protect the best interest of the aggrieved person for securing, destroying or preventing transmission of such information, pursuant to the provisions of this Act.

(3) The Authority shall make bylaws for carrying out purposes referred to in sub-section (2) pursuant to provisions of this Act.

22. Spamming.- (1) Whoever with malicious intent transmits unsolicited information in bulk repeatedly to any recipient who has expressly unsubscribed from receiving such bulk information, commits the offence of spamming.

Explanation.- "Unsolicited information in bulk" does not include (i) marketing authorized under the law, or (ii) information that has not been specifically unsubscribed by the recipient.

(2) A person engaged in direct marketing shall provide the option to the recipient of direct marketing to block or subscribe such marketing.



(3) Whoever commits the offence of spamming as described in sub-section (1) or engages in direct marketing in violation of sub-section (2), for the first time, shall be punished with fine not exceeding fifty thousand rupees and for every subsequent violation shall be punished with fine up to five hundred thousand rupees.

28. Expedited preservation of data.- (1) Upon an application by an authorized officer that demonstrates to the satisfaction of the Court that-

(a) data stored in any information system or by means of an information system, is reasonably required for the purposes of a criminal investigation; and

(b) there is a risk or vulnerability that the data may be modified, lost, destroyed or rendered inaccessible,

the Court may, by written notice given to a person in control of the information system, require that person to ensure that the data specified in the notice be preserved and the integrity thereof is maintained for a period not exceeding ninety days as specified in the notice:

(2) The period provided in sub-section (1) for preservation of data may be extended by the Court if so deemed necessary upon receipt of an application from the authorised officer in this behalf.

(3) The person in control of the information system shall only be responsible to preserve the data specified-

(a) for the period of the preservation and maintenance of integrity specified in the notice or for any extended period permitted by the Court; and

(b) where it is technically and practically possible to preserve the data and maintain its integrity.

(4) Any person, including a service provider and an authorized officer, who, while providing services under the terms of lawful contract or otherwise in accordance with law, has secured access to any material or data containing personal information about another person, discloses such material to any other person, except when required by law, without the consent of the person concerned or in breach of a lawful contract, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain, or compromises its integrity and confidentiality, shall be punished with imprisonment for a term which may extend to three years or with fine up to one million rupees or with both.



CHAPTER IV

INTERNATIONAL COOPERATION

39. International cooperation.- (1) The Federal Government may on receipt of request, extend such cooperation to any foreign Government, 24 x 7 network, any foreign agency or any international organization or agency for the purposes of investigations or proceedings concerning offences related to information systems, electronic communication or data or for the collection of evidence in electronic form relating to an offence or obtaining expeditious preservation and disclosure of data by means of an information system or real-time collection of data associated with specified communications or interception of data pursuant to the provisions of this Act.

(2) The Federal Government may, at its own, forward to a foreign Government, 24 x 7 network, any foreign agency or any international agency or organization any information obtained, pursuant to the provisions of this Act, from its own investigations if it considers that the disclosure of such information might assist the other Government, agency or organization etc., as the case be in initiating or carrying out investigations or proceedings concerning any offence.

(3) The Federal Government shall require the foreign Government, 24 x 7 network, any foreign agency or any international agency to keep the information provided confidential and use it strictly for purposes mentioned in sub-section (1) of this section.

(4) The Federal Government shall be responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.

Provided that the Federal Government when receiving or making a request for mutual assistance:

a) Shall make and receive requests for mutual assistance through the agency established or designated under this Act

b) Require the requesting government to make a request through the designated agency under its domestic law

c) Ensure that when making or receiving a request for mutual assistance the necessary particulars are fulfilled, relating inter alia to:

i) the name, address and any other relevant particulars identifying the agency making the request; ii) the specific data to which the request pertains, or its controller; iii) the purpose of the request



d) The requesting agency, which has received information in reply to its own request for mutual assistance, shall not use that information for purposes other than those specified in the request for assistance

e) Persons belonging to or acting on behalf of the designated authority shall be bound by appropriate obligations of secrecy or confidentiality with regard to that information

(5) The Federal Government may refuse to accede to any request made by a foreign Government, 24 x 7 network, any foreign agency or any international organization or agency if the request concerns an offence which may prejudice Pakistan's national interests including its sovereignty, security, public order or an ongoing investigation or trial.

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Prior publication of rules and bylaws.- (1) All rules, bylaws and guidelines proposed to be made by the Government or the Authority, as the case may be, under this Act shall be published in the official Gazette and in at least one English and one Urdu daily with nationwide circulation, in draft form at least thirty days before the intended date of their coming into operation.

(2) The Authority shall keep record of all comments received in the draft of the rules, bylaws and guidelines, and prepare a report, in consultation with the Government, addressing each comment.

(3) The notification of the rules, bylaws and guidelines in their final form shall be published in the official Gazette and shall be accompanied by the report of the Authority referred to in sub-section (2).