



Secretariat Unit

# Bill Essentials

## THE TRINIDAD AND TOBAGO CYBER SECURITY AGENCY BILL, 2014

An Act to establish a Trinidad and Tobago Cyber Security Agency to act as a national point of contact for all cyber security related concerns and other related matters.

Introduced in: The House of Representatives

Introduced on: 21 March, 2014



## BACKGROUND

The Bill was introduced in the House of Representatives on Friday March 21, 2014. It is based on Government's recognition of the importance of Information and Communication Technologies (ICTs) to the advancement of national development. Cognizant of the opportunities that ICTs bring, and the associated risks in operating in such an environment, the Government saw the need to have legislation that would provide for the establishment of an agency that can mitigate and manage all cyber security related matters and concerns.<sup>1</sup>

## RELATIVE LEGISLATION REFERRED TO IN THE BILL

The Cybercrime Act, 2014<sup>2</sup> (please note that this proposed legislation is still a Bill).

## KEY FEATURES OF THE PROPOSED LEGISLATION

Among other amendments, the Bill:

- ✓ makes provision for the Act to come into operation on proclamation by the President;
- ✓ makes provision for the definition of certain terms used in the Bill;
- ✓ provides for the establishment of the Trinidad and Tobago Cyber Security Agency (hereinafter referred to as "the Agency") as a body corporate and outlines the corporate governance structures and arrangements of the Agency;

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<sup>1</sup> Government of Trinidad and Tobago National Cyber Security Strategy. 2012. Pgs. 1-4.

[http://www.nationalsecurity.gov.tt/Portals/0/Pdf%20Files/National\\_Cyber\\_Security%20Strategy\\_Final.pdf](http://www.nationalsecurity.gov.tt/Portals/0/Pdf%20Files/National_Cyber_Security%20Strategy_Final.pdf)

<sup>2</sup> Cybercrime Act, 2014. Trinidad and Tobago. <http://www.ttparliament.org/legislations/b2014h05.pdf>

- ✓ sets out the functions and powers of the Agency;
- ✓ sets out the functions of the National Computer Incident Response Team;
- ✓ provides for the secondment of persons to and from the Agency;
- ✓ makes provision for the funds of the Agency;
- ✓ makes provision for the keeping of proper accounts by the Agency and that same is to be considered as a public account for the purposes of section 116 of the Constitution;
- ✓ provides that the Agency would be exempt from certain duties and taxes;
- ✓ makes provisions for the Board to submit an annual report to the Minister for laying in Parliament;
- ✓ makes provision for placing an onus of confidentiality on members of the Board;
- ✓ provides requirements for a member of the Board to declare an interest that might be considered prejudicial to the independence of the Board;
- ✓ makes provisions for the protection of employees of the Agency from action or proceedings for damages for any act that is done in good faith in the performance of a duty; and
- ✓ provides the Minister of National Security with the power to make regulations to give effect to the Act.

## CONSIDERATIONS

The Bill:

- ✓ provides for the establishment of Trinidad and Tobago's first Cyber Security Agency;

- ✓ establishes and sets out the functions of a national incident response team known as the Trinidad and Tobago Cyber Security Incident Response Team (TT-CSIRT) ;
- ✓ makes provision for the establishment and publication of baseline security requirements and standards for various sectors, including operators of critical infrastructures;
- ✓ makes provision for the development of a National Cyber Security Contingency Plan;
- ✓ makes provision for alerts and warnings on the latest cyber threats and vulnerabilities that can impact the national community;
- ✓ makes it an offence for a member of the Board of the Trinidad and Tobago Cyber Security Agency or any employee of the Agency to, without lawful excuse:
  - “communicate/reveal any information or matter connected with or related to the functions of the Agency to an individual or body; and
  - obtain, reproduce or retain possession of any information or matter connected with or related to the functions of the Agency which that member or officer/employee is not authorized to obtain, reproduce or retain in his possession. Such actions are an offence and are liable on summary conviction to a fine of fifty thousand dollars and imprisonment for two years”.<sup>3</sup>

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<sup>3</sup> Trinidad and Tobago Cyber Security Agency Bill, 2014. Pgs. 10-11.

## SIMILAR STRATEGIES IN OTHER JURISDICTIONS

Country	Strategy	Remarks
<b>United Kingdom</b>	<p>Cyber Security Strategy, 2009.<sup>4</sup></p> <p>Cyber Security Strategy – Protecting and Promoting the UK in a digital world, 2011.<sup>5</sup></p>	<p>‘This Strategy stressed the need for a “coherent approach to cyber security” with the government, industry, public and international partners sharing responsibility.’</p> <p>N.B. A Cyber Security Operations Centre was formed in 2009 and is responsible for providing analysis and overarching situational awareness of cyber threats.<sup>6</sup></p>
<b>Australia</b>	<p>Cyber Security Strategy, 2009.<sup>7</sup></p> <p>National Security Strategy, 2013.</p> <p>Defence White Paper 2013.<sup>8</sup></p>	<p>N.B. There is an Australian Cyber Security Centre. However, it was not established by statute.<sup>9</sup></p>
<b>New Zealand</b>	<p>Cyber Security Strategy, 2011.<sup>10</sup></p>	<p>N.B. New Zealand has a National Cyber Security Centre, which is a key element of its Cyber Security Strategy.<sup>11</sup></p>

<sup>4</sup> UK Cyber Security Strategy, 2009.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228841/7642.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228841/7642.pdf)

<sup>5</sup> UK Cyber Security Strategy, 2011.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60961/uk-cyber-security-strategy-final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60961/uk-cyber-security-strategy-final.pdf)

<sup>6</sup> Cyber Security in the UK. Post Note Number 389 September 2011. [www.parliament.uk](http://www.parliament.uk) (post-pn-389.pdf) pg. 1

<sup>7</sup> Australia Cyber Security Strategy, 2009.

<http://www.ag.gov.au/RightsAndProtections/CyberSecurity/Documents/AG%20Cyber%20Security%20Strategy%20-%20for%20website.pdf>

<sup>8</sup> Defence White Paper 2013. [http://www.defence.gov.au/WhitePaper2013/docs/WP\\_2013\\_web.pdf](http://www.defence.gov.au/WhitePaper2013/docs/WP_2013_web.pdf)

<sup>9</sup> The New ASC: A ‘reasonable illustration’ of a cyber-security hub. <http://www.crikey.com.au/2013/03/15/the-new-acsc-a-reasonable-illustration-of-a-cybersecurity-hub/>

<sup>10</sup> New Zealand Cyber Security Strategy, 2011. [http://www.dPMC.govt.nz/sites/all/files/publications/nz-cyber-security-strategy-june-2011\\_0.pdf](http://www.dPMC.govt.nz/sites/all/files/publications/nz-cyber-security-strategy-june-2011_0.pdf)

<sup>11</sup> New Zealand National Cyber Security Centre. <http://www.ncsc.govt.nz/about-us/>

<b>Canada</b>	Canada’s Cyber Security Strategy for a stronger and more prosperous Canada. <sup>12</sup>	N.B. Canada established the VENUS <sup>13</sup> (Virtual environment for networks of ubiquitous security) Cyber Security Corporation is an independent, non-profit corporation with the aim of making Canada a global leader in cyber security. <sup>14</sup>
<b>Council of Europe</b>	Convention on Cybercrime. <sup>15</sup>	This Convention is the only binding international instrument on cybercrime and it serves as a guide for any country developing national legislation against cybercrime. It is also a framework for international cooperation between State Parties to this treaty. <sup>16</sup>
<b>Singapore</b>	National Cyber Security Masterplan 2018 (2013). <sup>17</sup>	“This plan adopts a collaborative approach across the public, private and people sectors to enhance the security of Singapore’s critical infocomm infrastructure as well as address the security of businesses and individuals.” <sup>18</sup>

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<sup>12</sup> Canada’s Cyber Security Strategy for a stronger and more prosperous Canada.  
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<sup>13</sup> Venus Cyber Security. <http://www.venuscyber.com/>

<sup>14</sup> New National Cyber Security Centre of excellence to be created in Orleans. <http://ottawa.ca/en/news/new-national-cybersecurity-centre-excellence-be-created-orleans>

<sup>15</sup> Convention on Cybercrime.  
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=185&CM=8&DF=&CL=ENG>

<sup>16</sup> Cybercrime. [http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/default\\_en.asp](http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/default_en.asp)

<sup>17</sup> Annex A: Factsheet on National Cyber Security Masterplan 2018.  
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<sup>18</sup> Securing Singapore’s cyber environment. <http://www.ida.gov.sg/blog/insg/featured/securing-singapores-cyber-environment/>

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National Cyber Coordination Centre may become functional. <http://ptlb.in/csrdci/?p=259>

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