



Secretariat Unit

Bill Essentials

The Trinidad and Tobago Cyber Security Agency Bill, 2015

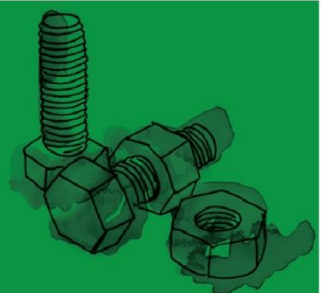
An Act to establish a Trinidad and Tobago Cyber Security Agency to act as a national point of contact for all cyber security related concerns and other related matters.

Bill No: HOR Bill 8 of 2015

Introduced in: The House of Representatives

Introduced on: May 1, 2015

Introduced by: Sen. Hon. Brig. Gen. Alfonso [Minister of National Security]



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Background

The Trinidad and Tobago Cyber Security Agency Bill, 2015¹ was introduced and read for a first time in the Senate on May 1, by Senator the Hon. Brig. Gen. Alfonso, Minister of National Security. A previous incarnation of this Bill was introduced^{2 3} during the 4th Session of the 10th Parliament, however it lapsed. This Bill should be read together with the Cybercrime Bill, 2015.⁴

Purpose of the Bill

The Bill seeks 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. The Bill contains twenty-six (26) clauses.

Legislation mentioned in the Bill

Municipal Corporations Act Chap. 25:04⁵

Key Features of proposed Legislation

1. Clause 1 provides for the short title.
2. Clause 2 would provide for the Act to come into operation on Proclamation by the President.
3. Clause 3 would define certain terms used in the Bill.
4. Clause 4 would establish the Agency as a body corporate.
5. Clause 5 would provide for the appointment of a Board to manage the Agency.
6. Clause 6 would provide for the tenure of the members of the Board.
7. Clause 7 would provide for the removal of a member of the Board.
8. Clause 8 would provide for the remuneration of members of the Board.
9. Clause 9 would provide for the holding of meetings of the Board.
10. Clause 10 would set out the functions of the Agency.
11. Clause 11 would provide for the powers of the Agency.
12. Clause 12 would set out the functions of the national computer incident response team.
13. Clause 13 would provide for the appointment of a Chief Operations Officer.
14. Clause 14 would set out the duties of the Chief Operations Officer.
15. Clause 15 would provide for the appointment of a Corporate Secretary and other staff for the Board.
16. Clause 16 would provide for the appointment by the Board of a Finance Committee, a Human Resource committee and an Audit Committee and such other Committees as it considers necessary.
17. Clause 17 would provide for the secondment of persons to and from the Agency.

¹ <http://www.ttparliament.org/legislations/b2015h08.pdf>

² <http://www.ttparliament.org/legislations/b2014h06g.pdf>

³ <http://www.ttparliament.org/documents/2239.pdf>

⁴ <http://www.ttparliament.org/legislations/b2015h07.pdf>

⁵ http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/25.04.pdf

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18. Clause 18 would provide for the funds of the Agency.
19. Clause 19 would provide 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.
20. Clause 20 would provide that the Agency would be exempt from certain duties and taxes.
21. Clause 21 would establish the financial year of the Board.
22. Clause 22 would require the Board to submit an annual report to the Minister for laying in Parliament.
23. Clause 23 would place an onus of confidentiality on members of the Board.
24. Clause 24 would require a member of the Board to declare any interest in matters that are being considered by the Board.
25. Clause 25 would seek to protect 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.
26. Clause 26 would give the Minister the power to make Regulations to give effect to the Act.

Considerations

- The Bill does not provide whether regulations under clause 26 are subject to negative or affirmative resolution of Parliament.
- Clause 15(3) provides that staff of the Agency must be ‘positively vetted’ without further details.
- The Bill does not provide for the composition of the Trinidad and Tobago Cyber Security Incident Response Team (TT-CSIRT).
- The Bill provides that the President appoints and determines the remuneration and allowances of Board members.
- The Bill provides that the Minister is to approve the appointment and terms and conditions of the:
 - i. Chief Operations Officer; and
 - ii. Deputy Chief Operations Officer.
- The Bill provides that staff of the Agency would be paid appointed and paid remuneration and allowances as the Board determines.

Similar Strategies in other Jurisdictions

Country	Strategy	Remarks
United Kingdom	Cyber Security Strategy, 2009. ⁶	‘This Strategy stressed the need for a “coherent approach to cyber security” with the government, industry, public and international partners sharing responsibility.’

⁶ UK Cyber Security Strategy, 2009.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228841/7642.pdf

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	Cyber Security Strategy – Protecting and Promoting the UK in a digital world, 2011. ⁷	N.B. A Cyber Security Operations Centre was formed in 2009 and is responsible for providing analysis and overarching situational awareness of cyber threats. ⁸
Australia	Cyber Security Strategy, 2009. ⁹ National Security Strategy, 2013. Defence White Paper 2013. ¹⁰	N.B. There is an Australian Cyber Security Centre. However, it was not established by statute. ¹¹
New Zealand	Cyber Security Strategy, 2011. ¹²	N.B. New Zealand has a National Cyber Security Centre, which is a key element of its Cyber Security Strategy. ¹³
Canada	Canada’s Cyber Security Strategy for a stronger and more prosperous Canada. ¹⁴	N.B. Canada established the VENUS ¹⁵ (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. ¹⁶

⁷ UK Cyber Security Strategy, 2011.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60961/uk-cyber-security-strategy-final.pdf

⁸ Cyber Security in the UK. Post Note Number 389 September 2011. www.parliament.uk (post-pn-389.pdf) pg. 1

⁹ Australia Cyber Security Strategy, 2009.

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

¹⁰ Defence White Paper 2013. http://www.defence.gov.au/WhitePaper2013/docs/WP_2013_web.pdf

¹¹ 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/>

¹² New Zealand Cyber Security Strategy, 2011. http://www.dPMC.govt.nz/sites/all/files/publications/nz-cyber-security-strategy-june-2011_0.pdf

¹³ New Zealand National Cyber Security Centre. <http://www.ncsc.govt.nz/about-us/>

¹⁴ Canada’s Cyber Security Strategy for a stronger and more prosperous Canada.

<http://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/cbr-scrtr-strty/cbr-scrtr-strty-eng.pdf>

¹⁵ Venus Cyber Security. <http://www.venuscyber.com/>

¹⁶ 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>

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Council of Europe	Convention on Cybercrime. ¹⁷	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. ¹⁸
Singapore	National Cyber Security Masterplan 2018 (2013). ¹⁹	“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.” ²⁰

Reference Material

Articles

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http://www.nationalsecurity.gov.tt/Portals/0/Pdf%20Files/National_Cyber_Security%20Strategy_Final.pdf
- Cyberwellness Profile Trinidad and Tobago.
http://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Trinidad_and_Tobago.pdf
- Nazli Choucri, Stuart Madnick & Jeremy Ferwerda, Information Technology for Development (2013): Institutions for Cyber Security: International Responses and Global Imperatives, Information Technology for Development, DOI: 10.1080/02681102.2013.836699.
http://ecir.mit.edu/images/stories/website%20photos/ECIR%20website%20staff%20pics/ECIR%20website%20staff%20pics/choucri%20madnick%20ferwerda_institutions%20for%20cyber%20security_published.pdf
- Kerry-Ann Barrett. Ministry of National Security. April 22, 2013. Cybersecurity in Trinidad and Tobago - A public sector perspective.

¹⁷ Convention on Cybercrime.

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

¹⁸ Cybercrime. http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/default_en.asp

¹⁹ Annex A: Factsheet on National Cyber Security Masterplan 2018.

https://www.ida.gov.sg/~media/Files/About%20Us/Newsroom/Media%20Releases/2013/0724_ncsm/AnnexA.pdf

²⁰ Securing Singapore’s cyber environment. <http://www.ida.gov.sg/blog/insg/featured/securing-singapores-cyber-environment/>

<http://www.google.tt/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CC8QFjAD&url=http%3A%2F%2Fscm.oas.org%2Fpdfs%2F2013%2FCP30814T.ppt&ei=NR1JVdP0I4OfgwS5xoGYBA&usg=AFQjCNGSptCaC956StH5bpMXuAWAbmeJmQ&bvm=bv.92291466,d.eXY>

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- Centre for Strategic and International Studies. Cybersecurity and Cyberwarfare. Preliminary Assessment of National Doctrine and Organization. <http://unidir.org/files/publications/pdfs/cybersecurity-and-cyberwarfare-preliminary-assessment-of-national-doctrine-and-organization-380.pdf>
- Cybersecurity law and regulation. http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/CountryProfiles/default_en.asp

Other useful information

- Cybersecurity Agency of Singapore http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/CountryProfiles/default_en.asp
- Australian Cyber Security Centre (ACSC) http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/CountryProfiles/default_en.asp
- European Union Agency for Network and Information Security (ENISA). http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/CountryProfiles/default_en.asp
- Office of Cyber Security and Information Assurance. UK. <https://www.gov.uk/government/groups/office-of-cyber-security-and-information-assurance>
- Communications Security Establishment. Canada. http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/Documents/CountryProfiles/default_en.asp

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- New Zealand National Cyber Security Centre (NCSC).
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