

# Cybercrime and Computer Related Crimes Act

## Botswana

Data Governance

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### Definitions of Data:

Data means 'any representation of facts, information or concepts in a form suitable for processing in a computer system; any information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose; or any programme suitable to cause a computer or a computer system to perform a function and includes traffic data and subscriber information'.

### Main Focus of Document:

Provides for securing computer material against unauthorised access or modification

### Target Beneficiaries or Sectors:

Victims of computer related crimes

### Key Elements:

Prohibits the unauthorised use of computer systems and the unauthorised access to persons' penal information and data. Key elements include:

14. A person who performs or threatens to perform any of the acts described under this Part, for the purposes of obtaining any unlawful advantage by:
  - a. Undertaking to cease or desist from such actions; or
  - b. Undertaking to restore any damage caused as a result of those actions, Commits an offence and is liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding 10 years, or to both.

Part III - Procedural Power 24. A police officer or any person authorised by the Commissioner or by the Director-General, in writing, may, upon confirmation by the court and as soon as reasonably practicable to do so, order for the preservation of data that has been stored or processed by means of a computer or computer system or any other information and communication technology, where there are reasonable grounds to believe that such data is vulnerable to loss or modification.

Data

### Policy/regulation mirrored:

Computer Misuse Act

### Countries:

**Mauritius**

**Brunei**

**The Bahamas**