

Project on Cybercrime

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COUNCIL OF EUROPE
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Cybercrime legislation – country profile

Cyprus

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

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Country:	Cyprus
Signature of Convention:	23.11.2001
Ratification/accession:	30.04.2004
Provisions of the Convention	Corresponding provisions/solutions in national legislation (pls quote or summarise briefly; pls attach relevant extracts as an appendix)
<i>Chapter I – Use of terms</i>	
Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”	ART. 2 of Cyprus Law No 22(III)04
<i>Chapter II – Measures to be taken at the national level</i>	
<i>Section 1 – Substantive criminal law</i>	
Article 2 – Illegal access	ART. 4 of Cyprus Law No 22(III)04
Article 3 – Illegal interception	ART. 5 of Cyprus Law No 22(III)04
Article 4 – Data interference	ART. 6 of Cyprus Law No 22(III)04
Article 5 – System interference	ART. 7 of Cyprus Law No 22(III)04
Article 6 – Misuse of devices	
Article 7 – Computer-related forgery	ART. 9 of Cyprus Law No 22(III)04
Article 8 – Computer-related fraud	ART. 10 of Cyprus Law No 22(III)04
Article 9 – Offences related	ART. 11 of Cyprus Law No 22(III)04

to child pornography	
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights	ART. 12 of Cyprus Law No 22(III)04
Article 11 – Attempt and aiding or abetting	ART. 13 of Cyprus Law No 22(III)04
Article 12 – Corporate liability	ART. 14 of Cyprus Law No 22(III)04
Article 13 – Sanctions and measures	
<i>Section 2 – Procedural law</i>	
Article 14 – Scope of procedural provisions	
Article 15 – Conditions and safeguards	
Article 16 – Expedited preservation of stored computer data	
Article 17 – Expedited preservation and partial disclosure of traffic data	
Article 18 – Production order	
Article 19 – Search and seizure of stored computer data	
Article 20 – Real-time collection of traffic data	
Article 21 – Interception of content data	
<i>Section 3 – Jurisdiction</i>	
Article 22 – Jurisdiction	ART. 16 of Cyprus Law No 22(III)04
<i>Chapter III – International co-operation</i>	
Article 24 – Extradition	ART. 17 of Cyprus Law No 22(III)04
Article 25 – General principles relating to mutual assistance	
Article 26 – Spontaneous information	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	
Article 28 – Confidentiality and limitation on use	
Article 29 – Expedited	

preservation of stored computer data	
Article 30 – Expedited disclosure of preserved traffic data	
Article 31 – Mutual assistance regarding accessing of stored computer data	
Article 32 – Trans-border access to stored computer data with consent or where publicly available	
Article 33 – Mutual assistance in the real-time collection of traffic data	
Article 34 – Mutual assistance regarding the interception of content data	
Article 35 – 24/7 Network	
Article 42 – Reservations	

Appendix: **Solutions in national legislation**

Cyprus Law No 22(III)04

Chapter I

Definitions

Art. 2 - For the purpose of this Law, the terms and phrases below have the following meaning:

- "Computer system" means any device or assembly of interconnected devices or that are in an operational relation, out of which they provide automatic data processing by means of a computer program.
- "Computer data" means any representation of facts, information or concepts in a form that can be processed by a computer system which includes any computer program that can cause a computer system to perform a function.
- "Service provider" means
 - any public or private entity offering the users the possibility to communicate by means of a computer system, and
 - any other entity processing or storing computer data for the entity mentioned above or for the users of the services offered by these.
- "Traffic data" means any computer data created by a computer system and related to a communication achieved through computer systems, representing a part of the communication chain, indicating the communication origin, destination, route, time, date, size, volume and duration, as well as the type of service used for the communication.

Chapter II

Offences against the confidentiality, integrity and availability of computer data systems

Art. 4 - Any person who intentionally and without authority access a computer system by breaking the security measures commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Art. 5 - Any person who intentionally and without authority intercept non-public transmissions of computer data to, from or within a computer data commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

- For the purpose of this article computer data means also data saved or emitted electromagnetically or otherwise from a computer system carrying non-public computer data.

Art. 6 - Any person who intentionally and without authority destroys, deletes, alters or suppress (hides) computer data commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Art. 7 - Any person who intentionally and without authority causes serious hindering of the functioning of a computer system, by inputting, transmitting, destroying, deleting, altering, adding or suppress computer data commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Art. 9 - Any person who intentionally and without authority and with intent to defraud inputs, alters, deletes or suppress (hides) computer data resulting in inauthentic data, with the intent to be used for legal purposes commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Art. 10 - Any person who intentionally and without authority and with intent to defraud causes loss of property to another person by

- a. any input, alteration, deletion or suppression of computer data;
- b. any interference with the functioning of a computer system;

with intent of procuring without right an economic benefit for oneself or for another person commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Content-related offences

Art. 11 – (1) Any person who intentionally and without authority

- a. produces child pornography for the purpose of its distribution through a computer system
- b. offers, informs others how to make available or makes available child pornography through a computer system
- c. distributes or transmits child pornography through a computer system
- d. procures child pornography through a computer system for oneself or another person
- e. possesses child pornography in a computer system or on a computer-data storage medium

commits a criminal offence and is liable to 10 years imprisonment or to 25.000 Cyprus Pounds fine or both.

For the purpose of paragraph (1) of the present Article, the term "child pornography" includes pornographic material that visually depicts a minor engaged in a literately sexually explicit conduct, a person appearing to be a minor engaged in a literately sexually explicit conduct, realistic images representing a minor engaged in a literately sexually explicit conduct.

In the frame of the present Article "literately sexually explicit conduct" includes coition (sexual intercourse) between minors or minor and adult of the same or opposite sex, bestiality, and masturbation, sadistic or masochistic behavior in the frame of sexual act.

Offences related to infringements of copy rights and related rights

Art. 12 – (1) Any person who intentionally does for commercial reasons any act through a computer system which according to the Intellectual property and related rights Law of 1976 violates Intellectual property right or relative right commits a criminal offence which is punishable according to the relevant law.

Ancillary liability and sanctions

Art. 13 - Any person who intentionally attempts, aids or abets the commission of any of the offences established in accordance with Articles 4-12 of the present law commits a criminal offence and is liable to 5 years imprisonment or to 20.000 Cyprus Pounds fine or both.

Jurisdiction

Art. 16 - According to the provisions of the Article 5 of the Penal Code and despite of the provisions of the Article 6 of the Penal Code the Cyprus Republic Courts have the jurisdiction to trial offences established in accordance with the Article 22 of the present Convention.

Principles relating to extradition

Art. 17 - In cases where the extradition of an offender has to based on a treaty between the Republic of Cyprus and the applicant state but there is no such treaty the Convention constitutes a legal base regarding the extradition of offenders committing offences established by the present Convention.