

The Institute of Electronics Engineers,
Hong Kong Section, Computer Chapter

Comments for the Report by the Inter-departmental Working Group on Computer Related Crime

Major Comments

1. Log-records (Chapter VIII pp. 51 - 55)

In the report, the discussions are based on the assistance from Internet Service Providers (ISPs). However, the keeping of the log records should also involve the assistance from other service providers such as data centers, web hosting centers, ASP, ...etc. However, we should also emphasize that different service providers should have different requirements or specifications for log keeping.

In making recommendation on the requirements for log keeping, we had the following observations:

- a. According to the report, information about log keeping is reported from ISPs and universities according to their current practice. However, the purpose of log keeping is different. The log being kept in the ISPs are mainly for the billing purpose whereas the logs in the universities are for reasons of security, internal audit, and resource management. If such log records are important for crime investigation, better requirements should be drafted and the coverage should also include different kinds of service providers.
- b. We observed that the crime investigators should also contribute to the drafting of the requirement by specifying the minimum amount of information to be kept.
- c. When specifying the log keeping requirements, we should be aware of the extra cost imposed on the service providers. Such cost, if substantial, may affect the survival of small ISPs or create unfairness between big and small ISPs. This increase in overhead may become unnecessary hurdles for the growth for e-commerce, especially for SME, in Hong Kong.
- d. When specifying the requirement, the growth of the traffic and log volumes should also be closely monitored. The requirements may be reasonable at present, but can run into problems in the future with the growth of the network traffic.

2. Protection of Computer Data (Chapter VI)

In addition to Computer Data, we would like the chapter to cover "information system" as well. Our view is that if we treat information system and computer data as property, existing laws can cover most of the cases for enforcing the protection of information system and computer data.

3. "Production orders" Process (Chapter V pp. 25 - 26)

Together with what is written in Chapter V, a person subject to a "production order" should also provide evidence that the "plaintext" or the decoded text he provide is the exact text he is supposed to have processed. This verification is necessary in order to show that the person is not going to provide false evidence for the pursue of crime.

Recommendations in the report that we support

1. We support the definition for "information system" in the report by not attempting to define the terms "computer" or "computer system" but to use the concept of "information system".
2. The term "Internet" should be replaced by "open network" to anticipate the future development in the networking environment.
3. We support the report's view of "A Crime is a Crime regardless of the media involved".
4. We support the recommendations on the Protection of Critical Infrastructure and on the Private Sector's Role as listed in Chapter IX, and Chapter XI, respectively.
5. We agree that legislation should be technology- and medium-neutral.
6. We urge the government to promote public awareness on computer related crime and security.
7. We recommend the government to put in resources not only to recruit technologists to work against computer related crime but also support the research and development on such technology locally.