WHAT IS NEW? THE NEW CRIMINAL CODE AND INFORMATION TECHNOLOGY

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Abstract

From 1 January 2010 the new Criminal Code became effective, a proposal which was approved after more than a year-long discussion of the Czech Parliament and subsequently signed by the President. The new Criminal Code has replaced the old penal code and brought many innovations, from systematic changes to the introduction of entirely new institutions. This paper aims to introduce several major changes related to information technology.

Key words: Criminal Code, Information technology

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From 1 January 2010 the new Criminal Code became effective, a proposal which was approved after more than a year-long discussion of the Czech Parliament and subsequently signed by the President. The new Criminal Code has replaced more than 40 years old penal code originating from the socialist regime (in which it was done but after 1989 changes) and brought many innovations, from systematic changes to the introduction of entirely new institutions.

This paper aims to introduce several major changes related to information technology. Information technology is increasingly important in our lives and affect proper functioning of vital sectors of life such as energy supply, transport, health, etc. Therefore, it is clear that this meaning had also manifest in the laws. An attack on a computer or similar device or the transmission of information can have incalculable damage. What could have been considered harmless fun of students many years ago, can now affect the functioning of transport, different companies, even the national security. So the law had to contain the new features about information technology to respond. In addition, misuse of the information technologies is very significant and profitable crime nowadays.

The new Penal Code introduces several new sections relating to criminal activities connected to information technology. Some activities that previously

were not criminal, though they may have been unethical, became a criminal act now. Even some of the activities that used to be carried out by students in the teaching of information technology, can now be considered as action at the boundary between legal and illegal activities or are directly illegal.

§ 230 Unauthorized access to computer systems and information media In this section the offenses related to overcoming security measures became the criminal act. Thus, to overcome the security measures and gain unauthorized access is punishable. Unauthorized use of data is also punishable. It depends on whether the data are used, if they are destroyed or damaged. It depends on whether the attacker modify data, delete, destroy, or reduce its quality, which will make them useless. The criminal act is also a forgery or alteration of data in a computer system with purpose to be considered for authentic original data. It is criminal to insert a false data into the computer system. A criminal act is also intervention into the software or computer hardware.

The amount or duration of punishment varies according to the amount of damage, depending on whether the act was performed in the intention to cause harm or to benefit. Furthermore, if the attacker worked alone or in an organized group. If the attacker causes an important disturbance in the activity of state administration, local government, court or other body of public power, it is considered serious, and thus means the higher level of punishment .

§ 231 Measures and possession of access devices and passwords to computer systems and other such data

According to this section it is criminal act to import, sell, put into circulation etc., equipment that allows unauthorized access to computer network or a computer system. The sale or possession of a computer program that allows the unauthorized access is also a crime. But there must be an intention, therefore it has to be a deliberate criminal act. According to another part of this section, it is punishable to obtain passwords, access codes, etc., in order to illegaly get access to a computer system or part thereof.

It depends on whether this is done in a group, whether a substantial benefit is obtained by it, etc. In any case, some hacking activities will henceforth be illegal and everyone should get to know this article..

§ 232 Damage in a computer record system and the information medium and interference with computer equipment due to negligence

This section introduces the area of criminal acts of negligence. If the data are destroyed, damaged or changed due to gross negligence, it is a criminal offense. Intervention to hardware or software or other technical equipment is also considered as criminal act.

It depends on the amount of damage, but the offender may be punished by imprisonment as well

In addition to these three fundamental laws, the new Penal Code contains a number of other sections that are related to the use of information technology. For example, the stalking became criminal act. Stalking is pursuit of somebody with use of mobile phone messages or calls, or repetitive sending of e-mail messages. Information technology is also related to copyright infringement, which is Internet common on the internet, and many users even naively believes that in the field of web pages the copyright isn't valid. When reading the code we can also find many other sections, which is affecting or relating to information technology.

Conclusion

The law applies for less than two years and still is not very known among the general public. From my own experience I know that even some specialists in the field of information technologies do not know these articles and are very surprised by their wording. For students not only from computer fields, the introduction to these articles should be mandatory so as they wouldn't come to conflict with the law. Usually, they're quite shocked to hear that such laws are contained in the penal code.

References

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