

Law No. 07-03 supplementing the Criminal Code with respect to offences relating to automated data processing systems

Reference: Dahir No. 1-03-197 of 16 Ramadan 1424 (11 November 2003) promulgating Law No. 07-03 supplementing the Criminal Code with respect to offences relating to automated data processing systems

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Practice areas: Criminal law and business crime, Business law

Law 07-03 inserted into the Criminal Code Articles 607-3 et seq., which punish fraudulent access to and fraudulent remaining in an automated data processing system, obstructing its operation, altering or deleting data, and possessing or distributing means designed to commit these offences.

The offences created

- Fraudulent access to all or part of an automated data processing system, and fraudulently remaining in that system.
- Obstructing or disrupting the operation of the system.
- Fraudulently entering, deleting or modifying data contained in the system.
- Penalties are increased where the offence affects the data or the operation of the system, or targets a State system.

Evidence and procedure

- Technical findings and connection logs are items of evidence assessed by the judge.
- The complaint is filed with the Crown Prosecutor (procureur du Roi) or with the specialised units of the judicial police.
- The same acts may give rise to the civil liability of the perpetrator and of the perpetrator's employer.

Key articles

ART. 607-3 CRIMINAL CODE

Fraudulently accessing all or part of an automated data processing system is punishable by imprisonment and a fine; the penalty is increased where this has resulted in the deletion or modification of data contained in the system, or in a disruption of its operation.

Points to watch

- Have the intrusion recorded without delay: technical logs are often overwritten by automatic rotation.
- Authorised access that continues beyond the scope of authorisation may amount to fraudulently remaining in the system.
- Disclosing personal data obtained through an intrusion adds the offences under Law 09-08.

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