

**Law**  
**No. 63 For The Year 2015**  
**Regarding Anti-Information**  
**Technology Crime**

Following perusal of the constitution,

The Princely decree No. 17 for the year 1959, regarding the Stay of Foreigners and laws amending it,

The Princely Decree No. 12 for the year 1960, regarding the Organization of the Legal Opinion and Legislation Department for the Kuwaiti Government,

The Penal Code issued by Law No. 16 for the year 1960, and laws amending it,

The Law for Criminal Procedures and Trials issued by law No. 17 for the year 1960, and laws amending it,

Law No. 24 for the year 1962, Regarding Clubs and Societies for Public Benefit and laws amending it,

Law No. 32 for the year 1968, regarding Currency, the Central Bank of Kuwait and the Organization of the Banking Profession, and laws amending it,

Law No. 40 for the year 1972, regarding Objection Cases in Cassation, its Procedures, and laws amending it,

Law No. 20 for the year 1976, regarding Suppressing Fraudulence in Commercial Dealings and laws amending it,

The Decree for Law No. 15, for the year 1979, regarding Civil Service and laws amending it,

The Decree for Law No. 38 for the year 1980, regarding the issuance of the Civil and Commercial Procedural law,

The Decree for Law No. 39 for the year 1980, regarding Evidence in the Civil and Commercial Matters, and laws amending it,

Law No. 67 for the year 1980, regarding the issuance of the Civil Law, and laws amending it

The Decree for Law No. 68 for the year 1980, regarding the issuance of the Commercial Law and laws amending it,

The Decree for Law No. 25, for the year 1981, regarding Practicing the Physician Profession, Dentistry and Assisting Professions for them,

Law No. 3 for the year 1983, regarding juveniles,

Law No. 74 for the year 1983, Anti-Drugs, the Organization of their Use and trading in them and laws amending it,

The decree for law No. 48 for the year 1987, regarding Anti- Psychotropic Substances, the Organization of their Use and Trading in them,

The Decree for Law No. 23 for the year 1990, regarding the Organization of Judiciary and laws amending it,

Law No. 1 for the year 1993, regarding the Protection of Public Money and laws

amending it,

Law No. 64 for the year 1999, regarding Intellectual Proprietary Rights,

Law No. 9 for the year 2001, regarding Misuse of the Telecommunications and Eavesdropping Instruments, and laws amending it,

Law No. 3 for the year 2006, regarding Publications and Publishing,

Law No. 61 for the year 2007, regarding the Visual and Audio Media,

Law No. 7 for the year 2010, regarding the Establishment of the Money Markets Authority, and the Organization of the Securities Activity that was amended by Law No. 108 for the year 2014,

Law No. 8 for the year 2010, regarding the Rights of the Handicapped Persons,

Law No. 53 for the year 2011, regarding the General the General Administration for Investigations in the Ministry of Interior.

The Decree for Law 24 for the year 2012 regarding the Establishment of The General Organization for Combating Corruption and Rules Especially for Disclosure of the Financial Liability,

The Decree for Law No. 25 for the year 2012, for the issuance of the Amended Companies Law with Law No. 97 for the year 2013,

Law No. 91 for the year 2013, regarding Combating Money Laundry and Financing Terrorism,

Law No. 106 for the year 2013, regarding combating money laundry and financing terrorism,

Law No. 111 for the year 2013, regarding Licenses of Commercial Stores,

Law No. 20 for the year 2014, regarding Electronic Transactions,

Law No. 37 for the year 2014, regarding the Establishment of the Establishment of the Regulatory Authority for Telecommunications and Information Technology,

The parliament endorsed the law which context is as follows and we authenticated it and issued it.

## **Chapter One**

### **Definitions**

Article -1-

In the application of the rules of this law it shall be meant by the following terminologies the meanings assigned to each of them:-

- **The Competent Minister:** The Minister who is defined by the Cabinet.

- **The Competent Party:** The party that shall be decided by the Cabinet.

- **The Electronic Data:** Data with electronic features in the shape of texts, codes, voices, drawings, software or database.

- **The Automated Electronic System:** The software, or a computer's electronic system that was prepared to act or to respond an act independently, totally or partially without the interference or the supervision of a natural person at the time in which the act is undertaken or there is a response to it.

- **Electronic Processing of Data:** An electronic system to create, enter, retrieve, send, receive, extract, store, exhibit, or process data or messages electronically.

- **The Information Network:** The connection between more than one communications system for information technology to obtain information and exchange them.
- **The Document of the Electronic Record:** A group of data or information that are created, stored, extracted, copied, sent, informed or received totally or partially by an electronic means, on a tangible medium or on any other electronic medium, and can be retrieved in a shape that can be understood.
- **The Site:** Is a place for availing information on the information network through a defined address.
- **Electronic:** Everything that is connected with the information technology and has electrical, digital, magnetic, visual, electromagnetic capabilities or other wire or wireless means that are similar and what is innovated of technologies in this sphere.
- **Information Technology Means ;** An electronic tool that includes all that is related with the information technology and electrical, digital, magnetic, visual, electromagnetic capabilities or other wire or wireless means that are similar and what is innovated of technologies in this sphere.
- **Information Crime:** Every act that is committed through using the computer or the information network or other than that of technology information means in violation of the rules of this law.
- **Illegal Entry:** The deliberate illegal penetration to the computer's instrument and systems, an information system an information network or an electronic site through penetration means, and its protection means whether partially or totally for any purpose whatsoever without a delegation to perform this or by exceeding the granted delegation.
- **The Computer's System:** A group of information software and systems prepared to analyzer information, data, orders in order to program, show, store, send or receive and it can work independently or in connection with other instrument or other information systems.
- **The Electronic Signature:** The information which takes the shape of characters, numbers, codes, signs or others, and is enlisted in an electronically, digital, optical or any other similar means in an electronic document or record added to it or necessarily connected to it and has a trait that allows the identification of the person who signed it and distinguishes him from others.
- **Information Reception:** To view the information and data coming in any electronic message, hearing it or obtaining it, and this shall include the electronically transferred.
- **Electronic Fraudulence:** To affect the automatic electronic system, the electronic information system, the information network, a document, an electronic record, an information technology means or a system, a computer, electronic signature, or electronic information through a software or obtaining, divulging, transferring, or propagating the secret number, word, or code or confidential or private information or others, with the intention of obtaining a benefit without due right and harming others.

## **Chapter Two**

# **Crimes And Penalties**

## **Article -2-**

He shall be penalized with imprisonment for a period that does not exceed six months and a fine that is not less than five hundred Dinars or by either of these two penalties every person who committed an illegal entry into a computer or its system or a data electronic processing system or an automated electronic system, or an information network.

If this entry entails the annulment, erasure, damage, destruction, divulgence, change or the re-propagation of information and data the penalty shall be imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars and does not exceed five thousand Dinars or by either of these two penalties.

If this information or data are personal the penalty shall be imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties.

He shall be penalized with imprisonment for a period that does not exceed five years and a fine that is not less than three thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties every person who commits any of the above crimes stipulated upon or facilitates this for others and this was during or due to practicing his position.

## **Article -3-**

He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who:-

1. Committed an illegal entry into the site or an information system directly or through the information network, or by any information technology methods for the purpose of obtaining secret governmental information or data according to the law.

If this entry resulted in the annulment of these data information or destroyed them the penalty shall be imprisonment for a period that does not exceed ten years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties.

This rule shall govern the information and data relating to the accounts of the clients of the bank facilities.

2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system through synthesis or changes, alterations or by any other method by using a means the information technology means.

If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties.

He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force.

3. Deliberately changed or destroyed an electronic document relating to medical examinations, medical diagnosis, medical care or facilitated or enabled others to do this by using the information network or, a means of the information technology means.

4. Used the information network, or a means of the information technology means to threaten or blackmail a natural or juristic person to force him to undertake an act or to abstain from it.

If the threat is for committing a crime or what is considered as touching the dignity of persons or violating honor and defaming character or dignity the penalty shall be imprisonment for a period that does not exceed five years and the fine that is not less than five thousand Dinars and does not exceed ten twenty Dinars or by either of these two penalties.

5. He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim.

#### Article -4-

He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who:-

1. Deliberately hindered or disrupted the access to an electronic service site, access to instruments, software, source of electronic data or information through any means whatsoever and this shall be through the information network or by using a means of the information technology means.

2. Deliberately entered through the information network or by using a means of the information technology means which could stop it from work or disrupt it, or a site on the information network to change the designs of this site or to annul, destroy or to amend it or occupied it, disrupted or stopped it.

He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person who committed any of these crimes or facilitated this for others and this was during or due to performing his job.

3. Eavesdropped, received, or impeded deliberately and without due right what is sent by the information network or a means of the information technology means.

If he divulged what he accessed he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars or by either of these two penalties.

4. Every person who established a site, published, produced, prepared, arranges, sent, or stored information or data with the intention of exploitation, distribution or show others through the information network or a means of the information technology means and this would touch public ethics or ran a place for this purpose.

5. Every person who exhibited, seduced a male or a female to commit salacity and

debauchery or helps him in this by using the information network or a means of the information technology means. If the act is addressed to a youth the penalty shall be imprisonment for a period not exceeding three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties.

Article -5-

He shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not less than one thousand Dinars and does not exceed three thousand Dinars or by either of these two penalties every person who used the information network or a means of the information technology means to access without due right numbers or information of a credit card and the similar of electronic cards.

If its use entailed obtaining others' money, or what this card avails of services, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person.

Article -6-

He shall be penalized according to cases with the penalty stipulated in Items 1, 2 and 3 of Article 27 of the law for publications and publishing that is aforementioned, every person who committed through the information network or by using a means of the information technology means that is stipulated upon in this law, one of the acts according to cases which are exhibited in Article (19, 20 and 21) of the aforementioned law.

Article -7-

He shall be penalized with the decided penalty in Article 29, first paragraph, of law No. 31 for the year 1970, regarding the amendment of some rules of the penalty code No. 46 for the year 1960, every person who committed on of the acts which are stipulated in Article 28 of the law for publications and publishing that is aforementioned by using the information network or a means of the information technology means that is stipulated upon in this law.

Article -8-

He shall be penalized with imprisonment for a period that does not exceed seven years and a fine that is not less than ten thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties every person who establishes a site or propagates information by using the information network or a means of the information technology means that is stipulated upon in this law, with the purpose of human trafficking, or facilitating dealing in them, promoting drugs or psychotropic substances and the similar, or to facilitate this in cases other than the legally authorized.

Article -9-

He shall be penalized with imprisonment for a period not exceeding ten years and a fine that is not less than twenty thousand Dinars and does not exceed fifty thousand Dinars or by either of these two penalties, every person who through the information networks or by using a means of the information technology means undertook money laundering or to transfer illegal money or transported it, or concealed or hid its illegal source, or used, gained or possessed these monies with his knowledge that they are derived from an illegal

source, or transferred the revenues or the properties with his knowledge of their illegal source, in order to confer legal traits on these monies.

#### Article -10-

He shall be penalized with imprisonment for a period not exceeding ten years and a fine that is not less than twenty thousand Dinars and does not exceed fifty thousand Dinars or by either of these two penalties, every person who established a site for a terrorism organization or for a terrorist or published about any of them information on the information network or by one of the means of the information technology means even under concealed names, to facilitate the communications with one of their leaders or members or to promote their ideas, to finance it or to publish how to fabricate burning instruments, or explosives or any tools used for terrorism acts.

#### Article -11-

The imprisonment penalty or the fines that is ruled shall not be less than half its maximum if the crime is accompanied by any of the following circumstances:-

- 1- The commitment of the crime through an organized gang,
- 2- The perpetrator occupied a public position and his perpetration of the crime was by using his authority and power.
- 3- Luring minors and their similar of incompetent persons or using them.
- 4- The issuance of previous judgments from the national or foreign courts according to the endorsed conventions convicting the perpetrator with similar crimes.

#### Article -12-

The court shall have the right to exempt from the penalty every individual from the perpetrators who proceeded to inform the competent authorities of the crime prior to their knowledge and before the commencement of the execution of the crime. If reporting was after the knowledge of the crime and prior to starting the investigation it shall be mandatory for the exemption from the crime that the reporting of the crime led to the apprehension of the rest of the perpetrators in case of their multiplicity.

#### Article -13-

It shall be permissible to judge the confiscation of the instrument, programs or means used for the commitment of any of the crimes stipulated in this law or money collected from them.

It shall be permissible to judge the closure of the store or the site in which were committed any of these crimes if their commitment was undertaken with the knowledge of the owner for a period that shall not exceed one year according to cases. This shall be without prejudice to the rights of others of bona fide or the right of the harmed person for an appropriated indemnity.

The judgment for the closure of the store or the site shall be mandatory in case the recurrence of the commitment of any of these crimes with the knowledge of its owner.

#### Article -14-

Without prejudice to the personal criminal responsibility of the perpetrator, the legal representative of the juristic person shall be penalized with the same financial penalties decided for acts that are committed in violation of the rules of this law if it is proven that breaching the duties of his job participated in the occurrence of the crime with his

knowledge of it.

The juristic person shall be responsible for what is ruled of financial penalties or indemnities, if the crime is committed for his account or in his name or for his benefit.

Article -15-

The staff who are defined by a decree issued from the competent Minister shall have the right to apprehend the crimes which occurred in violation of the rules of this law, to draft contraventions for them, and to refer them to the public prosecution. All parties of relation shall have to provide this staff with the necessary facilities.

Article -16-

The application of the penalties provisioned in this law shall not prejudice any severer penalties stipulated in the penal code or another law.

Article -17-

The public prosecution shall have the sole competency apart from others to investigate, to act and to prosecute as regards all the crimes stipulated upon in this law.

Article -18-

The criminal case stipulated in this law shall be abated according to the penalty period. If it is within the limits of three years it shall be abated within two years, and if it exceeds three years it shall be abated within five years from the date of the occurrence of the crime. The indemnity case shall not be heard if it is not raised within three years from the date of the knowledge of the harmed person unless the criminal case is existing, the date for not hearing shall be from the date of its abatement or the issuance of a final judgment in it.

Article -19-

The rules of both articles 46 and 79 of the aforementioned penal code, shall govern the crimes stipulated in this law.

Article -20-

The competent Minister shall issue the necessary decree for the execution of the rules of this law.

Article -21-

The prime Minister and the ministers, each within his competency, shall execute this law, and it shall come into force after three months from the date of its publication in the official gazette.

Prince of Kuwait  
Subah Al Ahmad Al Jaber Al Subah  
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