

Editorial

Computer "Hacking"

The Law Commission's long-awaited report on *Computer Misuse* (Cm 819), published on October 10, proposes the creation of three new crimes. First, a summary offence of unauthorised entry into a computer system, *ie* simple "hacking". Secondly, a more serious offence, carrying a maximum of five years imprisonment, of unauthorised entry with intent to commit, or to assist in the commission of, a serious crime; the proposals would render a person liable to prosecution at the point of entry into, for instance, a bank's computer system, without the necessity of waiting until money has actually been unlawfully extracted. The third offence, also carrying a five year maximum penalty, would be one of intentionally tampering with computer-held data or programmes – designed to catch the purveyor of computer "viruses", "logic bombs" and "worms".

The Report was welcomed by the

Government, which has promised prompt legislative action. And it has met with more general support – notably from the National Computer User's Forum (NCUF), which represents more than 20 major UK user organisations, embracing more than one hundred thousand professional users of computers. Responding to the Law Commission's proposals, the Chairman of the NCUF said his organisation believed that "The Commission has set maximum penalties at a sensible level and has recognised the fact that even so called "fun" hacking can cause considerable disruption". The extensive damage checks that must follow discovery of unauthorised access "can be very expensive and disruptive exercise.

"We hope", he said "the UK Government will adopt these proposals at the earliest opportunity and press for identical trans-EEC measures before 1992." And herein lies, of course, one obvious area of difficulty. Abuse of computer systems, whether for

recreational or for criminal purposes all too often crosses national boundaries. The law in this area can be as strong only as its weakest link. EEC standardisation is a necessary, though by no means sufficient, goal in this context. Enforcement will be – as experience in the USA has shown – a major headache. A law enacted today will inevitable be overtaken by the clever computer criminal's exploitation of tomorrow's new technologies.

Action on the Law Commission's proposals – sensible though they undoubtedly are – will, alas, not go far towards solving these problems. Legislation in this area will, one suspects, be largely symbolic of official disapproval, rather than an instrument of effective law enforcement. Computer crime remains today's main challenge, at international as well as national level, to the ingenuity both of law enforcers and of law reformers.