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Keeping in **touch** newsletter



Cybersecurity draft law approved by the Macau Legislative Assembly

by Joana Coimbra de Almeida

Following the steps of various countries around the world that have drafted legislation on cybersecurity - including the People's Republic of China's Cybersecurity Law that came into force on June 1st, 2017 – the Macau's Legislative Assembly has recently approved its own draft law on cybersecurity (the "Cybersecurity Law").

Based on principles of national security, safeguard of public interest and the protection of legitimate rights and interests, the draft law offers a legal framework on the administration of cybersecurity in Macau that should be explored in correlation with the Cybercrime Law enacted in 2009 (Law 11/2009/M) that has set out the types of cybercrimes and respective

applicable penalties.

The direct scope of applicability of the draft law falls over the public sectors' networks and data systems as well as over the private entities that operate critical infrastructures in Macau such as transportation, telecommunication, banking and insurance, medical affairs, electricity and water supply, in order to protect and maintain the integrity and security of data and information systems and networks.

A set of special duties ensure cybersecurity lies with the entities that operate critical infrastructures. This set of duties essentially entails: duties of management of cybersecurity, including the setting up of the respective management structures and the appointment of a manager in charge of implementing the necessary and relevant measures as well as duties of observation and supervision, of reporting incidents, responding to complaints and cooperating with supervisory and regulatory authorities.

It should be noted that the appointed manager for cybersecurity must be a suitable professional with a certain background and experience and a Macau resident, for reasons of proximity and accessibility with the cybersecurity supervisory entities in Macau. In this respect, the Cybersecurity Law intends to create a specific entity entitled the CARIC ("Cybersecurity Incidents Alert and Response Centre"), under the coordination of the Macau Judiciary Police, to function as a receiving centre of all incidents, to coordinate measures and responses with all other relevant entities and to supervise and monitor the data flow and data transmission as well as examine the data's specificities in order to prevent and detect cybercrimes.

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Joana Coimbra de Almeida is an Associate Lawyer at **C&C Lawyers**.

Her main practice areas include Corporate Law, Banking, Finance & Capital Markets, M&A and Insurance law.

Further Reading

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Highlights of the Policy Address for the Fiscal Year 2019

by the Macau SAR Government

Intellectual Property Seminar

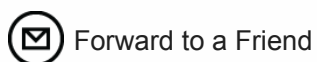


C&C Lawyers and IPSOL recently received a group of representatives from Portuguese speaking countries. The visit included presentations on Intellectual Property, which were conducted by C&C Lawyers' João Gonçalves Assunção and IPSOL's Emalita Rocha.

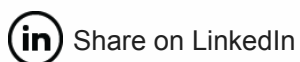
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