

Computers Law, 5755 – 1995

Chapter A – Definitions

1. Definitions

In this law -

“*computer material*” - software or information;

“*computer*” - a device that operates by means of a software program in order to perform arithmetical or logical processing of data, as well as its peripheral equipment, including a computer system, but excluding an auxiliary computer;

“*auxiliary computer*” - a computer capable of performing arithmetical computation operations only, plus operations associated with the performance of said operations;

“*information*” - data, symbols, concepts or orders, with the exception of a software program, expressed in computer reading language, and which are stored in a computer or another means of storage, provided that the data, symbols, concepts or orders are not designated for use in an auxiliary computer only;

“*output*” - data, symbols, concepts or orders produced, in any manner whatsoever, by the computer;

“*computer reading language*” - a method of expression appropriate to conveyance, interpretation or processing by a computer or an auxiliary computer;

“*software*” - a set of orders expressed in computer reading language and capable of causing a computer to function or [causing] a computer to perform an operation, and embodied, contained or embedded in a device or an item, via electronic, electromagnetic, electrochemical, electro-optic means or via other means, or it is implanted or encapsulated in the computer in any manner whatsoever, or it is separate from it, and all if it is not designated for use in an auxiliary computer only.

Chapter B - Computer Offenses

2. Disrupting or interfering with a computer or computer material

A person who unlawfully perpetrates one of these is liable to imprisonment for a period of three years:

- (1) Disrupts the normal operation of a computer or interferes with the use thereof;
- (2) Deletes computer material, causes a change therein, muddles it in any other way or interferes with the use thereof.

3. Specious information or specious output

(a) A person who perpetrates one of these is liable to imprisonment for a period of three years:

- (1) Transfers to another or stores in a computer specious information or commits an action concerning information in such a way that the consequence is specious information or specious output;
- (2) Writes software, transfers software to another, or stores software in a computer in such a way that the consequence of the use thereof is specious information or specious output, or operates a computer using said software.

(b) In this section, “specious information” and “specious output” - information or output that has the ability to mislead, pursuant to the objectives of the use thereof.

4. Unlawfully penetrating computer material

A person who unlawfully penetrates computer material located in a computer is liable to imprisonment for a period of three years; for the purpose of this matter, "penetration of computer material" - penetration by means of communication with or connection to a computer, or by the operation thereof, but excluding penetrating computer material that is eavesdropping under the Eavesdropping Law, 5739-1979.

5. Penetrating computer material in order to commit another offense

Any person who does something forbidden under Section 4 in order to commit an offense under any law, with the exception of under this law, is liable to imprisonment for a period of five years.

6. A computer virus

- (a) A person who writes a software program in such a manner that it is capable of causing damage or disruption to an unspecified computer or computer material in order to cause unlawful damage or disruption to a computer or computer material, specified or unspecified, is liable to imprisonment for a period of three years.
- (b) A person who conveys to another, or who infiltrates another's computer with, a software program that is capable of causing damage or disruption as stipulated in Subsection (a), in order to cause unlawful damage or disruption as aforesaid, is liable to imprisonment for a period of five years.

Chapter C - Torts

7. Civil Wrongs in Torts

Any of the actions itemized hereunder is a civil wrong under the Torts Code (New Version), and the provisions of that Code will apply thereto:

- (1) Unlawful disruption of the use of a computer or of computer material, in any manner whatsoever, including by misappropriating something that contains computer material;
- (2) Deleting computer material, effecting a change therein, or interfering therewith in any manner whatsoever, unlawfully.

8. The Burden of Proof

In a lawsuit filed under this chapter, the Defendant must educe the evidence that the action was executed lawfully.

9. Compensation

No compensation is to be awarded in a lawsuit the grounds for which are in this chapter, unless it has been proven that the tort was caused as a consequence of the Defendant's negligence.

Chapter D - Amendments to Legislation

Siman A - The Laws of Evidence

10. (Subsumed in the Evidence Ordinance [New Version], 5731-1971).

11. (Subsumed in the Schedule of Criminal Procedure [Detention and Search], [New Version], 5729-1969).

Chapter E - Regulations

12. Promulgating Regulations

The Minister of Justice is charged with the implementation of this law and may, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, promulgate regulations as to any matter relating to its implementation.

13. Commencement

This Law shall come into force three months from the date of its publication.