

Unauthorised access to computer material

3.—(1) Subject to subsection (2), any person who knowingly causes a computer to perform any function for the purpose of securing access without authority to any program or data held in any computer shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) If any damage is caused as a result of an offence under this section, a person convicted of the offence shall be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both.

(3) For the purposes of this section, it is immaterial that the act in question is not directed at —

- (a) any particular program or data;
- (b) a program or data of any kind; or
- (c) a program or data held in any particular computer.