Cyber Crimes: National Law & International Standards

Deepak Maheshwari

Director – Government Affairs, India & ASEAN

January 29, 2016   **Capacity Building Seminar to Handle Cyber Crime**   **National Judicial Academy, Bhopal**

Changing Landscape of Cyber Crimes
Four S's
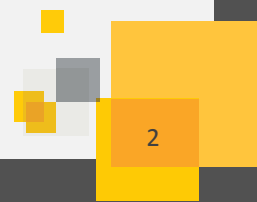
Speed
- **Lightning fast**

Scale
- **Massive; Think how it'd evolve with Internet of Things (IoT)**

Skills
- **Readily available; Widely accessible**

Spread
- **Globally organized chains & networks**

Genesis of Challenges

Mismatch Between Technology Architecture & Policy

Internet Technology & Networks are Global

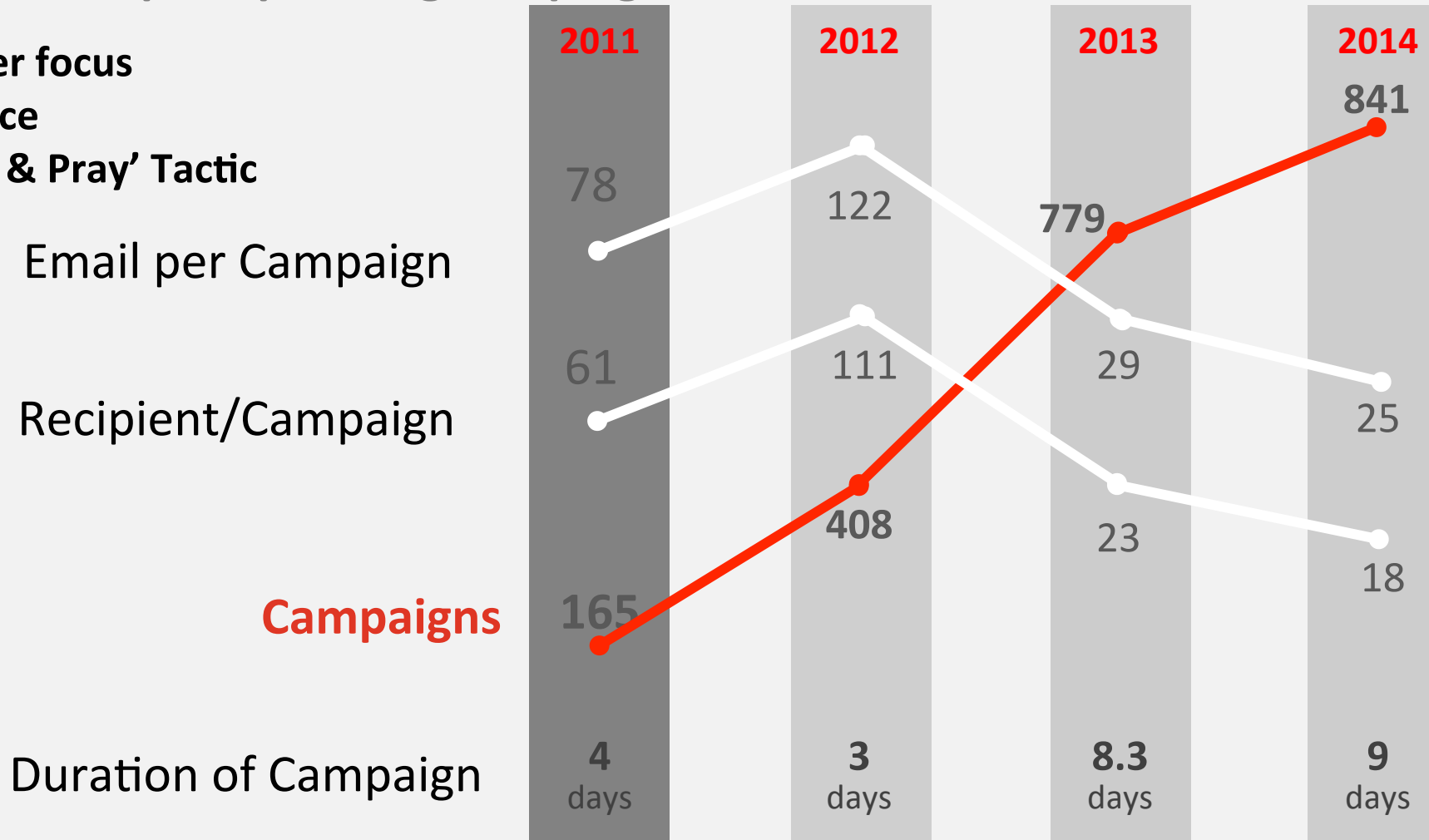## But…

Legislations are territorial

Targeted Attack Campaigns

8% increase in spear-phishing campaigns in 2014

- **Sharper focus**
- **Patience**
- **'Spray & Pray' Tactic**

Email per Campaign

Recipient/Campaign

Campaigns

Duration of Campaign

2011	2012	2013	2014
78	122	779	841
61	111	29	25
165	408	23	18
4 days	**3** days	**8.3** days	**9** days

Information & Communication Ecosystem in India
Mobile First & Foremost

- **Mobile Subscriptions** ~ **1 Billion (700 million unique users)**

- **Fixed Line Phones** ~ **26 Million**

- **Installed Base of PCs** ~ **70 Million**

- **Internet Subscriptions** ~ **135 Million (120 Million through mobile)**

- **Internet users** ~ **350 Million (70% + via mobile only)**

- **No. of Smartphones** ~ **200 Million p.a.**

Cyber Crime in India
Criminals Are Moving Faster, Defenses & Investigators Are Not

- **India is amongst the leading source AND destination of cyber attacks**

- **Critical Infrastructure sectors under increasing attack**

- **Hardly any 'Protected Systems' notified under section 70 of IT Act**

- **Reputational and Liability risks result in under-reporting**

- **High piracy rate -> poorly patched machines**

- **Most mobile devices remain unpatched & highly unsecure**

Challenges Galore

Five V's of Data Ecosystem

- **Volume**
  - **- Searching needle in a haystack**

- **Variety**
  - **- Haystack is full of colours, sizes and shapes**

- **Velocity**
  - **- Deluge of data streams; need to channelize to make sense of it**

- **Veracity**
  - **- Issues related to authenticity**

- **Vapors**
  - **Cross-border issues**

How Effective Are MLATs?

Many cyber crimes have international trail

- **19th century tool for 21st century crimes?**

- **Too slow and bureaucratic process**

- **Law Enforcement in India frustrated; so are their counterparts abroad!**

So, What's the Solution?
Treaty for International Cooperation

For example, Council of Europe's Convention on Cybercrime (Budapest Convention)

- First and the only global treaty focused on cybercrime

- Harmonizes national laws; enhances investigative & enforcement efficiency

- Adopted on November 8, 2001; opened for signing on November 23, 2001; Effective July 1, 2004

- Ratified by 47 states; another 7 have signed but yet to ratify

- Non-European parties include Australia, Canada, Japan, US, Mauritius and Sri Lanka

- India has not joined though post 2008 amendment, IT Act significantly aligned

India's Latest Official Statement

UN General Assembly High Level Meeting on WSIS+10 Review on December 15, 2015

"As we go digital, we are faced with challenges related to cyber security. Many of these challenges are not well understood, much less addressed. The multi-stakeholder approach acknowledges that there are various stakeholder groups which have different roles to play in global internet governance, with levels of responsibility that vary from role to role. In the context of security and allied public policy concerns, we believe that governments, which bear ultimate responsibility for essential services and for public safety, have a key role to play and be central to discussions Regarding security of the internet. We should also aim to create a global convention to address issues of cyber security and cybercrime."

- J S Deepak, Secretary, DeitY

The Way Forward…
Legislation and then some…

- **More effective international cooperation is needed**
  - **Cybercrime Convention can and should be refined further; need more participation**

- **Governments cannot address the challenge alone**
  - **Public Private Partnerships**

- **Capacity building will remain the most effective way to mitigate cybercrime**
  - **Enhance user awareness**
  - **Consider liability protection for bona fide breach notifications**
  - **Legislative remedies for Data Protection & Privacy**

- **Let's begin with synchronizing systems and regulatory consistency within India**

Thanks!

My contact:
deepak_maheshwari@symantec.com