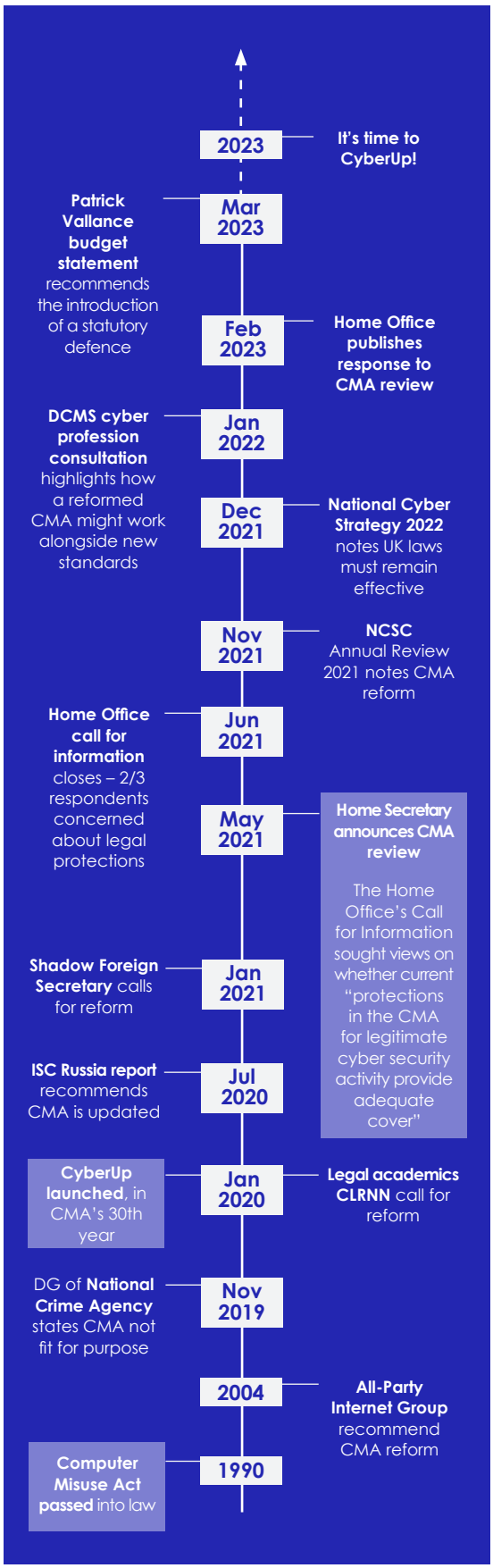
It's time to CyberUp!

Update our laws, Upgrade our defences, Upskill our workforce



What is the CyberUp campaign?
The CyberUp campaign – which brings together a broad coalition of supporters including cross-party parliamentarians and industry bodies such as CBI and techUK – is calling for urgent reform of the Computer Misuse Act 1990 (CMA) to protect the cyber security professionals working hard to keep Britain safe and secure in today's digital world. 33 years after its introduction, the CMA remains the main legal regime covering cybercrime in the UK. As it is currently written, it inadvertently criminalises a large proportion of vulnerability and threat intelligence research that UK cyber security professionals are capable of carrying out to protect the UK from rising cyber threats such as ransomware attacks.

What do cyber security professionals do and why is this important?
Vulnerability and threat intelligence research is undertaken for defensive purposes. Researchers identify vulnerabilities in products and services and work with manufacturers and vendors to fix them. They also detect cyber attacks, gain insight into attackers and victims, lessen the impact of incidents, and prevent future ones. The UK Government's National Cyber Strategy 2022 recognises the value of this important work, committing to build valuable and trusted relationships with the security researcher community to deliver a reduction in vulnerabilities.

How does the CMA impact cyber security professionals?
The CMA blanketly prohibits all unauthorised access to computer material, irrespective of intent or motive. This leaves the UK's cyber defenders having to act with one hand tied behind their back because much of their defensive work requires the interaction with compromised victims' and criminals' computer systems where owners have not, or are unlikely to, explicitly permit or authorise such activities.

What are we calling for?
The CyberUp campaign wants to see the inclusion of a 'statutory defence' in the CMA, so that cyber security professionals who are acting in the public interest can defend themselves from prosecution by the state and from unjust civil litigation. This will provide much needed legal clarity and unlock the world-leading UK cyber industry's full potential.

We very much welcomed the commitment by the Chancellor during the Spring Budget to implement all of the recommendations in Sir Patrick Vallance's Digital Technology Regulation Review, which included the introduction of a statutory defence in a reformed CMA. We strongly support the comments in the review that the potential benefits of reform include catalysing growth of the cyber security industry within the UK and ensuring the sector is able to compete on a level playing field internationally.

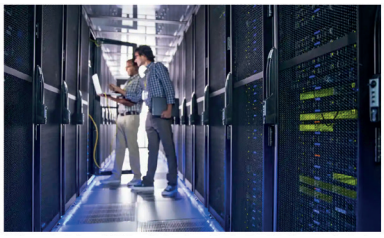
Mail Online

EXCLUSIVE: UK's 'outdated' cyberlaws preventing experts infiltrating cybercriminals' networks without THEIR permission must be reformed, campaigners say, as two thirds of Britons back call to update Computer Misuse Act

The Guardian
For 200 years
News website of the year

Cybercrime laws need urgent reform to protect UK, says report

Lawyers say ineffectiveness of act exposes UK to harm by 'cybercriminals and hostile nations'



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What does this look like in practice?
In response to understandable questions about how a reformed CMA would work in practice – striking the right balance between protecting the cyber security ecosystem, safeguarding system owners and prosecuting criminals effectively – the CyberUp campaign has developed a set of principles, in consultation with industry and legal experts, that could guide the application of a 'statutory defence'. That means that when judging a cyber security professionals' actions to see if a cyber crime was committed, the following would be taken into account:

The (prospective) harm-benefit profile of an act

"A defence should be considered where the (prospective) benefits of the act outweigh the (prospective) harms, including where action was necessary to prevent a greater harm"

The proportionality of the act

"A defence should be considered where reasonable steps were undertaken to minimise risks of causing harm"

The actor's intent

"A defence should be considered where the actor demonstrably acted in good faith, in an honest and sincere way"

The actor's competence

"A defence should be considered where the actor is able to demonstrate their competence (authority and expertise)"

80%
of businesses indicate the CMA has inhibited their employees from preventing harm

66%
of the public would support a change in the law

91%
of UK cyber businesses put at a competitive disadvantage

£2bn
additional annual sector revenue, and
8,000
new jobs

66%
of respondents to the Call for Information stated that they had concerns over the current protections in the act for legitimate cyber activity

Why is reform needed?
A reformed CMA will strengthen the essential building blocks needed to be a leading democratic and responsible global cyber power – an ambition the UK Government set out in the Integrated Review and reiterated in the National Cyber Strategy 2022.

- It will make the UK **safer and more secure** by allowing cyber security professionals to improve cyber security and detect and prevent crime in the public interest without the threat of prosecution. The government has repeatedly emphasised the crucial role of the UK's public-private sector partnership in keeping UK cyberspace safe, as part of a whole-of-society approach. But, the longer we wait to reform the CMA, the longer the UK's private sector cyber defenders must operate with one hand tied behind their back. A reformed Act is key to delivering effective actions against such threats and several other Government priorities, including tackling disinformation, illicit finance and corruption, and fraud.
- It will bring UK cyber crime laws into the **21st century**. The CMA was put on the statute book when 0.5% of the population used the internet. The digital world has since changed beyond recognition and the Act must be updated to reflect that.
- It will put the UK on a **level footing** with global competitors and **drive growth**. The restrictions put in place by the CMA put the brakes on what has the potential to be one of the biggest growth areas in the UK's burgeoning tech sector. This is because companies headquartered in jurisdictions that offer more permissive legislative regimes, such as France, the US and Israel, are able to supply the market with a rich supply of threat intelligence gathered abroad, putting UK businesses at a competitive disadvantage. Each year the Government fails to update the CMA, the UK cyber industry is at risk of falling behind its international competitors, losing out on up to 20 per cent additional revenue.
- It will help to tackle the **cyber skills** shortage (estimated at 10,000 per year) by lifting a significant disincentive for aspiring cyber security researchers to join the profession.

In February 2023, the Government published its long-awaited response to the review of the Computer Misuse Act 1990 (CMA) which concluded in spring 2021. While a response and acknowledgment that legitimate cyber security activity is being constrained by the UK's outdated cyber laws was welcome, the announcement lacked concrete action. Cybercrime is endemic across the UK. We need urgency and pace - not for these issues to be kicked into the long grass. So many of the UK's ambitions would be furthered by a UK cyber crime law fit for the 21st century. But the more we delay, the longer our cyber security industry is held back from fulfilling its full potential.

We would be grateful for anyone who felt able to write to the Security Minister in support of our ask and to press for a timeline for reform. Join us and find out what more you can do to help make CMA reform a reality by emailing **contact@cyberupcampaign.org**

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