



Computer Misuse Act 1990

1990 CHAPTER 18

Miscellaneous and general

17 Interpretation.

- (1) The following provisions of this section apply for the interpretation of this Act.
- (2) A person secures access to any program or data held in a computer if by causing a computer to perform any function he—
 - (a) alters or erases the program or data;
 - (b) copies or moves it to any storage medium other than that in which it is held or to a different location in the storage medium in which it is held;
 - (c) uses it; or
 - (d) has it output from the computer in which it is held (whether by having it displayed or in any other manner);and references to access to a program or data (and to an intent to secure such access) shall be read accordingly.
- (3) For the purposes of subsection (2)(c) above a person uses a program if the function he causes the computer to perform—
 - (a) causes the program to be executed; or
 - (b) is itself a function of the program.
- (4) For the purposes of subsection (2)(d) above—
 - (a) a program is output if the instructions of which it consists are output; and
 - (b) the form in which any such instructions or any other data is output (and in particular whether or not it represents a form in which, in the case of instructions, they are capable of being executed or, in the case of data, it is capable of being processed by a computer) is immaterial.
- (5) Access of any kind by any person to any program or data held in a computer is unauthorised if—
 - (a) he is not himself entitled to control access of the kind in question to the program or data; and

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Changes to legislation: There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 17. (See end of Document for details)

- (b) he does not have consent to access by him of the kind in question to the program or data from any person who is so entitled [^{F1}but this subsection is subject to section 10.]
- (6) References to any program or data held in a computer include references to any program or data held in any removable storage medium which is for the time being in the computer; and a computer is to be regarded as containing any program or data held in any such medium.
- (7) A modification of the contents of any computer takes place if, by the operation of any function of the computer concerned or any other computer—
- (a) any program or data held in the computer concerned is altered or erased; or
 - (b) any program or data is added to its contents;
- and any act which contributes towards causing such a modification shall be regarded as causing it.
- (8) Such a modification is unauthorised if—
- (a) the person whose act causes it is not himself entitled to determine whether the modification should be made; and
 - (b) he does not have consent to the modification from any person who is so entitled.
- (9) References to the home country concerned shall be read in accordance with section 4(6) above.
- (10) References to a program include references to part of a program.

Textual Amendments

F1 Words in s. 17(5)(b) inserted (3.2.1995) by 1994 c. 33, s. 162(2); S.I. 1995/127, art. 2(1), Sch. 1

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