

NATIONAL COUNCIL OF PROVINCES

FOR WRITTEN REPLY**QUESTION 124**

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 SEPTEMBER 2019
(INTERNAL QUESTION PAPER NO 14-2019)

124. Mr G Michalakis (Free State: DA) to ask the Minister of Police:

- (1) How many cases of cybercrime were (a) reported to the Hawks Cybercrimes Unit, (b) investigated by the unit and (c) successfully prosecuted (i) in the (aa) 2014/15, (bb) 2015/16, (cc) 2016/17, (dd) 2017/18 and (ee) 2018/19 financial years and (ii) from 1 April 2019 up to the latest specified period for which information is available;
- (2) (a) what is the current backlog of such cases to be investigated by the said unit, (b) how many of all the said cases that were reported relate to (i) municipalities, (ii) the provincial departments, (iii) the national departments, (iv) banks and (v) the state-owned entities, (c) what amounts were (i) stolen and/or (ii) attempted to be stolen in cases of cyber fraud or ransomware attacks and (d) what would be required by the said unit to be fully capacitated in order to deal with its current backlog?

CW210E

REPLY:**Background**

During the 2017/2018 financial year it was established that the term "cybercrime" is used to refer to cases that are actually electronic banking crimes. There is currently no legislation in place that establishes a crime of "cybercrime". In terms of the current draft Cybercrime and Cybersecurity Bill, it becomes evident that the matters referred to cannot be regarded as "cybercrime".

The Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) is the current legislation that makes provision for offences, relating to unlawful activities, such as unauthorised access to data and selling or possession of computer programmes or technological devices.

Internet-related fraud cases, include all cases where a technological device was used to commit crimes, such as; but not limited to, internet banking, internet transfers, website impersonation, phishing, spam e-mails, etc. The offence would be fraud, although the general public would refer to it as Cybercrime.

(1)(a)(b)(c)(i)(aa)(bb)(cc)(dd)(ee)(ii)

The table attached, as annexure A, provides a summary of "internet-related fraud" cases and other cases that have been reported under the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), for the requested periods, as published in the South African Police Service (SAPS) Annual Reports.

(2)(a) There is a current backlog of approximately six months on cases managed by the Digital Forensic Investigation Unit, which is a subsection within the Priority Crime Specialised Investigations Component that provides investigative support to cyber-related crimes. This backlog is on the extraction of evidence from mobile, computer and other digital devices through digital forensics, in support of court directed investigations. The backlog is as a result of the lack of resources and personnel.

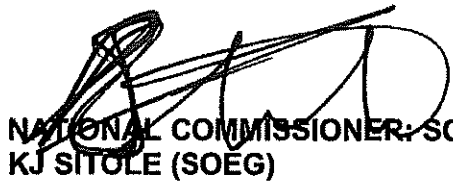
(2)(b)(i)(ii)(iii)(iv)(v)(c)

The requested information is not readily available and in order to address the request, an extensive effort from both administrative and operational personnel will need to be utilised over a long period of time. Case files will need to be recovered from archives and manually perused to identify any cases that relate to this request. This may impede on current investigations and hamper service delivery.

(2)(d) The requirements by the said unit is to be fully capacitated, in order to deal with its current backlog, are as follows:

- The provisioning of funds to fill vacant posts, as reflected on the approved structure, as well as the procuring of specialised computer hardware and software with high-speed data access.
- A retention strategy to reduce the attrition of skilled personnel.
- Enhancing processes to expedite the renewal of licences.

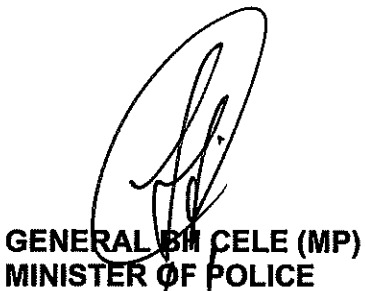
Reply to question 124 recommended/~~not recommended~~



**GENERAL
NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

Date: 2019-11-07

Reply to question 124 approved/~~not approved~~



**GENERAL BH CELE (MP)
MINISTER OF POLICE**

Date: 2/11/2019

Table: Response to question 124(1)(a)(b)(c)(i)(aa)(bb)(cc)(dd)(ee)(ii)

Statistical Report On Cyber-Related Crimes															
Financial Year	Cases Received					Arrest/First Appearance					Convictions				
	Number	Value		Potential	Cases to Court for the First Time	Number			Value		Cases	Number		Value	
		Actual	Potential			SA Citizen	Non Citizen	Actual	Potential	Counts		Accused	Actual	Potential	
2014/2015	112	R5 929 512 010,00	R6 787 593,00	16	17	0	R80 922 519,00	R2 288 501,00	9	9	12	R7 074 237,00	0		
2015/2016	182	R76 299 289,00	R1 153 730,00	123	94	31	R4 159 390,00	R1 700 800,00	43	524	48	R4 091 810,00	R200 377 339,00		
2016/2017	207	R3 566 898,00	R124 347 412,00	90	80	13	R16 166 665,00	0	39	880	47	R1 722 910,00	R273 000,00		
2017/2018	123	R644 448 490,00	R3 036 102,00	49	59	6	R15 199 598,00	0	57	345	60	R3 232 298,00	R1 677 191,00		
2018/2019	236	R1 021 851 465,00	R1 327 068,00	36	16	23	R17 071 773,00	0	21	281	23	R7 307 013,00	0		
2019/2020	77	R27 339 345,00	R71 225,00	18	16	7	R170 000,00	R77 463,00	9	186	13	R278 941,00	R19 584,00		
TOTAL	937	R7 903 017 497,00	R136 723 130,00	332	282	80	R133 689 945,00	R4 066 764,00	178	2 225	203	R23 767 209,00	R202 347 114,00		