UNIVERSITY OF JOHANNESBURG

FACULTY	: LAW
DEPARTMENT	: PRIVATE LAW
CAMPUS	: KINGSWAY CAMPUS
MODULE	: CYL41Y0 CYBER LW
SEMESTER	: SECOND
TEST	: OCTOBER

DATE	:	28 October 2021	**SESSION**	: 08:30-11:30
ASSESSOR(S)	:	Prof M Njotini		
MODERATOR	:	Prof S Nel		
DURATION		3 Hours	**MARKS**	: 50

NUMBER OF PAGES: 2 PAGES

INSTRUCTIONS:

1. Answer ALL THE QUESTIONS.
2. Number your answers clearly.
3. Write neatly and legibly.

QUESTION 1

1.1 The National Cybersecurity Framework, 2015 (NCF) seeks to, inter alia, create a "cybersecurity culture" in South Africa.

Fully explain what the above-mentioned (cybersecurity culture) means within the context of the NCF. (5)

1.2 Nandi is in the process of completing her Grade 12 Examinations. To further her studies, Nandi wishes to be enrolled as the LLB student at the University by the University of Johannesburg (UJ). As part of her application, UJ requests that Nandi furnishes it with her personal information, for example, the identity (ID) number, Grade 12 results and proof of residence. According to UJ, this information is essential in making the decision whether to admit Nandi to the LLB programme or not. However, Nandi views this information to be too personal to her. She avers that disclosing this information will amount to serious invasion of her right to privacy as is enumerated in section 14 of the Constitution of the Republic of South Africa, 1996. Consequently, Nandi comes to you for advice and asks you the following questions:

1.2.1 Does the activity or activities mentioned in 1.2 above amount to the processing of personal information or data as envisaged in the Protection of Personal Information Act 4 of 2013 (POPI Act)? Fully substantiate your answer. (5)

1.2.2 Let us assume that your answer to 1.2.1 above is that the use of the information constitutes the processing of personal information in terms of the POPI Act.

Fully discuss whether the processing Nandi's information is lawful or is in accordance with requisite "fair means" for processing personal information. In your answer, refer ONLY to the relevant information on processing principles or conditions. (10)

1.2.3 Will the answer provided in 1.2.2 above change or be different if, immediately after Nandi has completed her registration for the LLB, UJ then uses the personal information to advertise the LLB with the object of attracting more students to the LLB programme? Explain fully. (5)

1.3 The case of *S v Ndiki* [2007] 2 All 185 (Ck) illustrated the legal position for the admissibility of computer-based evidence.

Discuss the legal position relating to the admissibility of computer-generated evidence in South Africa, and explain fully the importance of *S v Ndiki* [2007] 2 All 185 (Ck) in paving the way for the recognition of data messages in terms

of the Electronic Communications and Transactions Act 25 of 2002 (ECT Act). (5)

[30]

QUESTION 2

2.1 The ECT Act demonstrates both the "informational" and "transactional" duties of webtraders.

With reference to this Act, explain the following:

2.1.1 Informational duties of webtraders. (5)

2.1.2 Transactional duties of webtraders. (5)

2.2 Discuss the legal characteristics of online dispute resolution (ODR). Use relevant examples to illustrate your answer. (5)

2.3 Generally, there are a number of instruments or tools to improve the delivery of e-government services to citizens. Explain these instruments, and illustrate how they are indispensable to e-government or the provision of e-government services. (5)

[20]

TOTAL: (50)

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