



UNIVERSITY
OF
JOHANNESBURG

<u>FACULTY</u>	: LAW
<u>DEPARTMENT</u>	: PRIVATE LAW
<u>CAMPUS</u>	: KINGSWAY CAMPUS
<u>MODULE</u>	: CYL41Y0 CYBER LW
<u>SEMESTER</u>	: SECOND
<u>TEST</u>	

<u>DATE</u>	:	<u>SESSION</u>	:
<u>ASSESSOR(S)</u>	:	Prof M Njotini	
<u>MODERATOR</u>	:	Prof S Nel	
<u>DURATION</u>	3 Hours	<u>MARKS</u>	: 50

NUMBER OF PAGES: 2 PAGES

INSTRUCTIONS:

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

- 1.1 Section 1 of the Electronic Communications and Transactions Act 25 of 2002 (ECT Act) defines data as the “electronic representation of information in any form”.

Considering the above-mentioned, fully explain what this means for the online representation of information. (5)

- 1.2 The President of the Republic of South Africa has established the Presidential Commission on the Fourth Industrial Revolution. The Commission seeks to, inter alia, assure that South Africa takes advantage of the benefits of the fourth industrial revolution (4IR) and that the latter is able to deal and control the setbacks or challenges associated with the 4IR and 4IR technologies. Accordingly, the Commission identifies policies, strategies and plans that are necessary to position South Africa “as the leading country in the evolution and development of 4IR”.

With this background in mind, fully discuss the state of readiness (e-readiness) in South Africa to regulate and control cybercrimes. In your answer, refer to related legal authority or sources. (15)

- 1.3 Refer to the Supreme Court of Appeal case of *Spring Forest Trading 599 CC v Willberry (Pty) Ltd t/a Ecowash and Another* 2015 (2) SA 118 SCA and discuss fully the notion of “functional equivalence of e-signifiers in terms of section 13 of the ECT Act. (5)

- 1.4 Section 44 of the ECT Act indicates that certain transactions are subject to the “cooling-off period”.

With specific reference to this section, critically discuss and explain the transactions that are excluded from the cooling-off provisions of section 44 of the ECT Act. (5)

[30]

QUESTION 2

- 2.1 Explain the nature and effect of section 19(2) of the Protection of Personal Information Act 4 of 2013 on the processing of personal information. (5)
- 2.2 Electronic or e-government is sometimes referred to as digital government. It concerns the online or digital practice of the online delivery, facilitation of delivery, or improving the delivery or facilitation of delivery of services to citizens.

Having considered the above-mentioned, fully discuss the tools or instruments of e-government. In your answer, refer to the different role-

players in e-government and explain the function that each of the role-players play or carry out in the deliver and improving the delivery of e-government services. (10)

2.3 Discuss the principles of e-government (5)

[20]

TOTAL: (50)
