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Fifth Session Tenth Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

## **BILL**

AN ACT to provide for the establishment of the  
Trinidad and Tobago Cyber Security Agency and  
for matters relating thereto

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THE TRINIDAD AND TOBAGO CYBER SECURITY  
AGENCY BILL, 2015

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Trinidad and Tobago Cyber Security Agency Bill, 2015 is to establish a Trinidad and Tobago Cyber Security Agency to act as a national point of contact for all cyber security related concerns and other related matters.

Part I of the Bill would provide for certain preliminary matters.

Clause 1 provides for the short title.

Clause 2 would provide for the Act to come into operation on Proclamation by the President.

Clause 3 would define certain terms used in the Bill.

Part II of the Bill would provide for the establishment of the Trinidad and Tobago Cyber Security Agency (hereinafter referred to as “the Agency”).

Clause 4 would establish the Agency as a body corporate.

Clause 5 would provide for the appointment of a Board to manage the Agency.

Clause 6 would provide for the tenure of the members of the Board.

Clause 7 would provide for the removal of a member of the Board.

Clause 8 would provide for the remuneration of members of the Board.

Clause 9 would provide for the holding of meetings by the Board.

Clause 10 would set out the functions of the Agency.

Clause 11 would provide for the powers of the Agency.

Clause 12 would set out the functions of the national computer incident response team.

Part III of the Bill would provide for the appointment of staff of the Board and other suitably qualified persons as experts.

Clause 13 would provide for the appointment of a Chief Operations Officer.

Clause 14 would set out the duties of the Chief Operations Officer.

Clause 15 would provide for the appointment of a Corporate Secretary and other staff for the Board.

Clause 16 would provide for the appointment by the Board of a Finance Committee, a Human Resource Committee and an Audit Committee and such other committees as it considers necessary.

Clause 17 would provide for the secondment of persons to and from the Agency.

Part IV of the Bill would provide for certain financial requirements of the Agency.

Clause 18 would provide for the funds of the Agency.

Clause 19 would provide for the keeping of proper accounts by the Agency and that same is to be considered as a public account for the purposes of section 116 of the Constitution.

Clause 20 would provide that the Agency would be exempt from certain duties and taxes.

Clause 21 would establish the financial year of the Board.

Clause 22 would require the Board to submit an annual report to the Minister for laying in Parliament.

Part V of the Bill would provide for certain miscellaneous matters.

Clause 23 would place an onus of confidentiality on members of the Board.

Clause 24 would require a member of the Board to declare any interest in matters that are being considered by the Board.

Clause 25 would seek to protect employees of the Agency from action or proceedings for damages for any act that is done in good faith in the performance of a duty.

Clause 26 would give the Minister the power to make Regulations to give effect to the Act.

THE TRINIDAD AND TOBAGO CYBER SECURITY  
AGENCY BILL, 2015

**Arrangement of Clauses**

PART I

PRELIMINARY

*Clause*

1. Short title
2. Commencement
3. Interpretation

PART II

ESTABLISHMENT OF THE AGENCY

4. Establishment and incorporation of the Agency
5. Appointment of Board
6. Tenure of members
7. Removal of member
8. Remuneration of members
9. Meetings
10. Functions of the Agency
11. Powers of the Agency
12. Functions of the TT-CSIRT

PART III

STAFF AND EXPERTS

13. Chief Operations Officer
14. Duties of the Chief Operations Officer
15. Corporate Secretary and other staff
16. Appointment and delegation to committees
17. Secondment to and from the service of the Agency

PART IV

FINANCE

18. Funds of the Agency

19. Accounts and audit

20. Exemptions

21. Financial year

22. Annual report

PART V

MISCELLANEOUS

23. Confidentiality

24. Declaration of interest

25. Protection of employees

26. Regulations

# **BILL**

AN ACT to provide for the establishment of the  
Trinidad and Tobago Cyber Security Agency and  
for matters relating thereto

[ , 2015]

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

## **PART I** **PRELIMINARY**

1. This Act may be cited as the Trinidad and Tobago Short title  
Cyber Security Agency Act, 2015.

Commencement      **2.** This Act comes into operation on such date as is fixed by the President by Proclamation.

Interpretation      **3.** In this Act—

“Agency” means the Trinidad and Tobago Cyber Security Agency established under section 4;

“Board” means the Board of the Trinidad and Tobago Cyber Security Agency established under section 5;

“Chairman” means the Chairman of the Board appointed under section 5(1)(a);

“Chief Operations Officer” means the person appointed under section 13;

“Corporate Secretary” means the person appointed under section 15;

“cybercrime” means criminal activities carried out by means of computers or the Internet and includes the offences under Part II of the Cybercrime Act, 2015;

“cyber security” means the body of technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorized access;

“Deputy Chairman” means the Deputy Chairman of the Board appointed under section 5(2);

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for national security is assigned;



“Ministry” means the Ministry with responsibility for national security; and

“public body” means—

- (a) the Office of the President;
- (b) Parliament, a Joint Select Committee of Parliament or a committee of either House of Parliament;
- (c) the Court of Appeal, the High Court, the Industrial Court, the Tax Appeal Board or any Court of summary jurisdiction;
- (d) the Cabinet as constituted under the Constitution, a Ministry or Department, Division or Agency of a Ministry;
- (e) the Tobago House of Assembly, the Executive Council of the Tobago House of Assembly or a division of the Tobago House of Assembly;
- (f) a municipal corporation established under the Municipal Corporations Act;
- (g) a statutory body, responsibility for which is assigned to a Minister of Government;
- (h) a company incorporated under the laws of Trinidad and Tobago that is owned or controlled by the State;

- (i) a Service Commission established under the Constitution or other written law; or
- (j) a body corporate or an unincorporated entity in relation to any function that it exercises on behalf of the State, or which is supported, directly or indirectly, by Government funds and over which Government is in a position to exercise control.

## PART II

### ESTABLISHMENT OF THE AGENCY

Establishment and  
incorporation of the  
Agency

4. (1) There is hereby established a body corporate to be known as “the Trinidad and Tobago Cyber Security Agency”.

(2) The Agency shall have an official seal which shall be authenticated by the signatures of—

- (a) the Chairman; and
- (b) the Corporate Secretary,

and shall be judicially noticed.

Appointment of  
Board

5. (1) The Agency shall be managed by a Board appointed by the President, which shall comprise the following members:

- (a) a Chairman being a person who has knowledge of and experience in computer networks and internet security;
- (b) a representative of the Ministry;
- (c) a representative of the Ministry responsible for science and technology;
- (d) a person with qualifications or experience in telecommunications;

- (e) an Attorney-at-law with at least eight years' experience in corporate matters;
- (f) a representative of the financial or banking sector; and
- (g) a representative of the e-business community.

(2) The President shall appoint a member as Deputy Chairman of the Board.

(3) The appointment of a member shall be by instrument, in writing.

(4) The names of all members of the Board as first constituted and every change in the membership of the Board thereafter shall be published in the *Gazette*.

6. (1) The appointment of a member shall be for a Tenure of members period of two years.

(2) A member is eligible for reappointment.

(3) The Chairman may resign his office by letter addressed to the President.

(4) A member, other than the Chairman, may resign his office by letter addressed to the Chairman who shall immediately cause it to be forwarded to the President.

(5) The resignation of a member shall take effect from the date of receipt of his letter of resignation by the Chairman, and in the case of the Chairman, the President.

7. The President may remove a member from office Removal of member upon being satisfied that the member—

- (a) has been declared bankrupt;
- (b) is incapable of performing the duties of a member;
- (c) has neglected his duties or has engaged in conduct that would bring his office into disrepute;

(d) has been absent, without the leave of the Board, from three consecutive meetings of the Board; or

(e) has been convicted of an indictable offence, an offence under the Cybercrime Act, 2015 or an offence under this Act.

Remuneration of members

**8.** The Agency shall pay to members such remuneration and allowances as the President may approve.

Meetings

**9.** (1) The Board shall meet at least once every month.

(2) The Chairman or the Deputy Chairman in the absence of the Chairman, shall preside at meetings of the Board and, in the absence of both the Chairman and the Deputy Chairman at a meeting, the members present shall elect one of their number to preside at the meeting.

(3) The quorum of a meeting of the Board shall be four members.

(4) The minutes of each meeting of the Board shall be kept in proper form and be confirmed at the next meeting.

(5) A copy of the confirmed minutes shall be transmitted to the Minister within one month of the confirmation.

(6) The Board may make rules to regulate its own procedure for the conduct of its business.

Functions of the Agency

**10.** (1) The functions of the Agency are to—

(a) act as the national point of contact for all cyber security related matters;

(b) establish a national computer incident response team to be known as the “Trinidad and Tobago Cyber Security Incident Response Team” (hereinafter referred to as “TT-CSIRT”);

- (c) refer matters to the police, where evidence of an offence under the Cybercrime Act, 2015 comes to its knowledge;
- (d) prepare, review and update periodically and in any event at least annually, a national cyber security strategy and prepare such plans as are necessary for the successful implementation of such strategy;
- (e) collaborate with the relevant public body in the collection of relevant information which would facilitate the analysis of current and emerging risks, including those risks which could produce an impact on the resilience and availability of data communications networks and on the authenticity, integrity and confidentiality of the information accessed and transmitted through such networks;
- (f) provide advice on cyber security related matters, including situational awareness information, to the Minister, the Trinidad and Tobago Police Service or such other competent national bodies as are necessary;
- (g) enhance cooperation between different actors operating in the field of cyber security by holding consultations with, *inter alia*, various industries, universities, public sector bodies and private sector and civil society bodies;
- (h) contribute to the awareness raising, and the availability of, current, objective and comprehensive information on cyber security by, *inter alia*, promoting exchanges of current best practices, including methods of alerting users and facilitating cooperation and collaboration between public and private sector initiatives;

- (i) develop and publish standards for products and services on cyber security;
- (j) establish and publish baseline cyber security requirements and standards for various sectors including operators of critical infrastructures;
- (k) conduct research and development in the area of cyber security and identify critical research and development needs, gaps and emerging trends for future research;
- (l) promote the development of training and education programmes including the accreditation and certification of cyber security academic programmes;
- (m) advise the Minister on research in the area of cyber security as well as on the effective use and adoption of risk preventative technologies;
- (n) promote risk assessment activities, interoperable risk management solutions and studies on cyber security management solutions within public and private sector bodies;
- (o) collaborate with the relevant public body in the provision of educational guidelines to the national community, as to the appropriate use of the national network infrastructure;
- (p) establish internal and joint procedures between the public and private sectors to manage the incidents and mitigate the threats associated with them;
- (q) provide appropriate strategic insights to policy and decision-makers and public bodies in order to strengthen the national network infrastructure;

- (r) develop a National Cyber Security Contingency Plan;
- (s) coordinate cyber security exercises; and
- (t) express independently its own conclusions and orientations and give advice on matters within its scope and objectives.

(2) The Minister may give general written directions to the Agency which the Agency shall follow in the performance of its functions or the exercise of its powers under this Act.

**11. The Agency may—**

Powers of the Agency

- (a) formulate principles for the guidance of the public and private sector concerning cyber security measures;
- (b) enter into Memoranda of Understanding with key stakeholders and partners as necessary to execute its functions;
- (c) with the approval of the Minister, enter into Memoranda of Understanding with such foreign bodies or organisations performing functions relating to cyber security as it thinks fit; and
- (d) do all things which may be necessary or expedient or are incidental or conducive to the discharge of any of its functions and powers under the Act.

**12. The functions of the TT-CSIRT established pursuant to section 10(1)(b) are to—**

Functions of the TT-CSIRT

- (a) be the first point of contact with reference to the handling of cyber incidents and communication between local, regional and international cyber security emergency response teams or cyber security incident response teams to address cyber incidents or incidents of a similar nature as it affects national critical information infrastructure;

- (b) provide incident response and management services, in a coordinated manner, *via* established industry standard policies and procedures to manage threats associated with cyber incidents;
- (c) provide alerts and warnings on the latest cyber threats and vulnerabilities which can impact the national community;
- (d) assess and analyse the impact of incidents such as, but not limited to network security breaches, website hackings, virus and network attacks, in order to develop strategies and measures to counteract these incidents;
- (e) assess the work of incident response teams within the public and private sector;
- (f) participate in trusted information sharing and disseminate information with international cyber security incident response teams and computer emergency response teams on the emerging threats to critical information infrastructure and Internet resources; and
- (g) participate in and be a member of regional and international computer emergency response team groups, for collaborative efforts to fight cyber incidents.

### PART III

#### STAFF AND EXPERTS

**13.** (1) The Board shall, with the approval of the Minister, appoint suitably qualified persons as Chief Operations Officer and Deputy Chief Operations Officer, on such terms and conditions as the Minister may approve.

(2) The Chief Operations Officer and the Deputy Chief Operations Officer shall be appointed for a term not exceeding three years and are eligible for reappointment.



(3) The Chief Operations Officer shall attend all meetings of the Board and take part in its deliberations but he shall have no right to vote.

14. The Chief Operations Officer shall perform such functions as may be conferred on him by the Board and he shall be responsible for the management of the affairs of the Agency. Duties of the Chief Operations Officer

15. (1) The Board shall appoint a Corporate Secretary who shall be responsible for such matters as the Board may determine. Corporate Secretary and other staff

(2) The Board shall employ such other staff as it considers necessary for the efficient performance of the functions of the Agency.

(3) The staff referred to in subsection (2) shall comprise positively vetted persons, with the relevant qualifications and experience.

(4) The staff of the Agency shall be paid such remuneration including allowances and be appointed on such terms and conditions as the Board may determine.

(5) The Agency may establish a pension plan for the benefit of its employees.

16. (1) The Board shall appoint a Finance Committee, a Human Resources Committee and an Audit Committee. Appointment and delegation to committees

(2) The Board may appoint such committees as it considers necessary.

(3) Membership of a committee may include or consist only of persons who are non-members.

17. (1) A public officer or any person in the employ of any public body or agency with suitable qualifications, may, with the approval of the appropriate Service Commission, agency or body and with the consent of the officer or employed person, be seconded to the service of the Agency. Secondment to and from the service of the Agency

(2) Where any secondment is effected, the Agency shall make, with the appropriate body, such arrangements as may be necessary to preserve the rights of the officer or employed person to superannuation benefits for which the officer or other employed person would have been eligible had that officer or employed person remained in the service from which the transfer on secondment was effected.

(3) A period of secondment under this section shall not exceed five years.

## PART IV

### FINANCE

Funds of the Agency **18.** The funds of the Agency shall consist of such amounts as may be appropriated by Parliament.

Accounts and audit **19.** (1) The Board shall—

- (a) cause proper books, accounts and records to be maintained in accordance with internationally recognised accounting standards, principles and practices; and
- (b) ensure that—
  - (i) all payments by the Agency are correctly made and properly authorised; and
  - (ii) adequate control is maintained over the management of assets and the incurring of liabilities.

(2) The accounts of the Agency shall be a public account for the purposes of section 116 of the Constitution.

Exemptions **20.** The Agency shall be exempt from stamp duties, corporation taxes, customs duties, purchase taxes, value added taxes, motor vehicle taxes and all other taxes, charges, levies and imposts, on any assets, which it acquires for its own use in carrying out its functions under this Act.

**21.** The financial year of the Board shall be the <sup>Financial year</sup> twelve-month period ending on 30th September each year.

**22.** (1) The Board shall, within three months of the <sup>Annual report</sup> end of each financial year, submit to the Minister, an annual report dealing with the activities of the Agency and containing the financial statements and other information relating to the operations and functions of the Agency.

(2) The Minister shall cause a copy of the report under subsection (1) to be laid before Parliament within three months of its receipt by him.

## PART V MISCELLANEOUS

**23.** A member of the Board or any person in the <sup>Confidentiality</sup> service of the Agency who, without lawful excuse—

- (a) communicates or reveals any information or matter connected with or related to the functions of the Agency to an individual or body; or
- (b) obtains, reproduces or retains possession of any information or matter connected with or related to the functions of the Agency which that member or officer or other employee is not authorized to obtain, reproduce or retain in his possession,

commits an offence and is liable, on summary conviction, to a fine of fifty thousand dollars and imprisonment for two years.

**24.** (1) The members of the Board, the Chief <sup>Declaration of</sup> Operations Officer, the Deputy Chief Operations Officer <sup>interest</sup> and any other person attending a meeting of the Board who is in any way, whether directly or indirectly, interested in a matter before the Board shall declare his interest to the Board and absent himself during the deliberations concerning his declaration of interest.



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Passed in the Senate this            day of            ,  
2015.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

No. 8 of 2015

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FIFTH SESSION  
TENTH PARLIAMENT  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

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of the Trinidad and Tobago Cyber  
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Received and read the

First time .....

Second time .....

Third time .....

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