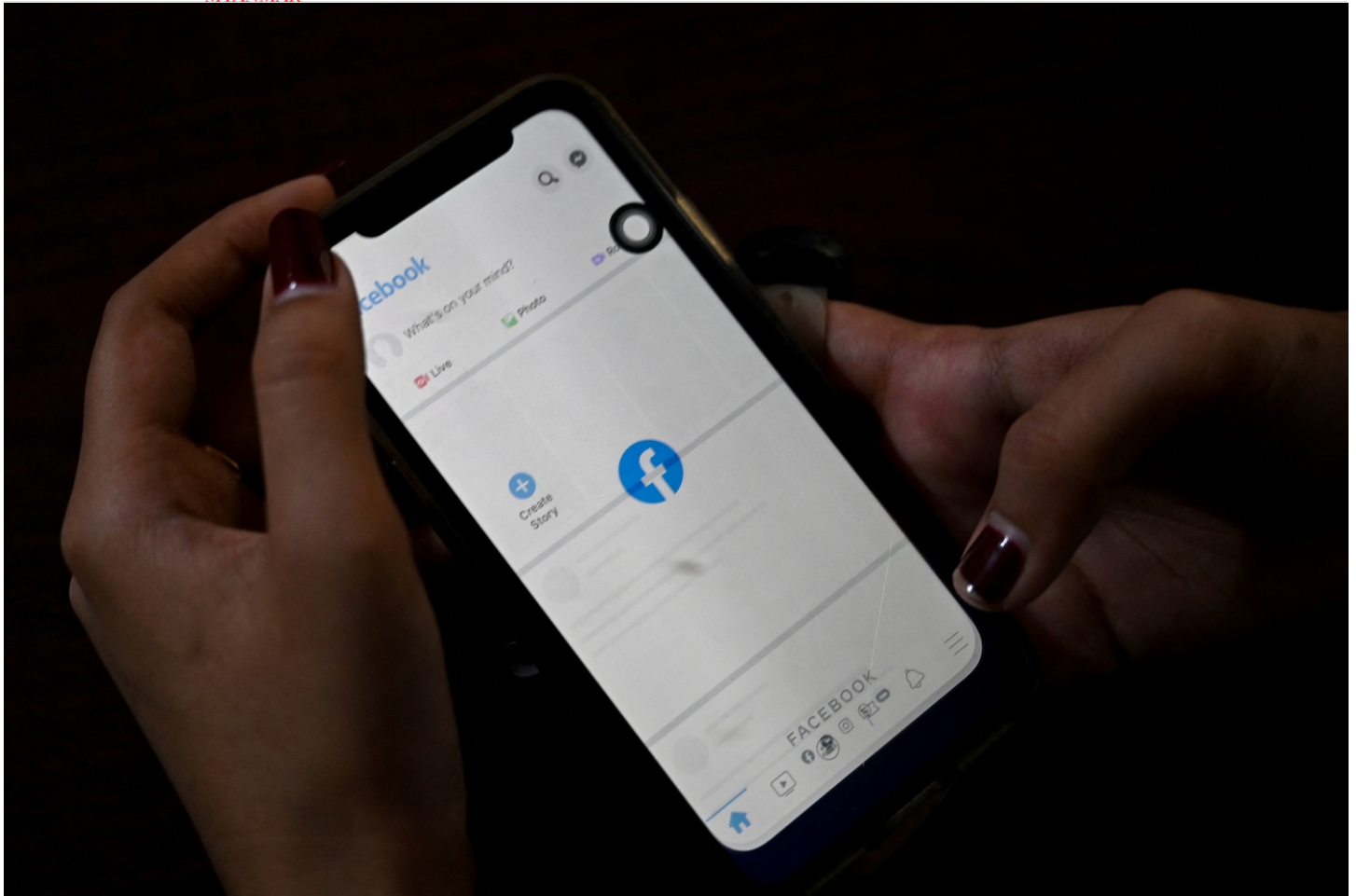




A woman uses her mobile phone to check Facebook in Yangon on February 4. The military government has ordered mobile operators and ISPs to restrict access to social media platforms. (AFP)

## Civil society, businesses condemn junta's draft Cyber Security Law

FEBRUARY 11, 2021



**Draft law would require ICT companies to keep data onshore and provide it to the government on request, while users deemed to have spread “misinformation” or “disinformation” would face a potential three-year prison term.**

By FRONTIER

In one of its first legislative acts, Myanmar's new military regime is planning to enact a controversial Cyber Security Law that critics warn will put freedom of expression and user privacy at risk.

The draft bill, which was leaked online in recent days, would require all “online service providers” to keep data onshore and provide it to the government on request. It also carries a potential three-year prison term for anyone deemed to have spread “misinformation” or “disinformation”, and requires internet businesses to remove content “in a timely manner” on the regime's orders.

The bill was quickly condemned by civil society groups in Myanmar, with almost 160 organisations [penning a joint statement](#) on February 10 warning that it “violates the principles of digital rights, privacy and other human rights”.

Although the Ministry of Transport and Communications has been working on a Cyber Security Law since at least early 2019, the draft released this week is thought to be significantly different from earlier versions.

The bill was distributed to mobile operators and internet service providers on February 9 with a request to respond with comments by February 15.

"This has taken everyone by surprise. Everyone is still scrambling to understand what it means, but just to be clear, nobody thinks it's a good thing," said one business source familiar with the issue, who spoke on condition of anonymity.

Ms Vicky Bowman, director of the Myanmar Centre for Responsible Business, said many companies in the ICT sector and the wider business community have told her they are concerned about the draft law.

She said these concerns include the wide-ranging reasons given for "lawful interception" and internet service shutdowns, as well as the lack of definitions for words like "misinformation", which could mean anything the military government doesn't like. There are also concerns over the lack of any reference to protecting the right to privacy or freedom of expression.

"They are also worried about the government forcing them to store their data in Myanmar, and the requirement for government to access all their data, and the hefty criminal penalties for noncompliance," she told *Frontier*. "A law like this which does not protect human rights makes it very difficult for companies committed to respecting human rights to operate in Myanmar, which includes those offering online services."

One business community source said it was unclear how the onshoring of data would work for companies such as Facebook, which offer services to users in Myanmar but have no physical presence in the country. "It would be difficult to force them to comply, but it's a different story for mobile operators and ISPs with operations here," the source said.

However, it could also deter companies such as Facebook, Amazon Web Services, Microsoft and Google from offering their services to users in Myanmar, potentially leaving the country instead dependent on Chinese applications that carry possible national security risks.

The incoming junta has made the Cyber Security Law one of its first priorities, reflecting the importance it attaches to controlling communications and information amid nationwide protests against the coup.

The military has already turned off the internet twice – first on the morning of the coup and then again for more than 24 hours on February 6-7 – and has also ordered mobile operators and ISPs to restrict access to social media, such as Facebook, Twitter and Instagram.

The Ministry of Transport and Communications is also one of the few ministries headed by a serving military officer, with the junta appointing Admiral Tin Aung San as minister on February 3.

Meanwhile, around 3,000 people demonstrated today outside the Chinese embassy in Yangon in response to rumours spreading online that Chinese IT experts had been seen arriving in Myanmar to assist with the military junta's efforts to control social media.

The claim has not been well-sourced or verified by mainstream media, and the Chinese embassy has [responded](#) that the flights were carrying normal cargo, such as seafood.

The statement did little to deter demonstrators, who held signs outside the embassy in English, Chinese and Burmese urging China not to support the military regime. "We don't want 'seafood', we just want Amay Suu," read one placard, referring to the Chinese embassy statement.

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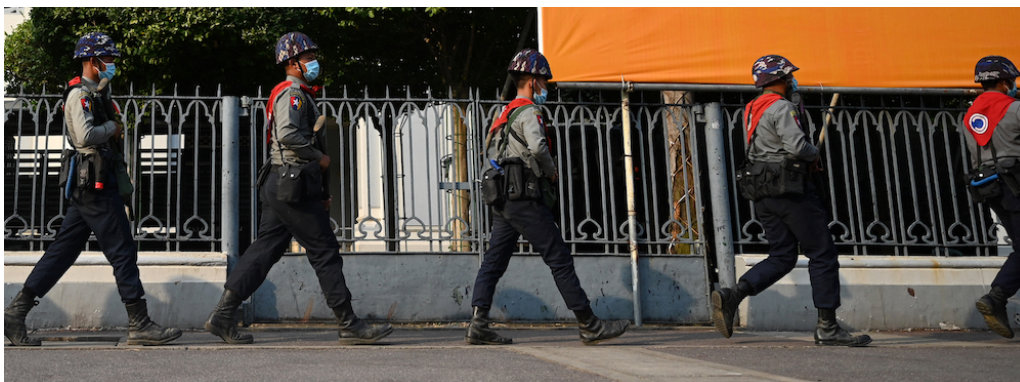
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