

## What you and your child need to know about electronic communications and the law:

Electronic communications are any communications verbal or written via landlines, mobile technology, computers, laptops and fax. They, therefore, include phone calls, text messages, emails, messaging via apps such as Instagram, Snapchat and WhatsApp, posts on social media sites such as Facebook and Twitter and video messaging services such as Youtube.

The improper use of such electronic communications is legislated for by several acts of law.

### Communication Act 2003:

Section 127- offences regarding improper use of public electronic systems

127(1) A person is guilty of an offence if he/she

- sends a message that is grossly offensive or of an indecent, obscene or menacing character OR
- causes any such message or matter to be sent.

127 (2) A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he/she

- sends by means of a public electronic communications network, a message he/she knows to be false
- causes such a message to be sent OR
- persistently makes use of a public electronic communications network

**What this means: messages including hateful language and discriminatory language are against the law.**

**Consequences:**

A complaint can be made up to 3 years after the communication was sent.

Arrested without a warrant.

Face up to 6 month's imprisonment and/or a fine.

This is also supported by the Public Order Act of 1986.

**Public Order Act 1986:**

Section 4A of the Public Order Act creates the offence of causing intentional harassment, alarm or distress,

4A(1) A person is guilty of this offence if with intent to cause a person harassment, alarm or distress he/she

- Uses threatening, abusive or insulting words or behaviour OR
- Displays any writing, sign or other visible representation which is threatening, abusive or insulting.

**Consequences:**

Arrest without warrant.

Face up to 6 month's imprisonment and/or a fine.

**Protection from Harassment Act 1997:**

Section 1 of the Act make harassment an offence .

1(1) A person must not pursue a course of conduct

- which amounts to harassment of another and
- which he/she knows or ought to know amounts to harassment of the other.

**What this means: Persistent messages sent to an individual of an unwanted nature are deemed as harassment and, therefore, breaking the law.**

Consequences:

Arrest without warrant.

Face up to six months imprisonment and/ or a fine.

A restraining order may also be imposed.

Fraud Act 2006:

Section 2 of the Fraud Act sets out one way of committing fraud under section 1 of the Act, namely by false representation.

2(1) A person is in breach of this section if he

- dishonestly makes a false representation and
- intends by making the appearance to make a gain for him/herself or cause loss to another

2(2) A representation is false if

- it is untrue or misleading and
- the person making it knows that it is, or might be, untrue or misleading.

What this means: if you deliberately set up an account in someone's name, you are committing fraud.

Consequences:

Arrest without warrant

Face up to 6 month's imprisonment and/or fine.

NB: All of these carry a criminal record with them and may be seen by future employers.

Social Media and age restrictions:

With the introduction of GDPR on May 25<sup>th</sup> 2018, social media sites such as WhatsApp, Snapchat, Instagram and Facebook have a policy that its users must be **16 years of age**.