



31 Julai 2012
31 July 2012
P.U. (A) 231

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN KESALAHAN KESELAMATAN
(LANGKAH-LANGKAH KHAS) (PEMINTASAN
KOMUNIKASI) 2012

*SECURITY OFFENCES (SPECIAL MEASURES)
(INTERCEPTION OF COMMUNICATIONS)
REGULATIONS 2012*



DISIARKAN OLEH/
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AKTA KESALAHAN KESELAMATAN (LANGKAH-LANGKAH KHAS) 2012
PERATURAN-PERATURAN KESALAHAN KESELAMATAN (LANGKAH-LANGKAH KHAS)
(PEMINTASAN KOMUNIKASI) 2012

SUSUNAN PERATURAN-PERATURAN

Peraturan

1. Nama dan permulaan kuat kuasa
2. Permohonan bagi mendapatkan kebenaran
3. Laporan kepada Pendakwa Raya

JADUAL PERTAMA

JADUAL KEDUA

AKTA KESALAHAN KESELAMATAN (LANGKAH-LANGKAH KHAS) 2012

PERATURAN-PERATURAN KESALAHAN KESELAMATAN (LANGKAH-LANGKAH KHAS)
(PEMINTASAN KOMUNIKASI) 2012

PADA menjalankan kuasa yang diberikan oleh seksyen 31 Akta Kesalahan Keselamatan (Langkah-Langkah Khas) 2012 [Akta 747], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Kesalahan Keselamatan (Langkah-Langkah Khas) (Pemintasan Komunikasi) 2012**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 31 Julai 2012.

Permohonan bagi mendapatkan kebenaran

2. Mana-mana pegawai polis yang berhasrat untuk memohon bagi mendapatkan kebenaran daripada Pendakwa Raya di bawah subseksyen 6(1) Akta hendaklah mengemukakan suatu permohonan bertulis dalam borang yang disediakan oleh Pendakwa Raya yang hendaklah mengandungi maklumat yang dinyatakan dalam Jadual Pertama.

Laporan kepada Pendakwa Raya

3. Mana-mana pegawai polis yang bertindak di bawah subseksyen 6(3) Akta hendaklah mengemukakan suatu laporan bertulis kepada Pendakwa Raya dalam borang yang disediakan oleh Pendakwa Raya yang hendaklah mengandungi maklumat yang dinyatakan dalam Jadual Kedua.

JADUAL PERTAMA

[Peraturan 2]

MAKLUMAT BAGI PERMOHONAN UNTUK MENDAPATKAN KEBENARAN UNTUK
MEMINTAS KOMUNIKASI DI BAWAH SUBSEKSYEN 6(1) AKTA

BAHAGIAN A: BUTIRAN PEMOHON DAN ORANG, PEMBERI PERKHIDMATAN POS ATAU
TELEKOMUNIKASI ATAU INTERNET YANG KOMUNIKASINYA DIKEHENDAKI SUPAYA
DIPINTAS

1. Butir-butir pemohon:

- (a) nama
- (b) pangkat
- (c) alamat
- (d) nombor telefon
- (e) nombor faks
- (f) alamat e-mel

2. Butir-butir orang, pemberi perkhidmatan pos atau telekomunikasi atau internet,
(jika diketahui) yang komunikasinya dikehendaki supaya dipintas:

- (a) nama
- (b) alamat
- (c) nombor telefon
- (d) nombor faks
- (e) alamat e-mel
- (f) nombor pendaftaran syarikat/perniagaan (jika berkenaan)
- (g) alamat pendaftaran (jika berkenaan)
- (h) alamat pejabat operasi (jika berlainan dengan alamat pendaftaran)
- (i) orang hubungan

BAHAGIAN B: ALASAN PERMOHONAN

BAHAGIAN C: BUTIR-BUTIR BAGI SEMUA FAKTA DAN HAL KEADAAN YANG DIKATAKAN OLEH PEMOHON DALAM MENYOKONG PERMOHONAN

1. Butir-butir kesalahan keselamatan.
2. Butir-butir kemudahan yang daripadanya atau tempat yang padanya komunikasi itu hendak dipintas (jika diketahui).
3. Jenis komunikasi yang dikehendaki untuk dipintas.
4. Asas untuk mempercayai bahawa keterangan yang berhubungan dengan alasan yang padanya permohonan itu dibuat akan diperoleh melalui pemintasan.

JADUAL KEDUA

[Peraturan 3]

LAPORAN BERTULIS OLEH PEGAWAI POLIS YANG BERTINDAK DI BAWAH
SUBSEKSYEN 6(3) AKTA KEPADA PENDAKWA RAYA

BAHAGIAN A: BUTIRAN PEGAWAI YANG BERTINDAK DI BAWAH SUBSEKSYEN 6(3)
AKTA DAN ORANG, PEMBERI PERKHIDMATAN POS ATAU TELEKOMUNIKASI ATAU
INTERNET YANG KOMUNIKASINYA TELAH DIPINTAS

1. Butir-butir pegawai yang bertindak di bawah subseksyen 6(3) Akta:
 - (a) nama
 - (b) pangkat
 - (c) alamat
 - (d) nombor telefon

- (e)* nombor faks
- (f)* alamat e-mel

2. Butir-butir orang, pemberi perkhidmatan pos atau telekomunikasi atau internet, yang komunikasinya telah dipintas:

- (a)* nama
- (b)* alamat
- (c)* nombor telefon
- (d)* nombor faks
- (e)* alamat e-mel
- (f)* nombor pendaftaran syarikat/perniagaan (jika berkenaan)
- (g)* alamat pendaftaran (jika berkenaan)
- (h)* alamat pejabat operasi (jika berlainan dengan alamat pendaftaran)
- (i)* orang hubungan

BAHAGIAN B: ALASAN PEMINTASAN

BAHAGIAN C: BUTIR-BUTIR BAGI SEMUA FAKTA DAN HAL KEADAAN YANG DIKATAKAN OLEH PEGAWAI YANG BERTINDAK DI BAWAH SUBSEKSYEN 6(3) AKTA BAGI MENYOKONG PEMINTASAN

1. Butir-butir kesalahan keselamatan.
2. Butir-butir kemudahan yang dari atau tempat yang mana komunikasi itu telah dipintas.
3. Jenis komunikasi yang dipintas.
4. Asas untuk mempercayai bahawa keterangan yang berhubungan dengan alasan yang padanya pemintasan itu dibuat telah diperoleh melalui pemintasan dan keperluan untuk meneruskan pemintasan.

5. Keputusan yang diperoleh daripada pemintasan yang telah dijalankan.
6. Penjelasan yang munasabah mengenai kegagalan untuk mendapatkan kebenaran daripada Pendakwa Raya.

Dibuat 31 Julai 2012
[KDN(R)29/144/1 Jld. 7(12); PN(PU2)707]

DATO' SERI HISHAMMUDDIN BIN TUN HUSSEIN
Menteri Dalam Negeri

SECURITY OFFENCES (SPECIAL MEASURES) ACT 2012

SECURITY OFFENCES (SPECIAL MEASURES) (INTERCEPTION OF COMMUNICATIONS)
REGULATIONS 2012

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Application for authorization
3. Report to the Public Prosecutor

FIRST SCHEDULE

SECOND SCHEDULE

SECURITY OFFENCES (SPECIAL MEASURES) ACT 2012

SECURITY OFFENCES (SPECIAL MEASURES) (INTERCEPTION OF COMMUNICATIONS)
REGULATIONS 2012

IN exercise of the powers conferred by section 31 of the Security Offences (Special Measures) Act 2012 [Act 747], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Security Offences (Special Measures) (Interception of Communications) Regulations 2012**.

(2) These Regulations come into operation on 31 July 2012.

Application for authorization

2. Any police officer intending to apply for authorization from the Public Prosecutor under subsection 6(1) of the Act shall submit a written application in the form as provided by the Public Prosecutor which shall contain information as specified in the First Schedule.

Report to the Public Prosecutor

3. Any police officer acting under subsection 6(3) of the Act shall submit a written report to the Public Prosecutor in the form as provided by the Public Prosecutor which shall contain information as specified in the Second Schedule.

FIRST SCHEDULE

[Regulation 2]

INFORMATION FOR APPLICATION FOR AUTHORIZATION TO INTERCEPT
COMMUNICATION UNDER SUBSECTION 6(1) OF THE ACT

PART A: DETAILS OF APPLICANT AND PERSON, POSTAL OR TELECOMMUNICATION OR
INTERNET SERVICE PROVIDER WHOSE COMMUNICATION IS REQUIRED TO BE
INTERCEPTED

1. Particulars of applicant:

- (a)* name
- (b)* rank
- (c)* address
- (d)* telephone number
- (e)* fax number
- (f)* e-mail address

2. Particulars of the person, postal or telecommunication or internet service
provider, if known whose communication is required to be intercepted:

- (a)* name
- (b)* address
- (c)* telephone number
- (d)* fax number
- (e)* e-mail address
- (f)* company/business registration number (if applicable)
- (g)* registered address (if applicable)
- (h)* address of operating office (if different from registered address)
- (i)* contact person

PART B: GROUNDS FOR APPLICATION

PART C: PARTICULARS OF ALL FACTS AND CIRCUMSTANCES ALLEGED BY THE APPLICANT IN SUPPORT OF THE APPLICATION

1. Particulars of security offence.
2. Particulars of the facilities from which or place at which the communication is to be intercepted, if known.
3. Type of communication which is required to be intercepted.
4. The basis for believing that evidence relating to the ground on which the application is made will be obtained through the interception.

SECOND SCHEDULE

[Regulation 3]

REPORT BY POLICE OFFICER ACTING UNDER SUBSECTION 6(3) OF THE ACT TO THE PUBLIC PROSECUTOR

PART A: DETAILS OF OFFICER ACTING UNDER SUBSECTION 6(3) OF THE ACT AND PERSON, POSTAL OR TELECOMMUNICATION OR INTERNET SERVICE PROVIDER WHOSE COMMUNICATION WAS INTERCEPTED

1. Particulars of officer acting under subsection 6(3) of the Act:
 - (a) name
 - (b) rank
 - (c) address

- (d)* telephone number
- (e)* fax number
- (f)* e-mail address

2. Particulars of the person, postal or telecommunication or internet service provider, whose communication was intercepted:

- (a)* name
- (b)* address
- (c)* telephone number
- (d)* fax number
- (e)* e-mail address
- (f)* company/business registration number (if applicable)
- (g)* registered address (if applicable)
- (h)* address of operating office (if different from registered address)
- (i)* contact person

PART B: GROUNDS FOR INTERCEPTION

PART C: PARTICULARS OF ALL FACTS AND CIRCUMSTANCES ALLEGED BY THE OFFICER ACTING UNDER SUBSECTION 6(3) OF THE ACT IN SUPPORT OF THE INTERCEPTION

1. Particulars of security offence.
2. Particulars of the facilities from which or place at which the communication was intercepted.
3. Type of communication intercepted.
4. The basis for believing that evidence relating to the ground on which the interception was made has been obtained through the interception and the need for a continuing interception to be conducted.

5. The results obtained from the interception that has been conducted.
6. The reasonable explanation of the failure to get the authorization from the Public Prosecutor.

Made 31 July 2012
[KDN(R)29/144/1 Jld. 7(12); PN(PU2)707]

DATO' SERI HISHAMMUDDIN BIN TUN HUSSEIN
Minister of Home Affairs