

Doxxing in Singapore: Laws and Remedies*

I. Introduction

1 In an Internet-empowered age, it is increasingly common for public disputes and ungracious behaviour to be dealt with by a ferocious online mob. Often, social justice is exacted through online vigilantism and doxxing. Doxxing occurs when a person publishes the personal or identifying information of others online.¹

2 Doxxing results in grave consequences. Information posted online may affect a person offline. This may occur through threats to safety, and harassment at work. The online mob may also identify the wrong person. And since information on the Internet is virtually impossible to remove, the consequences of doxxing can plague one for life.

3 In light of this growing issue, Parliament has amended the Protection from Harassment Act (“POHA”)² to criminalise doxxing and provide more comprehensive remedies against doxxing. This article will explain when doxxing constitutes an offence under the POHA, as well as the remedies available for victims of doxxing.

II. Laws against doxxing

A. *Doxxing offences*

4 Previously, only acts involving threatening, abusive or insulting communication, with the intent to cause harassment or create fear in the victim, would be considered harassment offences under the POHA.³ Thus doxxing would only be punishable if the *mere act of publishing others’ personal information online* was proven to be threatening, abusive or insulting. However, given the difficulty in proving this impact, doxxing often went unpunished.

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¹ Ministry of Law, “Enhancements to the Protection from Harassment Act (“POHA”)” (1 April 2019) <<https://www.mlaw.gov.sg/news/press-releases/enhancements-to-the-protection-from-harassment-act-poha>> (accessed 27 October 2019).

² Protection from Harassment Act (Cap 256A, 2015 Ed) (“POHA”).

³ *Id.*, at ss 3(1) and 5(1).

- 5 The amended POHA now expressly makes doxxing a criminal offence, if done to:
- (a) intentionally cause harassment, alarm or distress,⁴ or
 - (b) intentionally or knowingly invoke a fear of violence or facilitate the use of violence against the victim.⁵

6 These amendments have passed Parliament and have come into effect as of 1 January 2020.⁶ Although there have not been any convictions under the amended provisions yet, we will examine possible examples of doxxing, based on recent news, and how they might be treated under this new law.

(1) *Causing harassment, alarm or distress*

7 The amended section 3(1)(c) of the POHA prohibits one from intentionally causing harassment, alarm or distress to the victim through doxxing.⁷ If guilty, one may be fined up to \$5,000 and/or jailed for up to 6 months.⁸

8 One possible example is the recent incident where a condominium resident hurled vulgarities at the security guards who asked his guest to pay for overnight parking under the condominium's rules.⁹ In a video of the incident which went viral on the internet, the resident could be heard giving his name and contact number as he demanded to speak to the condominium management. The resident's behaviour sparked much public anger, with many criticising him. Online users also dug deeper and posted his

⁴ Protection from Harassment (Amendment) Bill 2019 (Bill 11 of 2019) ("POHA Bill") cl 4(a).

⁵ *Id.*, at cl 6(d).

⁶ Ministry of Law, "Commencement of Amendments to the Penal Code and Other Legislation on 1 January 2020" (27 December 2019) <<https://www.mlaw.gov.sg/news/press-releases/commencement-of-amendments-to-the-penal-code-and-other-legislation-on-1-january-2020>> (accessed 27 January 2020).

⁷ POHA Bill, *supra* n 4, at cl 4(a).

⁸ POHA, *supra* n 2, at s 3(2).

⁹ Jean Iau, "I bought this property for \$1.5 million': Condo resident yells profanities at security guards over visitor parking", *The Straits Times* (26 October 2019) <<https://www.straitstimes.com/singapore/housing/condo-resident-yells-profanities-at-security-guards-over-visitor-parking-police>> (accessed 12 November 2019).

occupation and other personal information online.¹⁰ An online petition demanding his employer to fire him even garnered over 18,000 signatures.¹¹

9 The resident later filed a police report for doxxing,¹² and some of the online users received warning letters from the police for “causing intentional harassment” to the resident.¹³ Thus, these acts of publishing the resident’s personal information online and creating the petition would likely be considered offences under the amended POHA, for intentionally causing harassment to the resident.¹⁴

(2) *Creating fear of violence or facilitating use of violence*

10 Under the new section 5(1A) of the POHA, it is also an offence if one intends or knows that the doxxing would facilitate the use of violence against the victim,¹⁵ or cause the victim to believe that violence would be used against him.¹⁶ If found guilty, one may be fined up to \$5,000 and/or jailed for up to 12 months.¹⁷

11 There need not be a direct threat, or an intention to facilitate the use of violence against the victim, to violate this section. There is an offence as long as one has reasonable cause to believe that the doxxing would create a fear of violence or facilitate the use of violence against the victim.¹⁸ Here, the court will consider the context in which the personal information was published.¹⁹ For example, social media and online forums easily facilitate online vigilantism through their wide reach. Posting the information on

¹⁰ Janice Lim, “Condo resident, who verbally abused security guard, makes police report against harassment”, *TODAY Online* (29 October 2019) <<https://www.todayonline.com/singapore/condo-resident-verbally-abused-security-guard-makes-police-report-against-harassment>> (accessed 12 November 2019).

¹¹ *Ibid.*

¹² *TODAY Online*, *supra* n 10.

¹³ “Resident Ramesh Erramalli given stern warning for harassing Eight Riversuites security guard”, *Channel News Asia* (17 January 2020) <<https://www.channelnewsasia.com/news/singapore/eight-riversuites-condominium-ramesh-erramalli-security-12271568>> (accessed 30 January 2020).

¹⁴ POHA Bill, *supra* n 3, at cl 4(a).

¹⁵ *Id.*, at cl 6(d).

¹⁶ *Ibid.*

¹⁷ POHA, *supra* n 2, at s 5(2).

¹⁸ POHA Bill, *supra* n 4, at cl 6(d).

¹⁹ *Singapore Parliamentary Debates, Official Report* (7 May 2019) vol 94 (Edwin Tong, Senior Minister of State for Law and Health).

such platforms would thus suggest that one had reasonable cause to believe that his post would facilitate the use of violence against the victim.²⁰

12 Recently, undergraduate Monica Baey took to Instagram after being dissatisfied with the lack of action taken by her university and the police against another student who had filmed her showering on campus.²¹ In her Instagram stories, Baey recounted the incident and posted the perpetrator's details, including his name and place of employment.²²

13 Although there was much public support for Baey, her act of publishing the perpetrator's personal information could be considered an offence, had it occurred after the POHA amendments came into force. Even if she did not intend to harass him, by posting his details online alongside a strongly worded call for action, she might be construed as having a reasonable cause to believe that her act might facilitate the use of violence against him.²³

B. Defences

14 The party responsible for doxxing may attempt to defend himself by proving that his conduct was reasonable.²⁴ Parliament has clarified that there is no clear-cut standard as to what constitutes "reasonable conduct".²⁵ Instead, the courts will examine the particular facts of each case to determine whether there was the requisite intention or knowledge, and whether such conduct was reasonable in the circumstances.²⁶

²⁰ *Ibid.*

²¹ Ng Huiwen, "Peeping Tom caught filming in NUS hall shower: Thousands sign petitions calling for tougher action", *The Straits Times* (22 April 2019) <<https://www.straitstimes.com/singapore/peeping-tom-caught-in-nus-hall-shower-thousands-sign-petitions-calling-for-tougher-action>> (accessed 12 November 2019).

²² Samuel Sashant Devaraj, "NUS peeping tom case: Victim's action may come under new 'doxxing' laws", *The New Paper* (23 April 2019) <<https://www.tnp.sg/news/singapore/nus-peeping-tom-case-victims-action-may-come-under-new-doxxing-laws>> (accessed 12 November 2019).

²³ POHA Bill, *supra* n 4, at cl 6(d).

²⁴ POHA, *supra* n 2, at ss 3(3) and 5(3)(b).

²⁵ *Singapore Parliamentary Debates*, *supra* n 20.

²⁶ *Ibid.*

III. Remedies

15 In addition to criminalising doxxing, the amended POHA also gives victims simpler, faster and more effective remedies.

A. *Protection from Harassment Court*

16 The Protection from Harassment Court (“PHC”) is aimed at specifically dealing with harassment issues, including doxxing offences.²⁷ The PHC provides a simpler procedure to legal recourse as victims may file claims with a straightforward claim form, without needing an Originating Summons as would be required in other courts, and which would also entail additional costs.²⁸

17 It should be noted that the PHC has not been set up as of the date of publication of this article. However, once it has been established, such simpler procedures would be available to victims of doxxing.

B. *Protection orders*

18 Victims of doxxing may already apply to a District Court for a protection order (“PO”).²⁹ The court may grant a PO if it is satisfied that the accused has committed a doxxing offence, and is more likely than not to continue doxxing the victim.³⁰

19 For more serious cases where there is actual violence or a risk of violence,³¹ or where the victim’s day-to-day activities are likely to be substantially affected by the doxxing,³² an expedited protection order (“EPO”) may also be granted to the victim.³³ EPOs offer similar protection to POs, but the application process is accelerated.

20 Under the amended section 12 of the POHA however, POs offer more comprehensive protection to victims. Apart from requiring the accused to stop publishing the relevant

²⁷ POHA Bill, *supra* n 4, at cl 20(8).

²⁸ Ministry of Law, “Enhancements to the Protection from Harassment Act (“POHA”)” (1 April 2019) <<https://www.mlaw.gov.sg/news/press-releases/enhancements-to-the-protection-from-harassment-act-poha>> (accessed 27 October 2019).

²⁹ POHA, *supra* n 2, at s 12(1).

³⁰ *Id.*, at s 12(2).

³¹ Ministry of Law, *supra* n 1.

³² POHA, *supra* n 2, at s 13(1).

³³ *Ibid.*

personal information,³⁴ the court may also order the internet platform to disable end-users' access to the victim's personal information.³⁵ Thus, even without claiming against the accused, the victim's personal details may be protected from further circulation, and any further harassment may be mitigated.

21 With regard to EPOs, once the PHC has been created, victims may apply to the PHC instead for such an order.³⁶ Victims would be offered swifter relief as the PHC aims to address PO applications within 4 weeks,³⁷ while an EPO can be granted within 24 hours.³⁸ This is significantly faster than under the prior regime, where PO and EPO applications would be processed by the District Courts which also handle many other cases on top of POHA cases.³⁹

C. *Civil claims*

22 Another possible remedy is to commence a civil suit against the accused for monetary compensation ("damages") for the consequences arising from the doxxing.⁴⁰ Once the PHC has been set up, victims may apply directly to the PHC for claims for damages below \$20,000.⁴¹

23 However, it is important to note that suing for damages would take a longer time and incur greater costs than applying for a PO or EPO. Hence, commencing a civil suit would be more appropriate for victims who are more concerned with financial compensation, but less so for those seeking a quick remedy against further doxxing.

IV. **Conclusion**

24 Overall, the criminalisation of doxxing and the enhanced remedies for doxxing victims are welcome changes to deter doxxing behaviour and better protect the public, amidst the increasing trend of online vigilantism.

³⁴ POHA Bill, *supra* n 4, at cl 16(1)(a).

³⁵ *Id.*, at cl 16(2)(c).

³⁶ POHA Bill, *supra* n 4, at cl 16(1)(a).

³⁷ Ministry of Law, *supra* n 1.

³⁸ *Ibid.*

³⁹ POHA, *supra* n 2, at ss 12(1) and 13(1).

⁴⁰ POHA, *supra* n 2, at s 11(1).

⁴¹ Ministry of Law, *supra* n 1.

25 Ultimately, two wrongs do not make a right, and justice for wrongdoing is not served by doxxing the wrongdoers. While a robust sense of social justice in the community is certainly laudable, the main recourse for justice should be the legal system, rather than online vigilantism. The recent POHA amendments provide not only reassurance that we can be protected from the perils of doxxing, but also hope that the law may possibly quell the ferocity of the online mob.

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