

**ESTABLISHING LEGAL REGIME RELATED TO UNAUTHORIZED
ACCESSES OF WIRELESS FIDELITY NETWORKS (Wi-Fi) IN SRI
LANKA; CONSTRUCTED FROM COMPUTER FRAUD AND ABUSE
ACT OF THE USA**

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Wireless Internet technologies like Wireless Fidelity (Wi-Fi), along with their cost effective, easy, affordable and swift nature, offer last-mile access network solutions to developing countries with insufficient network infrastructure. Sri Lanka is unique to the extent of Wi-Fi for two reasons; approximately eighteen percent of the population had internet access in 2012 and the Telecommunications Regulatory Commission (TRC) announced their plans to establish Wi-Fi zones in schools, government buildings and public transport areas to expand access in July 2011. Significant questions raised here are the legality of wireless access, the appropriate relationship between the law and emerging technology, and the practical implications of regulating technology in an Internet society. Hence, the propagation of wireless networking illustrates the tension between promoting technological growth and ensuring legal protection, since Wi-Fi enables greater freedom of access, it can be vulnerable to unwanted access by those who seek to hack into a computer on the network or to use the network for an unlawful purpose. This study is an attempt to analyze the potential legal barriers and to put forward presumptive legal regime to unwrap the relatively new phenomenon of unauthorized Wi-Fi access to balance technological growth and security in Sri Lanka. Grounded on Computer Fraud and Abuse Act (CFAA) of United States of America which provides precedent to extend the doctrine to encompass unauthorized access conducts, the paper proposes a legal framework which is intended as a model statute covering the unauthorized Wi-Fi access. Consequently, the presence of a wireless network is not a criminal violation; however, there may be criminal violations if the network is actually accessed including theft of services, interception of communications, misuse of computing resources and upto and including violations of the general law. The model statute establishes unauthorized access as a punishable offense. The definitions provided by the statute enfold all the components of an open wireless access event. Under new legal regime, Sri Lankan users are promoted to engage in open wireless access without fear of legal insecurity, user confusion is mitigated, network providers are encouraged to take responsibility for enabling security mechanisms, and secured networks are protected. It will result potentiality in innovation of Wi-Fi in Sri Lanka to go beyond the home and few urban centers by offering the possibility to bridge the significant communication infrastructure gap that exists between rural and urban area.