

Harassment law may deter doxxing, but victims face challenges in making their case: Lawyers

[Goh Yan Han](#) and [Aqil Hamzah](#)

SINGAPORE - Unhappy that her husband was having an affair and was seeking a divorce, a woman looked up information on the mistress on career networking platform LinkedIn.

She then sent e-mails to the other woman's colleagues, as well as threatening messages to her.

This case of doxxing - publishing an individual's private personal information online - was handled by lawyer Raphael Louis, managing director of Ray Louis Law Corporation.

Lawyers told The Straits Times they are seeing more doxxing cases recently, and have received more inquiries from clients about the issue.

Doxxing is a punishable offence under Protection from Harassment Act (Poha) amendments that kicked in on Jan 1, 2020.

The penalties include a fine of up to \$5,000 or jail of up to 12 months, or both.

[A new dedicated Protection from Harassment Court was set up](#) in June last year.

A States Courts spokesman told ST that 195 cases involving doxxing were filed in this court between June 1 last year and May 31 this year.

However, the police said they investigated fewer than 10 cases of doxxing from January to April this year. In 2020 and last year, there were fewer than 60 police cases each year.

Mr Lionel Tan, a partner at law firm Rajah & Tann, said that while lawyers may be getting more cases relating to doxxing or advising clients on them, not all cases are reported to the police.

"As the burden of proof for doxxing is higher in a criminal case - there is need to prove beyond reasonable doubt - it may be more appropriate to opt for a civil claim," he said.

Doxxing cases that have made headlines in Singapore include an incident involving [a Bentley car driver outside Red Swastika School](#), when a man was wrongly doxxed, and a Tuas Checkpoint road rage incident where a woman [pulled off the licence plate of another car](#).

Professor David Tan from the National University of Singapore's law faculty said the rise of online citizen vigilantism is unavoidable, given the ubiquity of social media apps and easy access to the Internet.

"When one sees a social wrong or crime committed, the immediate reaction today is to 'post and shame'. It is more convenient than making a police report," he said.

The Poha changes have had some deterrent effect, said lawyers.

Rajah and Tann's Mr Tan said he has seen commenters warning others to be careful not to run afoul of Poha when a sensational case is highlighted online, in particular in relation to doxxing.

But Singapore Management University law don Eugene Tan said harassment, especially online, is here to stay.

"Too often, a person online may think there a cloak of anonymity or that it is hard for the authorities to track them down, or that so many people are harassing a particular victim that the authorities cannot possibly take action against all," said Associate Professor Tan.

"In short, they think that they would not fall into the crosshairs of Poha."

Challenges in filing a case

Dr Carol Soon, senior research fellow at the Institute of Policy Studies, said one of the challenges when putting together a doxxing case is determining if there was harmful intent.

Rajah & Tann's Mr Tan noted: "If it is couched in language that, for example, merely expresses disapproval of the behaviour, that may not amount to doxxing."

People often post footage of traffic offences on social media group sites. It is factual if the post and caption are limited to the offence itself.

But if identity information is published with the intention of causing harassment, alarm or distress to the person involved, the post is an offence under Section 3 of Poha.

Also, under Section 5 of Poha, there must be intent to cause the victim to believe that unlawful violence will be used against him, or intent to facilitate the use of unlawful violence against him.

"Each case has to be decided looking at all the circumstances, what else was said, when the identity information was revealed and the context in which it was made," said Mr Tan.

Another challenge is when the perpetrator is anonymous, said lawyers. More effort is needed to track him down, and his post can get lost among a sea of repeated posts copied from the original source.

But Mr Tan said while there is some level of anonymity when using the Internet, in most cases, the person may have posts on other forums or leave clues, making it easier to identify the poster.

Poha and the road ahead

While some lawyers said the updated legislation may be a deterrent, lawyer Fong Wei Li, who specialises in Internet and social media law at Forward Legal, said online vigilantism is more a product of social forces than whether or not there are laws against it.

He added: "Online vigilantism and mob justice are not problems that will go away any time soon. Instead of trying to eliminate them entirely, we might be better off learning how to deal with them."

He noted that the Government is looking into implementing a code of conduct for Internet use - which may be useful guidance to ensure more responsible online discourse.

Dr Soon proposed that, given the very thin line between online stalking and harassment, and doxxing, social media platforms could be tasked to proactively act against doxxing behaviour.

She also said users should be more careful about the information they reveal online.

SMU's Prof Tan said Poha may also need to be amended in the face of future challenges such as the metaverse, or to address harassment messages sent on platforms that allow self-destructing messages.

Said lawyer Abraham Vergis of Providence Law: "The cyberspace is still the wild, wild west. There is no overarching central authority that can regulate online behaviour.

"Poha is significant for its educational signalling effect, which I have no doubt has helped to shape a better online culture."

Recent high-profile cases

July 2022

A woman was [caught on video removing the licence plate of a car and throwing it at the windscreen](#) after an accident involving the car and hers on the Tuas Second Link.

Netizens revealed on HardwareZone website her name and details, posting screen shots of her Facebook profile, purported details of her family, including those of her 18-year-old son, who was also allegedly involved in the incident.

Police reports have been filed against several individuals. Investigations are ongoing.

October 2021

An influencer asked women to share details of Singaporean men they would not date.

A member of the Telegram chat group she set up then [created a Google spreadsheet with details of dozens of men](#), including purportedly their full names and contact numbers.

While some TikTok users lauded the 23-year-old influencer, others urged her to shut the spreadsheet down.

May 2020

When mask wearing was mandatory under Covid-19 measures, a Singaporean woman was [filmed not wearing one and arguing with passers-by at Shunfu Mart](#), near Upper Thomson Road.

Netizens [wrongly identified her as the chief executive of a tech firm](#), and posted her and her colleagues' personal details online, prompting a deluge of racist and xenophobic comments.

The actual culprit, physiotherapist Paramjeet Kaur, 42, was [sentenced to two weeks' jail and fined \\$2,000 last year](#).

October 2019

Condominium resident Erramalli Ramesh came under fire after [a video surfaced of him verbally abusing a security guard](#) for asking him when his guest, who arrived at 10.30pm, would leave.

Eight Riversuites condo charges guests who park their car after 11pm a \$10 fee.

[Mr Erramalli's details were splashed online](#), and there were calls for his then employer, investment bank JP Morgan, to fire him.

In 2020, two men who had harassed him were issued stern warnings, while two others were given 12-month conditional warnings for making death threats towards Mr Erramalli and his family.

Mr Erramalli was also [issued a stern warning for intentionally causing harassment](#).

January 2019

A heated exchange between a Gojek driver and his passenger went viral after [she accused him of kidnapping her](#). They had argued over the route he took to her destination, and she accused the 52-year-old driver of trying to cheat her by driving through Electronic Road Pricing (ERP) gantries to get to the city centre.

January 2014

A Briton, 47, sparked outrage after [his Facebook posts deriding public transport commuters](#) were shared on various websites. Netizens dug up his personal details, as well as those of his wife, a former Miss Singapore Universe.

His family received death threats, prompting the former wealth fund manager to leave for Perth, Australia, with his family in the same month.