Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED
25-27 March 2015

Cyberlaws and Regulations for enhancing e-commerce
including Case Studies and Lessons Learned

By

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The views reflected are those of the author and do not necessarily reflect the views of UNCTAD
Cyberlaws and Regulations for Enhancing e-commerce including Case Studies and Lessons Learned

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Senior State Attorney
Ministry of Justice and Constitutional Affairs
Government of Uganda
LEGAL REFORMS INTRODUCED AFTER 2010

- The Electronic Transactions Act, 2011
- The Electronic Signatures Act, 2011  
  \[ \text{Cyber Laws} \]  
  \[ \text{effective 15}^{\text{th}} \text{April, 2011} \]  
- The Computer Misuse Act, 2011
- E–Transactions Regulations, 2013
- E–Signatures Regulations, 2013
- National Information Security Framework (NISF), 2014
- National IT Standards
- MDA IT related Standards
The need for awareness

- Lessons from enactment of Cyberlaws
  - Study reports and draft Bills since 2000
  - No enactment until 2011
  - Technical nature of the Bills – Electronic Signatures
  - Limited appreciation of principles and concepts related to cyberlaws and cyber frameworks
  - Made constructive consultation difficult among policy makers and law makers

- Need to facilitate implementation of cyberlaws
  - Building on the capacity and momentum of
    - the EAC Cyberlaws TaskForce
    - the process of enactment of national laws
Support by UNCTAD

- Training Members of the EAC Cyber Law Taskforce
  - Nairobi 2005
  - Created membership for the EAC Task Force
  - Training of Tutors for e-commerce course

- Technical support in reviewing drafts of Bills and Regulations

- Technical support in creating awareness among policy and law makers

It is this capacity that Uganda was building on
Think Tank Team

- April, 2011 – Establishment of multi sectoral Think Tank Team

- Responsibility of advising on the implementation of the Cyberlaws

- Membership

- 20 key institutions
  - Members of the EAC Cyberlaw taskforce
  - Revenue and Customs Authority (URA)
  - Private Sector (PSFU)
  - Banking sector (Uganda Bankers Association)
  - Law Commission (Uganda Law Reform Commission)
  - Police and law enforcement (Uganda Police Force)
Public awareness strategy

- Lack of specific funding for awareness
- Use of existing avenues
  - Professional associations
  - Conferences, annual general meetings, professional development gatherings
    - Lawyers
    - Bankers
    - Insurers
    - Judges
  - Trade Associations
    - Kampala Traders Association
    - Uganda Manufacturers Association
  - Departmental Meetings or gatherings
    - Government agencies
  - Schools
REF: NITA/ADM/07.014

25th July 2014

The Permanent Secretary,
Ministry of Agriculture, Animal Industry and Fisheries,
Plot 14/18 Lugard Avenue,
Enterbe.

PROPOSAL FOR SENSITIZATION ON CYBER LAWS, NITA-U ACT INFORMATION SECURITY

National Information Technology Authority – Uganda (NITA-U) was established under the NITA-U Act of 2009, to regulate the Information Technology (IT) sector in Uganda. NITA-U is under the general supervision of the Ministry of Information and Communications Technology (MoICT).

Recognizing that there is a globalization drive and increased use of Information Technology services (IT), electronic commerce/business is on the rise and offers great new opportunities for economic growth, Parliament enacted 3 (three) laws relating to the use of electronic communication in Uganda, namely: the Electronic Transactions Act, 2011; the Electronic Signatures Act, 2011; and the Computer Misuse Act, 2011 collectively known as the “Cyber Laws” which became effective on 15th April 2011.

In order to operationalize these Laws, regulations were developed and thereafter enacted on 30th September 2013. These include the Electronic Transactions Regulations, 2013 and the Electronic Signatures Regulations, 2013. These laws are the backbone of the legal framework for the IT sector and provide for and regulate the use of electronic communications in business and in the delivery of services to the public. Additionally, NITA-U has developed a National Information Security Framework (NSIF) to help standardize our approach to Information Security as a Nation.

The purpose of this letter is to request for a meeting to sensitize your Top Management Team on the Cyber Laws and the National Information Security Framework.

To encourage an e-culture, we have uploaded the Cyber Laws, Regulations and NITA-U Act on our website http://www.nita.go.ug/index.php/reports/laws/cyberlaws for ease of reference.

We appreciate your cooperation in this matter.

James Saaka
EXECUTIVE DIRECTOR

National Information Technology Authority
Uganda (NITA)

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Fax: +256 417 801 050
Email: info@nita.go.ug

Website: www.nita.go.ug
Established a core Team from the Think Tank Team

- Technical ICT issues
  - ICT Infrastructure
  - Information security
  - ICT standards and guidelines
- Legal ICT issues
  - Functional equivalence
  - Authenticity and Admissibility of electronic transactions
  - Rights of consumers
  - General application of electronic communications in day to day operations

Prepared model/ sample presentations

- Agreed to customize the presentations to suit the nature of institution or category of audience
  - judges – legal effect, admission of e-evidence, e-discovery, criminal aspects, authenticity of data
  - Bankers– information security, legal support for e-banking, cybercrime
  - Law enforcement– preservation of evidence, e-evidence
Uganda Bankers Association Sensitization
| 1. | Uganda Law Society (ULS) | 11. | Uganda Investment Authority |
| 5. | Uganda Registration Services Bureau (URSB) | 15. | Insurance Regulatory Authority (IRA) |
| 8. | National Drug Authority (NDA) | 18. | National IT Authority – Uganda(Staff) |
| 15. | Insurance Regulatory Authority (IRA) | 16. | Uganda Bankers Association (UBA) |
| 17. | Uganda Law Society (ULS) | 18. | National IT Authority – Uganda(Staff) |
Challenges

- Lack of interest– no response
- Flexibility of Team members
  - Awareness is conducted at the convenience of institution
  - Availability of team members at very short notice
  - Every team member is on standby permanently
- Capacity of team members is also limited
  - Team members are also still in the process of building their own capacity
  - Keeping abreast of Technological advancements, best practices and developments in the area e.g. cloud computing
Incorporation of cyberlaw related matters in courses for:

- Members of Parliament – IPS
- Law students – LDC
- Lawyers – continuing professional development, ULS
- Insurers, UII
- Judicial officers – JSI
- Accountants
- Procurement professionals