

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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# LEGAL REFORMS INTRODUCED AFTER 2010



- ✓ The Electronic Transactions Act, 2011
  - ✓ The Electronic Signatures Act, 2011
  - ✓ The Computer Misuse Act, 2011
- Cyber Laws  
effective 15<sup>th</sup> April, 2011

- ✓ NITA-U Act, 2009.
- ✓ E-Transactions Regulations, 2013
- ✓ E- Signatures Regulations, 2013
- ✓ National Information Security Framework (NISF), 2014
- ✓ National IT Standards
- ✓ MDA IT related Standards



Legal Framework

# 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

25<sup>th</sup> July 2014

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

**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 **15<sup>th</sup> April 2011**.

In order to operationalize these Laws, regulations were developed and thereafter enacted on **30<sup>th</sup> 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**



# Team of trainers



- ▶ Established a core Team from the Think Tank Tea
  - 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

# Sensitised Institutions



1. Uganda Law Society (ULS)
2. Uganda Insurers Association (UIA)
3. Uganda Securities Exchange (USE)
4. Ministry of East African Community Affairs (MEACA)
5. Uganda Registration Services Bureau (URSB)
6. National Water and Sewerage Corporation (NWSC)
7. National Council for Higher Education (NCHE)
8. National Drug Authority (NDA)
9. National Water and Sewerage Corporation (KAMPALA WATER)
10. Uganda National Council for Science and Technology (UNCST)
11. Uganda Investment Authority
12. Uganda Human Rights Commission (UHRC)
13. Uganda National Chamber of Commerce (UNCC)
14. Uganda National Bureau of Standards (UNBS)
15. Insurance Regulatory Authority (IRA)
16. Uganda Bankers Association (UBA)
17. Uganda Law Society (ULS)
18. National IT Authority – Uganda(Staff)
19. Ministry of Finance, Planning & Economic Development
20. Ministry of Energy and Mineral Development (MEMD)

1. Bank of Uganda (BOU)
2. Electricity Regulatory Authority (ERA)
3. Uganda People's Defence Forces (UPDF)
4. Stakeholders at a workshop to disseminate the National Information Security Strategy (NISS)
5. Judicial Officers (Judges) at the Annual Judges' Conference
6. Uganda Electricity Generation Company Limited (UEGCL)
7. Makerere University College Of Computing and Informatics Technology (Masters Class)
8. Uganda Road Fund (URF)
9. Rural Electrification Agency
10. Makerere University LLB Class
11. 3rd Banking & ICT Summit 2014
12. Validation for Information Security
13. Gayaza High School– Safe Internet Day
14. Ambrosoli International School
15. Uganda Insurers Association
16. Office of Auditor General
17. Office of the Accountant General
18. Uganda Media Centre
19. Judicial Service Commission
20. National Environmental Management Authority (NEMA)
21. Information Security Chapter A
22. Public Service Commission

# 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

# What we are working on

- ▶ 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