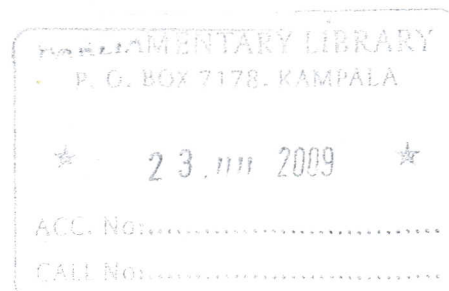
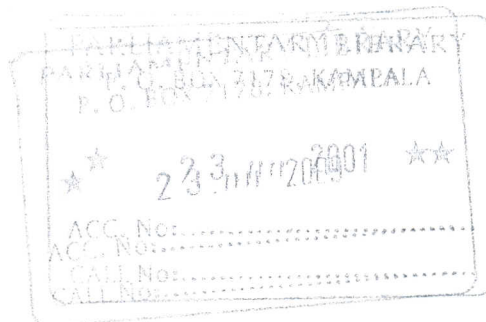




THE REPUBLIC OF UGANDA

THE NATIONAL INFORMATION TECHNOLOGY
AUTHORITY, UGANDA ACT, 2009.

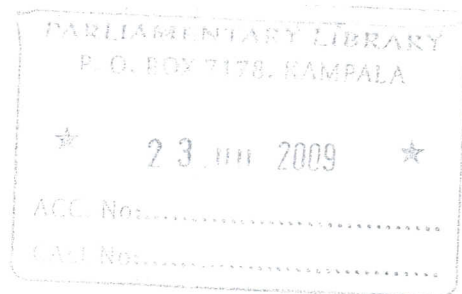




THE REPUBLIC OF UGANDA



I SIGNIFY my assent to the bill.



A handwritten signature in dark ink, appearing to read "Yoweri Museveni".

President

Date of assent: 15/7/2009.

National Information Technology
Act *Authority, Uganda Act* **2009**
THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA ACT, 2009.

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THE REPUBLIC OF UGANDA

THE NATIONAL INFORMATION TECHNOLOGY
AUTHORITY, UGANDA ACT, 2009.

An Act to provide for the establishment of the National Information Technology Authority, Uganda and to provide for its objects, functions, composition, management and finances; and other related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Commencement.

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation.

In this Act, unless the context otherwise requires—

“authorised officer” means a person appointed as an authorised officer under section 18 and includes a computer scientist, network administrator, systems administrator, systems analyst, data base administrator, software engineer, programmer, information technology security administrator, electronic engineer, communications engineer and a telecommunication specialist;

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“Authority” means the National Information Technology Authority, Uganda established by section 3;

“Board” means the Board of Directors appointed under section 7;

“Chairperson” means the Chairperson of the Board appointed under section 7;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“data” means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose;

“Executive Director” means the chief executive of the Authority, appointed under section 16;

“e-Commerce” means the distribution, buying, selling, marketing and servicing of products or services over electronic systems such as the internet or other computer networks;

“e-Government” is the use of information and communication technologies to deliver public services in a convenient, efficient customer-oriented, and cost-effective way;

“e-Readiness survey” means a survey undertaken to establish the ability to use information technologies;

“e-Transaction” means the exchange of information or data, the sale or purchase of goods or services between businesses, households, individuals, governments, and other public or private organizations, conducted over computer-mediated networks;

“e-waste” means any form of waste that is accumulated as a result of hardware used in information technology;

“information technology” means the science of collecting and using information by means of computer systems and refers to computers, ancillary or peripheral equipment such as printers and scanners, software and firmware services including support services, and related resources and includes any equipment or interconnected systems that are

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used in the acquisition, storage, manipulation or processing, management, movement, control, display, transmission or reception of data or information;

“information technology survey” means an operation in which enumerations, inspections, studies, examinations, reviews, inquiries or analyses are carried out to collect or gather information and data on matters related to information technology;

“member” means a member of the Board of Directors appointed under section 7;

“Minister” means the Minister responsible for information technology.

**PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND POWERS OF THE
NATIONAL INFORMATION TECHNOLOGY AUTHORITY, UGANDA.**

3. Establishment of the Authority.

(1) There is established an autonomous body known as the National Information Technology Authority, Uganda (NITA—U).

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name and, subject to this Act, may borrow money, acquire and dispose of property and do or suffer any other thing a body corporate may lawfully do or suffer.

(3) The Authority shall be an agency of Government and shall be under the general supervision of the Minister.

4. Objects of the Authority.

The objects of the Authority are—

- (a) to provide high quality information technology services to Government;

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- (b) to promote standardisation in the planning, acquisition, implementation, delivery, support and maintenance of information technology equipment and services, to ensure uniformity in quality, adequacy and reliability of information technology usage throughout Uganda;
- (c) to provide guidance and other assistance as may be required to other users and providers of information technology;
- (d) to promote cooperation, coordination and rationalisation among users and providers of information technology at national and local level so as to avoid duplication of efforts and ensure optimal utilisation of scarce resources;
- (e) to promote and be the focal point of co-operation for information technology users and providers at regional and international levels; and
- (f) to promote access to and utilisation of information technology by the special interest groups.

5. Functions of the Authority.

The functions of the Authority are—

- (a) to provide first level technical support and advice for critical Government information technology systems including managing the utilisation of the resources and infrastructure for centralised data centre facilities for large systems through the provision of specialised technical skills;
- (b) to identify and advise Government on all matters of information technology development, utilisation, usability, accessibility and deployment including networking, systems development, information technology security, training and support;
- (c) to co-ordinate, supervise and monitor the utilisation of information technology in the public and private sectors;

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- (d) to regulate and enforce standards for information technology hardware and software equipment procurement in all Government Ministries, departments, agencies and parastatals;
- (e) to create and manage the national databank, its inputs and outputs;
- (f) to set, monitor and regulate standards for information technology planning, acquisition, implementation, delivery, support, organisation, sustenance, disposal, risk management, data protection, security and contingency planning;
- (g) to regulate the electronic signature infrastructure and other related matters as used in electronic transactions in Uganda;
- (h) to promote and provide technical guidance for the establishment of e-Government, e-Commerce and other e-Transactions in Uganda;
- (i) in liaison with other relevant institutions, to regulate the information technology profession in Uganda in order to ensure its effective utilisation promotion and development;
- (j) to act as an authentication center for information technology training in Uganda in conjunction with the Ministry responsible for Education;
- (k) to provide advice on information technology project management services to Government;
- (l) to provide for information management service through acting as a records management facility and an information depository;
- (m) to provide guidance on the establishment of an infrastructure for information sharing by Government and related stakeholders;
- (n) to provide guidance in information technology audit services to Government;
- (o) to undertake and commission research as may be necessary to promote the objects of the Authority;

- (p) to arbitrate disputes arising between suppliers of information technology solutions and consumers;
- (q) to protect and promote the interests of consumers or users of information technology services or solutions;
- (r) to undertake any other activity necessary for the implementation of the objects of the Authority.

6. Powers of the Authority.

In carrying out the functions specified in section 5, the Authority shall have the following powers—

- (a) to carry out regular e-Readiness surveys to ascertain the status of information technology in Uganda;
- (b) to establish a repository of information technology standards, and for the registration and classification of documentation related to locally developed and imported information technology solutions;
- (c) to establish a mechanism for collaboration and promotion of partnerships between various categories of players in the information technology sector;
- (d) to regulate and certify information technology education in Uganda in consultation with the Ministry responsible for Education or its agencies;
- (e) to charge fees for services provided by the Authority.

PART III—THE BOARD AND ITS FUNCTIONS

7. The Board.

(1) There is established a Board of Directors as the governing body of the Authority, which shall consist of the following members—

(1) The Minister may, at any time suspend or terminate the appointment of the Chairperson or a member of the Board mentioned in section 7 (1) (d) for—

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- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) any physical or mental incapacity that renders a person incapable of performing the duties of that office;
- (e) failure to attend three consecutive Board meetings without reasonable grounds;
- (f) conviction of an offence involving moral turpitude;
- (g) being adjudged bankrupt by a court of law;
- (h) any other reasonable ground.

(2) A member of the Board other than the Executive Director may resign from the Board by giving notice in writing to the Board, of not less than one month.

11. Functions of the Board.

The Board shall—

- (a) formulate policy guidelines for the Authority;
- (b) monitor the implementation of the plans and programmes of the Authority;
- (c) approve the annual budget and action plan of the Authority;
- (d) appoint the staff of the Authority;
- (e) determine the structure and staffing levels of the Authority and the terms of service of the staff of the Authority;
- (f) establish rules and procedures for—

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- ## 12. Meetings of the Board.

- ### 13. Conditions of service of members of the Board.

PART IV—SECRETARIAT

The Authority shall have a Secretariat headed by an Executive Director and shall consist of directorates covering the following areas—

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The Secretariat shall—

- (a) be the source of official information and data relating to information technology in Uganda;
- (b) implement Government and national information technology policies, strategies and action plans;
- (c) be the custodian of the national information technology policies, strategies and action plans;
- (d) coordinate and monitor information technology initiatives in the public and private sectors;
- (e) perform any other duties as the Board may instruct from time to time.

(1) The Executive Director shall be appointed by the Minister on the recommendation of the Board.

(3) The Executive Director shall hold office for five years and is eligible for re-appointment for one more term.

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(4) The terms and conditions of service of the Executive Director shall be determined by the Board and approved by the Minister and shall be specified in the instrument of appointment.

(5) Subject to the general supervision and direction of the Board, the Executive Director shall be the accounting officer of the Authority and shall be responsible for—

- (a) the management and operations of the Authority;
- (b) the management of the funds, property and business of the Authority;
- (c) the administration, organisation and control of the officers and staff of the Authority; and
- (d) the promotion, training and disciplining of the officers and staff of the Authority in accordance with their terms and conditions of appointment.

(6) The Executive Director shall be a full time employee of the Authority.

(7) The Executive Director shall on appointment, take and subscribe before the Board, the oath of office and secrecy, specified in Schedule 3.

(8) The Minister may, after consultation with the Board, terminate the appointment of the Executive Director for—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) physical or mental incapacity that renders the Executive Director incapable of performing the duties of that office;
- (e) failure to attend three consecutive Board meetings without reasonable grounds;

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- (f) conviction of an offence involving moral turpitude;
- (g) being adjudged bankrupt by a court of law;
- (h) any other reasonable ground.

17. Other officers and staff of the Authority.

(1) The Board may, on the advice of the Executive Director, appoint directors to head the directorates specified in section 14.

(2) A director appointed under subsection (1) shall hold office for five years and is eligible for re-appointment for one more term.

(3) The terms and conditions of service of the directors shall be determined by the Board and specified in their instruments of appointment.

(4) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority, as may be necessary for the effective performance of the functions of the Authority.

(5) The officers and staff appointed under subsection (4) shall hold office on such terms and conditions as the Board may determine and specify in their instrument of appointment.

(6) A director appointed under subsection (1), shall on appointment, take and subscribe before the Board, the oath of office and secrecy specified in Schedule 3.

(7) An officer appointed under subsection (4), shall on appointment, take and subscribe before the Executive Director, the oath of office and secrecy provided in Schedule 3.

(8) The Board shall be responsible for the discipline and management of the officers and staff.

18. Authorised officers.

(1) The Board may, from time to time appoint authorised officers for the purposes of carrying out information technology surveys under this Act.

(2) The terms of service of an authorised officer shall be determined by the Board and an authorised officer shall carry out such services in relation to information technology, as the Board may determine.

PART V—INFORMATION TECHNOLOGY SURVEYS AND
POWERS OF THE AUTHORITY

19. Information technology surveys.

(1) The Minister may, on the recommendation of the Board, direct, by statutory order that an information technology survey be taken by the Authority in both public and private sectors.

(2) An order made under subsection (1) shall specify—

- (a) the sector in respect of which the survey is to be carried out;
- (b) the purpose of the survey;
- (c) the date on which the survey is to be undertaken; and
- (d) the information to be obtained in the survey.

(3) In carrying out a survey under this section, the Authority—

- (a) shall have power to collect information and data regarding information technology for the sector specified in the order;
- (b) may use summons and search warrants to facilitate the enforcement of paragraph (a).

20. Authority to obtain particulars.

(1) Where data or information on information technology is being collected in accordance with section 19, the Executive Director, an officer of the Authority or an authorised officer, may require any person to supply him or her with any particulars as may be prescribed, or any particulars as the Executive Director may consider necessary or desirable in relation to the collection of the information.

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(2) A person who is required to give information under subsection (1), shall, to the best of his or her knowledge and belief provide all the necessary information, in the manner and within the time specified by the Executive Director.

21. Power of entry and inspection.

(1) The staff of the Authority or an authorised officer may at all reasonable times enter and inspect any building or place and make such inquiries as may be necessary for the collection of information and data for a survey being carried out under section 19.

(2) Notwithstanding subsection (1), the staff of the Authority or an authorised officer is not entitled to enter a dwelling house except for the purposes of collecting information relating to information technology matters and for the exercise of functions under this Act.

22. Confidentiality.

(1) Except for the purpose of a prosecution, public interest, court order or state of emergency—

- (a) an individual return or part of the return made for the purpose of this Act;
- (b) an answer given to any question put for the purposes of this Act;
- (c) a report, abstract or document, containing particulars contained in any return or answer which is arranged as to render possible identification of those particulars with any person, business or undertaking; and
- (d) data set or part of data stored in a computer or any other electronic media,

shall not be published, admitted in evidence, or shown to any person who is not employed in the execution of a duty under this Act except with the written consent of the person who made the return or gave the answer, or, in the case of a business or undertaking, from the person having the control, management or superintendence of the business or undertaking.

(2) Subsection (1) does not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerised data set for general access.

(3) Nothing in this section shall prevent or restrict the publication of any report, abstract or document without the consent referred to in subsection (1) where the particulars contained in the report, abstract or document render identification possible merely by reason of the fact that they relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs of production of, or the capital employed or profits arising in the undertaking or business.

(4) Notwithstanding the restrictions under subsection (1), the Authority may release unit records on computer media, with identifiers removed, where the Authority—

- (a) is satisfied that the unit records are to be used for genuine research purposes;
- (b) obtains from the recipient of the records a written undertaking that the records will not be released to any other person without the written consent of the Authority;
- (c) obtains from the recipient a written undertaking to make available a copy of the research findings to the Authority;
- (d) is satisfied that the unit records cannot be identified as relating to any particular person or business enterprise.

23. Dissemination of information and data on information technology.

The Authority may release for general dissemination any information or data collected from a survey, after appropriate processing and ascertaining its quality for accuracy, and after ensuring confidentiality with respect to any individual who provided information.

27. Accounts.

(1) The Authority shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any direction given by the Minister, the Board shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Authority during that financial year.

(3) The statement of accounts shall comprise—

- (a) a balance sheet and a statement of income and expenditure of the Authority in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Authority as the Minister may in writing require.

28. Audits.

(1) The accounts of the Authority shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The Board shall ensure that within four months after the close of each financial year, the statement of account described in section 26 is submitted for auditing under this section.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of account, vouchers and other financial records of the Authority and is entitled to have any information and explanations required by him or her in relation to them, as he thinks fit.

(4) The Auditor General shall within two months after receipt of the statement of account under subsection (2), audit the accounts and deliver to the Board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Board shall as soon as possible upon receiving it, deliver to the Minister a copy of the audited accounts together with the report of the auditor submitted under subsection (4).

29. Borrowing powers.

(1) The Authority may, with the prior approval of the Minister, obtain loans and other credit facilities required for meeting its obligations and for carrying out its objects and functions under this Act.

(2) Subject to Article 159 of the Constitution, a loan or credit facility obtained by the Authority under this section may, with the prior approval of the Minister, be guaranteed by the Government and when so guaranteed, the principal sum and interest of the loan shall be charged on the Consolidated Fund.

30. Financial year of the Authority.

The financial year of the Authority shall be the same as the financial year of Government.

31. Compliance with Public Finance and Accountability Act, 2003.

The Authority shall at all times comply with the Public Finance and Accountability Act, 2003.

PART VII—MISCELLANEOUS

32. Relationship with other organisations.

(1) The Authority shall in performing its functions, consult and cooperate with organisations with functions related to, or having aims or objectives related to those of the Authority.

(2) The Authority may, on such terms and conditions considered necessary, delegate any of its functions under this Act to any organisation.

(3) It shall be the duty of any organisation to which subsection (1) relates to cooperate with the Authority in the carrying out of its functions under this Act.

33. Seal.

(1) The application of the seal of the Authority on any document shall be authenticated by the signatures of the Chairperson and the Executive Director, and in the absence of the Chairperson, by any one member of the Board, as shall be decided by the Board, and the Executive Director.

(2) Every document purporting to be an instrument issued by the Authority, sealed with the seal of the Authority and authenticated in accordance with subsection (1), shall be taken to be an instrument of the Authority and shall be received in evidence without further proof.

34. Minister's powers to give directions.

(1) The Minister may, after consultation with the Executive Director and the Board, give to the Authority directions of a general nature in writing, relating to policy matters in the exercise of the functions of the Authority; and the Authority shall comply with any direction given by the Minister.

(2) The particulars of any directions given by the Minister under subsection (1) shall be included in the annual report of the Authority, together with the extent to which the directions were complied with.

35. Protection from liability.

(1) A member of the Board shall not be personally liable in respect of any act or omission done in good faith in the performance of his or her functions under this Act.

(2) An employee or other person acting on behalf of the Authority shall not be personally liable in respect of any act or omission done in good faith in the performance of his or her functions under this Act.

36. Annual report.

The Board shall cause to be prepared and shall submit to the Minister within three months after the end of each financial year, an annual report on the activities and operations of the Authority for that financial year.

37. Minister to report to Parliament.

The Minister shall in each financial year, submit to Parliament as soon as possible after receiving them, the Auditor General's report and the annual report of the Authority.

38. Offences.

(1) A person who is employed in the execution of any duty under this Act who—

- (a) by virtue of the employment or duty comes into possession of information which may influence or affect the market value of any share or other security, interest or article and who before the information is made public, directly or indirectly uses it for personal gain;
- (b) without lawful authority, publishes or communicates to any person other than in the ordinary course of his or her employment any information acquired by him or her in the course of the employment or duty; or
- (c) knowingly compiles for issue, any data or information relating to information technology which he or she becomes possessed of by virtue of his or her employment,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction, to a fine not exceeding six hundred currency points or imprisonment not exceeding five years, or both.

(3) A person in possession of any information which to his or her knowledge is disclosed in contravention of this Act, who publishes or communicates that information to any other person, commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

(4) A person commits an offence who—

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- (a) hinders or obstructs the Executive Director, an officer of the Authority or an authorised officer, in the lawful performance of any duties or in lawful exercise of any power imposed or conferred on him or her under this Act;
- (b) refuses or neglects—
 - (i) to complete and supply, within the time specified for the purpose, the particulars required by the Authority in any return, form or other document;
 - (ii) to answer any question or inquiries put to or made of him or her, under this Act; or
- (c) knowingly or negligently makes in a return, form or other document completed by him or her under this Act or in any answer to any question or enquiry put to or made of him or her under this Act, a statement which is untrue in any material particular.

(5) A person who commits an offence under subsection (4) is liable, on conviction, to a fine not exceeding twelve currency points or imprisonment not exceeding six months, or both.

39. Regulations.

(1) The Minister may, in consultation with the Board, by statutory instrument, make regulations generally for giving effect to the provisions of this Act.

(2) Regulations made under this section may prescribe in connection with the contravention of the regulations—

- (a) a penalty of a fine not exceeding forty eight currency points or imprisonment not exceeding two years imprisonment or both;
- (b) in the case of a second or subsequent offence, a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both;

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- (c) in the case of a continuing offence an additional fine not exceeding ten currency points for each day on which the offence continues;
- (d) a requirement that the court convicting the accused may order the forfeiture of anything used in connection with the commission of the offence.

40. Amendment of Schedules.

(1) The Minister may, with the approval of Cabinet, by statutory instrument, amend Schedule 1 to this Act.

(2) The Minister may, on the advice of the Board, by statutory instrument, amend Schedule 2 to this Act.

(3) The Minister may, on the advice of the Board, by statutory instrument, amend Schedule 3 to this Act.

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SCHEDULES

SCHEDULE 1

Sections 2 and 40

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

MEETINGS OF THE BOARD AND RELATED MATTERS

1. Meetings of the Board.

(1) The Board shall meet at least every two months at such places and at such times as may be decided upon by the Board.

(2) The Chairperson shall preside at every meeting of the Board and in his or her absence, the Executive Director shall call the meetings and the members present shall elect from among their number, an acting chairperson.

2. Quorum.

The quorum for a meeting of the Board shall be four members; but where a member declares an interest in an agenda item or in the matter before the Board, the member shall not be counted for purposes of forming a quorum in relation to the item or matter in question.

3. Decisions of the Board.

(1) Decisions at a meeting of the Board shall be by a majority of the votes of the members present and where there is an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(2) A decision may be made by the Board without a meeting, by the circulation of information electronically or using hard copies, among members of the Board and by the expression of the views of the majority of the members in writing, but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board.

(3) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or any defect in the appointment of a member.

(4) The decision reached by the Board thereafter shall be binding on all members.

4. Disclosure of interest.

(1) A member of the Board who has a direct or indirect personal interest in a matter being considered or which is about to be considered by the Board shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Board.

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(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member who makes the disclosure shall not, unless the Board otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Board;
- (b) take part in the decisions of the Board.

(3) For the purpose of making a decision by the Board under subparagraph (2), in relation to a member who makes a disclosure under subparagraph (1), the member who makes the disclosure shall not—

- (a) be present during the deliberations of the Board for making the determination;
- (b) influence any other member or participate in the making by the Board of the determination.

(4) Where there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberations on a matter in which he or she disclosed a personal interest, the other members present may—

- (a) postpone the consideration of that matter until a quorum, without that member is realised; or
- (b) proceed to consider and decide the matter as if there is a quorum.

5. Minutes of proceedings.

(1) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting and signed by the Chairperson of that meeting.

(2) The Chairperson shall submit to the Minister a copy of the minutes of each meeting of the Board as soon as the minutes are confirmed.

6. Residual power of Board to regulate its proceedings.

Subject to this Schedule, the Board shall regulate its proceedings.

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SCHEDULE 3

Sections 16 (7), 17 and 40

OATH OF OFFICE AND SECRECY

I swear that I will faithfully and honestly
fulfill my duties as in conformity with
the requirements of the National Information Technology Authority,
Uganda Act, and that I will not directly or indirectly communicate or reveal
any matter to any person which shall be brought under my consideration or
shall come to my knowledge in the discharge of my official duties except as
may be required for the discharge of my official duties or as may be
authorised by law. (So help me God.)

Cross References.

Public Finance and Accountability Act, 2003, Act No, 6 of 2003.
Public Procurement and Disposal of Public Assets Act, 2003, Act No. 1
of 2003



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

Handwritten signature

.....
for Clerk to Parliament

Date of authentication: *25/6/09*