



**AN ACT TO ESTABLISH THE ZANZIBAR INFORMATION COMMUNICATION
TECHNOLOGY INFRASTRUCTURE AGENCY AND TO MAKE PROVISIONS
FOR PROVIDING ICT INFRASTRUCTURE SERVICES AND
OTHER MATTERS CONNECTED THEREWITH**

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ACT NO. 15 OF 2020

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

3rd July....., 2020

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ENACTED by the House of the Representatives of Zanzibar

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and commen-
cement.

1. This Act may be cited as the Zanzibar Information Communication Technology Infrastructure Agency Act, 2020 and shall come into operation on such date the Minister may, by notice published in the Gazette, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires:

“Agency” means the Zanzibar Information Communication Technology Infrastructure Agency established under section 3 of this Act;

“Board” means the Advisory Board of the Agency established under section 7 of this Act;



“Capacity” means the bandwidth of consumed information expressed in multiples of bits per second and is categorised as data bandwidth, digital bandwidth or network bandwidth;

“Data centre” means a facility composed of networked computers, servers, storage and associated components such as telecommunications systems, redundant power supply, environment, organisations and business to store, process and distribute big amounts of data;

“Domain name” means a unique alpha-numeric designation used to access computer on the internet and all domain names located by relevant authorities;

“Executive Director” means the Executive Director of the Agency appointed under section 25 of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“ICT infrastructure” means fibre optic Backbone, Data Centre, Base Transceiver Station and such other telecommunications infrastructure as determined by the Minister;

“Last mile” means the terminal portion of the telecommunications network chain that physically reaches the end-user's premises.

“Minister” means a minister responsible for communication in Zanzibar;

“National Data Centre” means a Data Centre facility owned by the Government;

“Open access” means a portion of ICT infrastructure used to connect end users or device for the purpose of delivering ICT service, and the access can be in the form of a wire or bandwidth;

PART TWO

ESTABLISHMENT, OBJECTIVES AND FUNCTIONS OF THE AGENCY

Establishment
of the
Agency.

3.-(1) There is established an Agency to be known as the Zanzibar Information Communication Technology Infrastructure Agency and in its acronym shall be “ZICTIA”.

(2) The Agency shall, subject to the approval of the Minister, by its name, be capable to:



- (a) acquire, hold, purchase or dispose any movable and immovable property;
- (b) enter into any contract or transaction subject to the laws; and
- (c) perform or do any act or thing which an Agency of its nature may, by law, perform.

Objectives
of the
Agency.

4. The objectives of the Agency shall be to:

- (a) provide affordable, sustainable, secured and convergent ICT infrastructure services delivery to the public;
- (b) improve and maintain deployment of ICT infrastructures and services;
- (c) enhance and improve the contribution of ICT infrastructure to economic development in Zanzibar; and
- (d) conduct social and environmental impact assessment for protections and solutions to possible hazards to the ICT infrastructure to the public.

Seal of the
Agency.

5.-(1) There shall be a seal of the Agency in a shape and size as may be determined by the Board.

(2) Any document purported to be an instrument issued by the Agency, shall be sealed with seal of the Agency and authenticated by signature of Executive Director or any other officer of the Agency authorised by him.

Functions of
the Agency.

6.-(1) The functions of the Agency shall be to:

- (a) manage and maintain information communication technology infrastructure and services;
- (b) manage and maintain Zanzibar Data Centre;
- (c) manage and maintain Zanzibar Domain name;
- (d) manage and maintain Domain name in Zanzibar;
- (e) enhance safety, security, economic and commercial viability of information communication technology infrastructure;
- (f) provide guidance for ICT infrastructure in Zanzibar;



- (g) plan and develop ICT infrastructure in Zanzibar;
- (h) provide open access of ICT infrastructure to all mobile operators and ICT service providers in Zanzibar;
- (i) provide connectivity through ICT infrastructure for all Government institutions in Zanzibar;
- (j) provide ICT infrastructure services;
- (k) conduct civic education to promote awareness and sensitise the public through dissemination of information, education and communication on the sense of ICT infrastructure; and
- (l) perform such other functions incidental to, or necessary for giving effect to the provisions of this Act.

(2) In the performance of its functions, the Agency shall observe generally accepted information communication technology infrastructure security practices, procedure, specific industry or professional rules and regulations.

PART THREE ADMINISTRATION OF THE AGENCY

Advisory
Board.

7.-(1) There is hereby established an Advisory Board of the Agency which shall be composed of:

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Director;
- (c) senior State Attorney from the Attorney General's Chambers;
- (d) one senior officer from the ministry responsible for finance;
- (e) one member from the ministry responsible for e-Government; and
- (f) two members to be appointed by the Minister, from the persons who are knowledgeable in the field of telecommunication, business management, law or other related fields.

(2) In appointing two members under subsection (1)(f) of this section, the Minister shall make consultation with respective institutions, and shall consider gender and professionalism.



(3) A member so appointed to represent an institution shall cease to be a member of the Board once his affiliation with such institution ceases.

Functions of
the Board.

8.-(1) Functions of the Board shall be to:

- (a) advise the Minister on the management of ICT infrastructure and services;
- (b) propose on formulation and review of policy of the Agency having regard to its objectives set out in this Act;
- (c) advice on the formulation and implementation of strategic plan for the Agency and endorsement of annual budget;
- (d) draw up procedures of the Agency on the organizational structure and working procedures as per the Public Service Act;
- (e) recommend on the establishment of departments, divisions or units of the Agency, as the case may be, to the management as provided under this Act;
- (f) advice on policies, sound business and operating plans of ICT infrastructure and services to the Minister;
- (g) discuss the estimation of budgets, reports and audited financial statements of the Agency from the Management, before submitted to the Minister;
- (h) deliberate the disciplinary complaints of the staff and propose reasonable action to be taken by the Minister;
- (i) advice on the proposed goals, targets and performance measures of the Agency to the management;
- (j) propose fees for services rendered by the Agency; and
- (k) perform any other function conferred by this Act which shall be necessary for achieving the objectives of the Agency.

(2) Without prejudice to the functions set out under subsection (1) of this section, the Board and the Agency shall be responsible to the Minister, and shall follow up the implementations of the functions of the Agency, and make recommendations, as the case may be, to the Minister.



Tenure of the Board.	9.-(1) The Chairperson of the Board shall hold office for a term of four years and may be eligible for re-appointment. (2) Save for ex-officio members, other members of the Board shall hold office for a term of three years but may be re-appointed.
Meetings of the Board.	10.-(1) The Board shall meet ordinarily once in every three months and may meet at any time when the need arises for the discharge of its business. (2) All meetings of the Board shall be presided by the Chairperson, or in his absence by the Vice-Chairperson, and in the absence of both Chairperson and Vice-Chairperson, the members present shall elect one among them to preside the meeting.
Vice-Chairperson.	11. The Board members shall elect one among them to be a Vice-Chairperson of the Board.
Secretary to the Board.	12.-(1) There shall be a Secretary to the Board to be appointed by the Board who shall be responsible for administrative matters of the Board. (2) A person shall be eligible to be appointed as a Secretary to the Board if he possesses at least a first degree of law and is a staff of the Agency.
Functions of the Secretary to the Board.	13. The Secretary to the Board shall be accountable to the Board, and shall specifically be responsible to ensure that: (a) the accurate minutes of meetings of the Board are properly taken; (b) the correct and sufficient records of the Board are properly maintained; (c) proper notifications of the meetings of the Board are given to the members timely; (d) the accurate advices are provided to the Board when so needed; and (e) any other matter as the Board may direct.
Convening of meetings.	14. The meetings of the Board shall be convened by the Chairperson after consultation with the Executive Director, by notice furnished to the members before the meeting.



Quorum of the meeting.

15. More than half of the total number of members shall constitute a quorum at every meeting of the Board.

Decision of the Board.

16.-(1) The Board shall make its decision by consensus, and in the event of disagreement, the decision shall be reached by voting and in case of an equality in the votes, the Chairperson or the Vice-Chairperson or a member presiding the meeting shall have a casting vote.

(2) Notwithstanding the provisions of subsection (1) of this section, decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing, provided that any member may require that any such decision be deferred for discussion at a full meeting of the Board.

(3) A circular resolution in writing signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision made at a meeting, provided that a member signature, the matter be brought at the following Board meeting.

Co-opting of a person.

17. The Board may co-opt any person who is not a member to attend any deliberations of the meeting of the Board as an expert but such person so co-opted shall not have the right to vote.

Minutes of the meetings of the Board.

18. The minutes of all proceedings of each meeting of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson of the meeting and Secretary of the Board.

Procedures of the meetings.

19. Subject to the provisions of this Act, the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Board.

Committees of the Board.

20.-(1) The Board may, for the purpose of facilitating the performance of its functions, establish such number of committees to perform specific functions as the Board may determine.

(2) The proceedings, terms and other matters relating to such committees so established, shall be as determined by the Board.

Resignation of the member.

21. The Chairperson or any member of the Board may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, such resignation shall be effective from the date of receipt of the notice by the appointing authority.



Vacancy of
a Member.

22.-(1) The office of a member of the Board shall become vacant:

- (a) upon his death;
- (b) if he, without sufficient cause, fails to attend three consecutive meetings of the Board;
- (c) if he resigns or becomes in any manner disqualified from membership of the Board; or
- (d) if he becomes incapacitated by reasons of physical or mental health to perform his duties.

(2) Where a person ceases to be a Chairperson or a member of the Board, as the case may be, for any reason before the expiration of his term of office, the appointing authority shall appoint another person in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.

(3) Where any member becomes absent for three consecutive meetings of the Board without reasonable excuse, the Chairperson of the Board shall report to the Minister on the fact, and the Minister shall terminate the appointment of the member and appoint another member in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.

Defect in the
appointment
of a
member.

23. Subject to the provisions of this Act, act or proceedings of the Board shall not be invalidated by reason only of some defect in the appointment of a person who purports to be a member thereof.

Allowances
of Members.

24. The Chairperson and other members of the Board shall be entitled to be paid such allowances in accordance with the provisions of the Public Service Act.

Executive
Director.

25.-(1) There shall be an Executive Director who shall be appointed by the President.

(2) A person shall qualify to be appointed as the Executive Director if:

- (a) he is a Zanzibari;
- (b) holds at least a first degree in information communication technology or computer science or equivalent thereto from any recognised university;



- (c) has a working experience of at least seven years in the fields specified under subsection (2)(b) of this section; and
- (d) has high level of integrity.

Functions
of the
Executive
Director.

26.-(1) The Executive Director shall be the Chief Executive Officer of the Agency and responsible for day to day management of activities and co-ordination of functions of the Agency.

(2) Without prejudice to the generality of functions of the Agency under section 6 of this Act, the Executive Director shall be responsible for:

- (a) implementing policies and programs of the Agency relating to ICT infrastructure and services;
- (b) supervising and managing the funds and properties of the Agency;
- (c) supervising and controlling the staff of the Agency;
- (d) managing and developing ICT infrastructure and services; and
- (e) carrying on behalf of the Agency, business or activities whatsoever and do anything of any nature which can be advantageous for the Agency.

Powers
of the
Executive
Director.

27. In implementing the functions specified under this Act, the Executive Director shall have powers to:

- (a) establish guidelines for ICT infrastructure; and
- (b) establish a mechanism for collaboration and promotion of cooperation between various categories of players in ICT infrastructure.

Delegation
of certain
functions.

28. Without prejudice to any provision of this Act, the Executive Director may delegate in writing some of his functions or powers to any staff of the Agency.

Departments,
divisions and
units of the
Agency.

29.-(1) There are established departments, divisions and units for proper implementation of the functions of the Agency in accordance with the Public Service Act.

(2) Subject to the provisions of this Act, the Minister shall, in consultation with the Board, appoint Directors on such designation and terms in accordance with the organizational structure approved under the provisions of the Public Service Act.



(3) Managers and Heads of Units shall be appointed by the Executive Director after consultation with the Board.

(4) In performing their functions, all heads of the departments, divisions and units shall be answerable to the Executive Director.

(5) The Board may, with the approval of the Minister, and subject to the Public Service Act, recommend to the Public Service Commission on terms of service, including incentive scheme, retention scheme and appropriate scheme of service for the Directors, Managers, Heads of Units and staff of the Agency.

Staff of the
Agency.

30.-(1) The Agency shall, subject to the approval of the Board, recommend the employment of the staff of the Agency upon such terms and conditions in accordance with the provisions of the Public Service Act and its Regulations.

(2) The staff of the Agency employed under subsection (1) of this section shall be under the control and supervision of the Executive Director.

PART FOUR

MANAGEMENT AND ACCESS TO ICT INFRASTRUCTURE

Procedures
for
management
of ICT
infrastructure.

31.The Board shall, in consultation with the Minister, establish the procedures for management of ICT infrastructure on:

- (a) operative principles;
- (b) sound business process;
- (c) maintenance guidelines;
- (d) laying up fiber-optic;
- (e) construct Base Transceiver Station; and
- (f) any other procedures as the Minister considers necessary for giving effect the objectives of this Act.

Accessibility.

32.-(1) The Agency may, on the basis of contractual obligations with mobile operators and ICT service providers, afford access for the provision of their services via the ICT infrastructure referred to under this Act.



(2) Notwithstanding the accessibility set out under subsection (1) of this section, the Agency shall, upon notification to the respective authority, have access to audit and maintain ICT infrastructures to any locality includes restricted areas.

PART FIVE FINANCIAL PROVISIONS

Funds of the
Agency.

33. The funds of the Agency shall consist of:

- (a) such sums as may be approved by the House of Representatives in the form of subvention or otherwise;
- (b) such lawful donations, grants and loans as the Agency may, from time to time, receive from any person or organization; and
- (c) such other funds that may vest or accrue, whether in the course of its operation or otherwise.

Budget.

34. The Agency shall, within three months before the beginning of the new financial year, prepare an annual budget and submit to the Minister for consideration and approval in accordance with the provisions of the Public Finance Management Act.

Accounts
and
Audit.

35.-(1) The Agency shall keep or cause to be kept the proper books of accounts of all revenue and expenditure of the Agency.

(2) The books of accounts and records of the expenditure shall be kept in accordance with the procedures made by the Public Finance Management Act and its Regulations.

(3) The books of accounts of the Agency shall be audited by the Controller and Auditor General or any person authorised by him.

(4) The audited accounts and the auditor's report on such account shall be submitted to the Board not later than three months after the end of the financial year to which they relate, for approval.

(5) The Board shall, upon receipt the audited accounts and report as provided under subsection (4) of this section, submit the same to the Minister.

(6) Without prejudice to the financial provisions set out in this Act, all financial transactions of the Agency shall be conducted in accordance with the Public Finance Management Act.



Annual
performance
report.

36.-(1) The Executive Director shall, within two months after the end of each financial year, prepare and submit to the Minister, an annual performance report in respect of that financial year, containing:

- (a) a copy of the audited accounts of the Agency, together with the auditor's report on those accounts;
- (b) report of the Agency of that financial year; and
- (c) such other information as the Minister may require.

(2) The Minister shall cause a copy of the annual performance report of the Agency, to be laid before the House of Representatives, within two months or at the next meeting of the House of Representatives, after he has received the report under subsection (1) of this section.

PART SIX MISCELLANEOUS PROVISIONS

Capacity
fees.

37.-(1) Capacity through ICT infrastructure shall be provided on payment of fees as prescribed under the Regulations.

(2) Save for operation and maintenance fees, other fees received by the Agency in exercising its services as provided under this Act shall be submitted to the Government Treasury.

Prohibition
of private
construction
of ICT
infrastructure.

38. It is prohibited for any person, mobile network operator, internet service provider or cable operator to construct his own ICT infrastructure.

Last mile
connectivity.

39. Any person, mobile network operator, internet service provider or cable operator shall make use of the Government ICT infrastructure through last mile connectivity.

Offences
and
penalties.

40.-(1) Any person who unlawfully destroys, intercepts, cuts or does any act which amount to damage the ICT infrastructure, commits an offence and shall, upon conviction, be liable to a fine of not less than Five Million Tanzanian Shillings or to imprisonment for a term of not less than five years but not more than ten years or both.

(2) A person who unlawfully:

- (a) hinders, obstructs or disobeys any person while performing a function or doing anything required to be done under this Act;



(b) damages, endangers, disrupts or threaten the safety or security at ICT infrastructure or part thereof;

(c) enters in or on to, or gains access to ICT infrastructure,

commits an offence and shall, upon conviction, be liable to a fine of not exceeding Five Million Tanzanian Shillings or to imprisonment for a term of not less than one year and not more than three years or both.

(3) Any person who abuses the telecommunications infrastructure provided under this Act, for the purpose of damaging, misleading, provoking, defaming, deceiving or insulting, commits an offence and shall, upon conviction, be liable to pay a fine of not less than Fifty Million Tanzanian Shillings but not exceeding One Hundred Million Tanzanian Shillings or imprisonment for a term of not less than ten years but not exceeding twenty years or both.

(4) Where a person contravenes any provision of this Act or Regulations made under this Act, and where such contravention does not fall under subsection (1) (2) or (3) of this section, that person commits an offence and shall, upon conviction, be liable to a fine of not exceeding Five Million Tanzanian Shillings or to imprisonment for a term of not less than two years but not more than five years or both.

Regulations.

41. The Minister may make such Regulations as may be necessary for the better and more effectually carrying out of the provisions of this Act.

Repealing
and Saving.

42.-(1) Legal Notice No. 119 of 2018 is hereby repealed.

(2) Any act or thing done under the repealed Legal Notice referred to under subsection (1) of this section prior to the commencement of this Act, shall be deemed to have been done under the provisions of this Act.

PASSED by the House of Representatives of Zanzibar on 19th June, 2020.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.