

Legal obligation to collect and submit administrative data

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Overview

- Why to establish legal obligations?
- Options for legal obligations
- Examples

Why to establish legal binding obligations?

- To **monitor** the development of the sector
- To **direct** the sector (service commitments)
- To **react** in the case of wrong developments (critical infrastructure)
- To **compare** the national performance within the region/globally
- To **allow** other countries to learn from you and to learn yourself from best practices

Legal instruments

- By **law** (communication act): enables regulation authority or national statistic office or ministry to require reports
 - In the **founding act** of the regulation authority or the statistic office
 - In the **license**
 - And/or in all three texts
- !Limitation of reporting!

Country Examples

- Egypt
- Thailand
- Malaysia
- Uganda
- ECOWAS (East Africa)

Egypt

Telecommunication Regulation law (2003): Article 19 – Authority of the TRA to request information

“All entities and companies working in the telecommunication field shall provide the NTRA with whatever requested of reports, statistics or information related to its activities except for matters related to National Security.”

Thailand

National ICT Master Plan (2002-2006): A framework for identifying the ICT indicators to be continuously measured and monitored. **The National Statistical Office (NSO)** has been assigned to be the focal point responsible for collecting, developing, and disseminating the ICT indicators.

Malaysia

Law of Malaysia, Act 588: Communications and Multimedia Act (1998): Part 4, Chapter 3:

- Inquiry by the Commission (...)
- Conduct of an inquiry (...)
- Inquiry shall be public
- Exceptions
- Confidential material not to be disclosed
- Directions about an inquiry
- Report on an inquiry (...)
- Register of reports

Uganda (1)

Uganda Telecommunications Act (1997):

55. (I) Subject to the provisions of subsection (2), an inspector may:

- (a) **enter and inspect** at any reasonable time any place owned by or under the control of an operator in which the inspector believes on reasonable grounds to be any document, information, or apparatus relevant to the enforcement of this Act and examine the document, information or apparatus or remove it from examination or reproduction as the case may be;
- (b) enter any place on which the inspector has reason to believe that there is any radio apparatus or interference causing apparatus and examine **any radio apparatus, logs, books, reports, data, records, documents or other papers and remove the information, document, apparatus, or equipment** for examination or reproduction as the case may be;

Uganda (2)

(c) Make reasonable use of **any copying equipment** or means of communication located at the place.

(2) The inspector shall sign for any information, document, article, apparatus or equipment removed by him or her under subsection (1) and shall **leave a copy of the same with the operator.**

ECOWAS (1)

“Member States shall ensure that organizations providing telecommunication networks and services provide all the information, including financial information, necessary for national regulatory authorities to ensure conformity with the provision of, or decision made in accordance with the Supplementary Act or the specific Supplementary Act.

ECOWAS (2)

Organizations shall provide such information promptly on request, respecting the deadlines and providing the level of detail required by the national regulatory authority. The Information requested by the national regulatory authority shall give the reason justifying the request for information. The principle of business secrecy is not applicable to national regulatory authorities. Nevertheless, such entities must respect the confidentiality of all information received.



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