

HIPSSA Project

Support for Harmonization of the ICT Policies
in Sub-Sahara Africa

Overview of the Electronic Transactions and Electronic Communications Bill

Presentation Two: 15th of July 2013



Consumer protection

Online Marketing

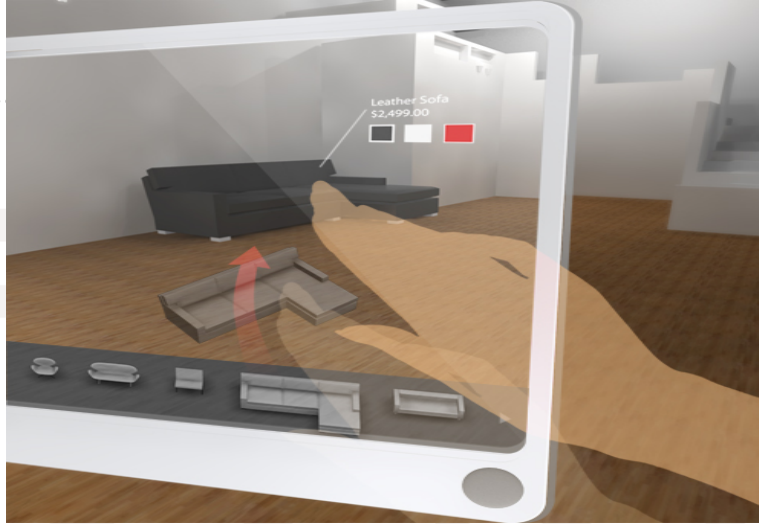
E-Government Services

Cryptography Providers

ISPs

General

PARTS V-X



- Consumer = **person** who intends entering into electronic transaction supplier end user of goods or services

Information made available

- S 26 11 pieces of info, e.g
 - Full contact details place of the business; e-mail address and telefax number;
 - Full information re goods or services, quality and characteristics – informed decision;
 - The full price, additional costs such as transport and taxes;
 - Payment systems **Mobile guidelines**;
 - Terms of agreement & manner access & full record

[Us](#) | [Contact Us](#) | [Price List](#) | [Terms and conditions](#)

S 26 & 28 Consumer rights

- review the entire electronic transaction
- withdraw from the transaction, before finally placing any order
- Cancellation right- A consumer has a right to cancel without reason and without penalty any transaction and any related credit agreement for the supply
- The only charge that may be levied on the consumer is the direct cost of returning the goods.
- COOLING OFF exclusions

Part VI

Online Marketing

- S 31 Marketing – contact details; opt-out & where obtained
- Give info
- No contract –
- Offense

OPT-IN

- a) The e-mail & personal information was collected “in the course of a sale or negotiations for a sale”;
- b) the originator only sends promotional messages relating to its “similar products and services” to the addressee
- c) the opportunity to opt out is provided by the originator to the addressee with every subsequent message
- d) Offenses

PART VII

E-GOVERNMENT SERVICES

- *Recognizes and promotes e-government services-functional equivalence s 32-34*
- Acceptance of e-filing, issuing of documents provides for a manner of payment
- Requirements may be specified
- E-procurement and use of ICT services

Part VIII Register of cryptographic products and services

- Register
 - Information – identify; not trade secrets iro product/service (s 37)
- Compulsory – (s 36)
 - Zimbabwe:
 - premises; person makes use; uses for purpose of business
- S 44 Register confidential – exceptions
 - Offences; official request;

PART IX

LIMITATION OF LIABILITY

- Provide for **CODE OF CONDUCT** of ISPs
- Protect ISPs from indirect liability

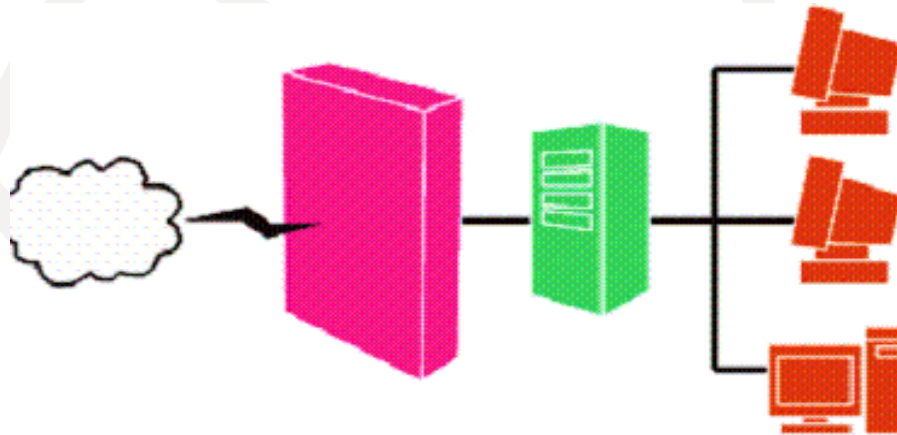
S 40 Mere Conduit

- Mere conduit - Access to for for operating facilities for transmission, routing or storage of e-communications if:
 - Does not initiate
 - Or select recipient;
 - automatic, technical;
 - no modification



S 41 Caching: automatic intermediate storage of data

- Does not modify; conditions of access; rules updating; rights management information; removes or disables access



S 43 Information location tools



No knowledge; no facts or circumstances;
No financial benefits;
Removes access to link after info

Source: <http://webchannel.ae/>

PART X

- S 47 Offense corporate body - liability
- S 48 Savings of common law
- S 49 Powers of the Minister
- S50 Regulations
- S 51 Limitation of Liability

THANK YOU...

Tana Pistorius
ITU INTERNATIONAL EXPERT
pistot@unisa.ac.za
Research Professor: UNISA

Union Internationale des Télécommunications
International Telecommunication Union

