
HIPSSA Project

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

TRANSPOSITION OF SADC CYBERSECURITY MODEL LAWS INTO
NATIONAL LAWS FOR THE REPUBLIC OF RWANDA 2013

Capacity Building on Electronic Transactions and Communications Bill

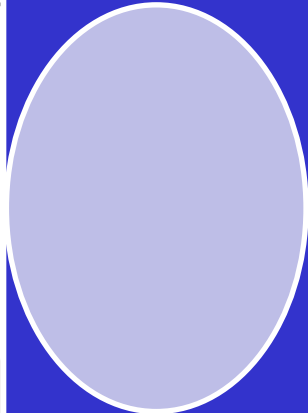
11-12 July 2013



GUIDING PRINCIPLES

- FUNCTIONAL EQUIVALENCE
 - Transposition of paper-based to electronic
- Media neutrality
 - Provisions not tied to a technology
- INTERNATIONAL Best practices

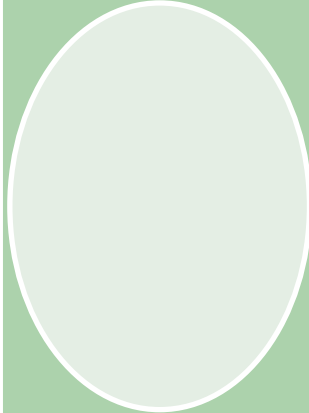




UNCITRAL
MODEL
LAWS
2005
UNCITRAL
Convention



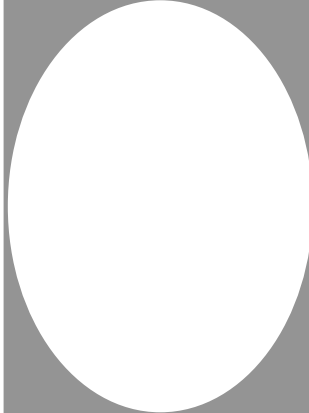
OECD
Guidelines
HIPCAR
SADC Model
LawS



Draft AU
Cyber
security
Convention



COMESA ML
2008 Draft
EAC Legal
Framework
for Cyber
laws (EAC)



**Legislation
of SADC
members**
UETA
ETA
UECA



MAIN POLICY OBJECTIVES

- **I. Trusted business environment**
 - Legal certainty
 - Protection of individuals
- **II. Clarify marketplace rules**
 - E-records; authentication



■ III Promote public confidence

- Integrity and reliability of electronic records and electronic commerce
- Fosters the development of electronic signatures to lend authenticity and integrity to correspondence in any electronic medium
- CROSS-BORDER RECOGNITION



IV STIMULATE THE GROWTH OF E-COMMERCE THROUGH THE ADOPTION OF A LEAD POSITION ON ELECTRONIC GOVERNMENT SERVICE



PROPOSED AMENDMENTS

- **Definition of data message –**
Data message – information generated; sent; received or stored by electronic magnetic or optical means and includes
 - EDI; e-mail; mobile video and audio recordings expanded – future technologies;



- Term “electronic record” – stored data message; electronic record substituted for data message
- Additional definitions
 - Direct costs;
 - place of business;
 - secure electronic signature



A 173. Scope of application

- Party autonomy retained – no person forced to e-transact;
- Agreement to make use of data messages may be inferred
- Laws interpreted to apply to; accommodate e-transactions
 - Horizontal application to Rwanda's laws



Peter Steiner The New Yorker 5 July 1993



"On the Internet, nobody knows you're a dog."

Art 182

Attribution:
rules

simplified;

UNCITRAL ML
not followed



- **Article 185: Admissibility and evidential weight – requirements for extract from business records**
- **Art 204 Obligations of supplier**
 - Info simplified – mobile commerce;
 - exclusions moved to cooling-off
- **Art. 206 –online marketing**
 - opt-in;
 - deeming provision;
 - inaction – no agreement



Art 231 Limitation of liability: Access – re-written mere conduit requirements

- Access to for for operating facilities for operating facilities for transmission, routing or storage of e-communications if:

- Does not initiate
- Or select recipient;
- automatic, technical;



➤ no modification

- Editorial changes – liability
- Requirement for Limitation of Liability: Member of Recognised Body; Code of Conduct for ISPs
- Regulation of Cryptography services and products
-



THANK YOU...

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Union Internationale des Télécommunications
International Telecommunication Union

