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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 18th September, 2019 and is Gazeted for the public notice incorporating together with their objects and reasons.

ZANZIBAR (Dr. ABDULHAMID Y. MZEE)
28th August, 2019

Secretary to the Revolutionary Council and Chief Secretary
A BILL

for

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
THE ZANZIBAR e-GOVERNMENT AGENCY
AND RELATED MATTERS THERETO

ENACTED by the House of Representatives of Zanzibar.

PART ONE
PRELIMINARY PROVISIONS

1. This Act may be cited as the Zanzibar e-Government Agency Act, of 2019 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2. This Act shall apply to all public institutions and public servants in matters related to application of electronic services rendered by the Government.

3. In this Act unless the context otherwise requires:

“Agency” means the Zanzibar e-Government Agency established under section 4 of this Act;

“Board” means the Advisory Board of the Agency established under section 8(1) of this Act;

“Chairperson” means the Chairperson of the Board appointed under section 8(1) (a) of this Act and includes a person performing the functions of the Chairperson;

“e-Government” means the utilization of Information and Communication Technology in the government administration and public services delivery;

“Executive Director” means the Executive Director of the Agency appointed under section 20 (1) this Act;
“Government” means the Revolutionary Government of Zanzibar;

“Infrastructure” means the fundamental facilities and systems enabling government institutions, businesses and public at large to access e-Government services;

“ICT” means Information Communication Technology which includes diverse set of technological tools and resources used to create, process, store, communicate, disseminate and access information in the public services;

“Member” means member of the Board appointed under section 8 of this Act;

“Minister” means the Minister responsible for e-Government services;

“Open data” means data that is freely available to public to use and republish as they wish, without restrictions from copyright, patents or other control mechanisms, in accordance with the laws;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

PART TWO
ESTABLISHMENT OF THE AGENCY

4.-(1) There is hereby established an Agency to be known as the Zanzibar e-Government Agency.

(2) The Agency shall, subject to the approval of the Minister, have power to:

(a) acquire, hold, purchase or dispose any movable and immovable property;
(b) enter into any contract or transaction subject to the laws;

(c) borrow any such sum of money from any financial institution subject to the Public Finance Management Act; and

(d) perform or do any act or thing which an Agency of its nature may by law, entitle to perform or do.

(3) The Agency shall have its common seal, logo and acronym as determined by the Board.

5. The objectives of the Agency shall be:

(a) to coordinate automation of Government administration processes and the provision of Government services through the utilisation of ICT;

(b) to ensure that shared ICT systems are installed, secured and maintained in adherence to a common set of policies and standards leading to better information sharing, cost optimisation and streamlining of government operations;

(c) to ensure accessibility of the governments services countrywide in an affordable, effective and efficient manner through the appropriate use of ICT;

(d) to promote the use of ICT in the public services; and

(e) to be a centre of excellence in the development and promotion of policies, standards and other practices to improve ICT usage in Zanzibar public services.

6. The functions of the Agency shall be to:

(a) develop and administer the implementation of ICT policies, rules and guidelines in the public services;
(b) regulate development and application of ICT in the public services;

(c) give effect to policy directives and other decisions made by the Government in relations to ICT in the public services;

(d) establish frameworks to facilitate and co-ordinate accessibility of e-Government services;

(e) advise relevant authority and any public institution on the appropriate utilization of ICT in the administration and public services delivery;

(f) establish, manage and maintain shared and central e-Government systems and services;

(g) establish and maintain the open data system for public use;

(h) harmonize and coordinate e-Government interventions, developments and systems in the public service;

(i) establish and maintain registers of e-Government systems and services;

(j) establish and maintain records of ICT experts, recommend benefits, and coordinate their allocation in the public service;

(k) supervise e-Government projects performed by public institutions;

(l) establish monitoring and evaluation system for assessing performance of the e-Government;

(m) certify the compliance of information systems with the requirements for interoperability, safety and security;

(n) exercise powers under the convention and treaties adopted by the Government on matters related to e-Government;
(o) conduct research and development activities on matters pertaining to e-Government; and

(p) perform any other function that may be necessary for the better carrying out of its objectives under this Act.

7. The powers of the Agency shall be to:

(a) require a public institution to provide with such information as it may require in the performance of its functions related to mandate of the Agency;

(b) give directives to a public institution on the implementation of e-Government policies;

(c) approve the establishment and operationalisation of e-services and systems in the public services;

(d) inspect e-Government services in the public service institution; and

(e) approve sector strategies of electronic government development and monitor the implementation of e-Government plans.

PART III
MANAGEMENT OF THE AGENCY

8.- (1) There shall be Advisory Board of the Agency which shall be composed of the following members:

(a) Chairperson who shall be appointed by the President;

(b) Executive Director of the Agency;

(c) Director responsible for public service management;
(d) Director responsible for ICT infrastructure;

(e) Director responsible for Local Governments;

(f) one ICT expert from public higher learning institution in Zanzibar;

(g) one senior ICT expert in public service; and

(h) one expert from the Planning Commission.

(2) Save for the Chairperson and members by virtue of their positions, other members shall be appointed by the Minister, and such members shall have relevant knowledge and working experience of not less than ten years.

(3) A member so appointed by the Minister under paragraphs (f), (g) and (h) of the sub section (1) of this section, shall cease to be a member of the Board once qualifications of his appointment do not exist.

(4) In appointing members of the Board under paragraphs (f), (g) and (h) of the sub section (1) of this section, the Minister shall consider integrity, gender, skills and profession.

9. A person shall qualify for appointment as the Chairperson of the Board if that person holds at least first degree and experience in either ICT, law, economics, finance, management or public service.

10. The Board members shall elect one among the members to be a Vice Chairperson of the Board during the first meeting.

11.- (1) There shall be a Secretary to the Board to be appointed by the Board.

(2) A person shall be eligible to be appointed as a Secretary to the Board if that person possesses at least first degree of law and be a staff of the Agency.
12.- (1) The functions of the Board shall be to:

(a) advise on the oversight of the operation of the Agency;

(b) advise the Minister on the development of policies and strategic issues relating to e-Government;

(c) review and advise on business and operating plans, budgets, reports and audit financial statements of the Agency;

(d) advise on setting up of goals, targets and performance measures of the Agency;

(e) recommend the organizational structure of the Agency in accordance to the Public Services Act;

(f) advise on terms and conditions of service of employees of the Agency subject to the provisions of the Public Service Act;

(g) advise on disciplinary measures against staff of the Agency;

(h) recommend on the budget of the Agency; and

(i) perform any other function conferred by this Act or which may be necessary for achieving the purposes for which the Agency is established.

(2) In the performance of its functions, the Board shall submit quarterly report to the Minister.

13.- (1) The Chairperson of the Board shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment.

(2) Save for ex-official members, other members of the Board shall hold office for a term of three years but may be eligible for re-appointed.
14.- (1) The Board shall meet ordinarily once in every three months.

(2) The Board may meet extra ordinary at any time when the need arises for the discharge of its business.

(3) The notice in writing of meeting of the Board shall be issued by the Secretary at least seven days before the date of the meeting to be held.

(4) All meetings of the Board shall be convened by the Chairperson or in his absence by the Vice Chairperson.

(5) The quorum of the meeting shall be more than half of the total number of members of the Board.

(6) In the absence of both Chairperson and Vice Chairperson, the members present shall elect one from the members to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson for that meeting.

15.- (1) The Board shall make its decision by consensus and in the event of disagreement, the decision shall be made by voting and in case of any equality in votes, the Chairperson shall have a casting vote.

(2) The Board may invite any person who is not a member to attend any deliberations of the meeting of the Board, but such person so invited shall not have right to vote.

(3) Subject to other provisions of this Act, the Board shall regulate its own proceedings including the establishment of the committees of the Board.

16. The Board may, for the purpose of facilitating the performance of its functions, establish such number of Committees to perform its functions as the Board may determine.
17.- (1) 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, from the date of receipt of the notice by the appointing authority, such person shall cease to be a member.

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

(3) Where a member appointed by the Minister becomes absent from three consecutive meetings of the Board without reasonable excuse, the Chairperson of the Board shall report to the Minister of the fact and the Minister shall terminate the appointment of the member and appoint another member and the person so appointed shall hold office for the remaining terms of office of the predecessor.

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

(a) completes term of the office;

(b) without sufficient cause, fails to attend three consecutive meetings of the Board;

(c) resigns or becomes in any manner disqualified from membership of the Board;

(d) becomes incapacitated by reasons of physical or mental health to perform his duties; or

(e) dies.

(2) Subject to the provisions of this Act relating to quorum, the proceedings of the Board shall not be invalid by reason of vacancy or absence of any member of the Board.
19. The Chairperson and other members of the Board shall be entitled to be paid such allowances in accordance with the Public Service Act, Regulations and guidelines.

20.-(1) There shall be the Executive Director of the Agency appointed by the President.

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

(a) is a Zanzibari;

(b) holds at least first degree in Computer Science, Information Technology or any related fields from a recognized institution;

(c) has working experience of at least ten years in the fields under the paragraph (b) of this section; and

(d) has sound integrity.

21.-(1) The Executive Director shall be the Chief Executive Officer of the Agency and shall be responsible for the day-to-day operations, performance and management of the Agency.

(2) Without prejudice to the provisions of sub section (1) of this section, the Executive Director shall be responsible for:

(a) the implementation of the policies and programmes of the Agency;

(b) presenting the views of the Agency to the Government and to the general public;

(c) the proper management of the funds and properties of the Agency;

(d) proposing and implementing the strategic, business and operational plans of the Agency;
(e) ensuring the effective use of staff and other resources;

(f) ensuring high standards of propriety amongst the staff;

(g) managing the affairs of the Agency in an efficient and effective quality services delivery;

(h) take the disciplinary measures against the staff of the Agency; and

(i) performing any other functions necessary for the implementation of this Act as may be assigned to him by the Board.

22.- (1) The Agency may establish departments and units in such numbers and manners as it deems necessary for proper performance of its functions upon the approval of the Public Service Commission.

(2) All heads of departments of the Agency shall be appointed by the Minister after recommendation of the Board and heads of units shall be appointed by the Executive Director in consultation with the Board.

(3) In performing its functions of the Agency, all heads of the departments and units shall be answerable to the Executive Director.

23. There shall be other staff of the Agency to be employed upon such terms and conditions in accordance with the provisions of the Public Service Act and its Regulations.

PART IV
FINANCIAL PROVISIONS

24. The funds and resources of the Agency shall include:

(a) money as may be appropriated by the House of Representatives in the form of subvention;
(b) such lawful donations, grants, bequests or loans as may be received from any person or organization; and

(c) any other money as may be legally acquired by the Agency.

25.- (1) The Agency shall, 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.

(2) The Minister shall submit the annual budget of the Agency to the House of Representatives in the form and manner as prescribed in the Public Finance Management Act.

26. The Agency shall open bank account in accordance with Public Finance Management Act, to deposit its moneys for the performance of its functions.

27.- (1) The Agency shall keep and properly maintain books of accounts which includes all financial records and transactions for each financial year.

(2) The Executive Director shall, at the end of each financial year, prepare or cause to be prepared:

(a) a statement of income and expenditure during such financial year;

(b) a statement of the assets and liabilities of the Agency on the last day of that financial year to be submitted and audited by the Controller and Auditor General or any other Auditor appointed by the Controller and Auditor General; and

(c) any other financial reports as may be required by any written law.
(3) Copies of the statements or reports referred to in subsection (1) of this section and a copy of the auditor's report if any, shall be submitted to the Minister together with a report on the activities of the Agency during that financial year, and upon receipt, the Minister shall lay before the House of Representatives.

28. The Agency shall, in accordance with the Public Finance Management Act, submit to the Minister an annual report in respect of that year containing:

(a) a copy of the audited accounts of the Agency, together with the auditor's report on those accounts;

(b) a report on performance against key targets and any other related information;

(c) a report on the operations of the Agency during that financial year; and

(d) such other information on the activities of the Agency as the Minister may require.

PART V
MISCELLANEOUS PROVISIONS

29.- (1) The Agency may request from any public institution to submit any information for the purpose of carrying out its functions within the mandate of the Agency as provided under this Act.

(2) Where the Agency request the public institution to furnish information, that institution shall, without due delay, submit that information in such manner as the Agency may require.

30. A member of the Board or staff of the Agency shall not be personally liable for any matter or thing done, if such matter or thing is done in good faith for executing the functions or powers of the Agency under this Act or direction of the Minister.
31.- (1) All properties of every kind whatsoever, including things in action, vested in the ICT Department within the Ministry responsible for public service before the commencement of this Act, shall be deemed to have been vested in the Agency.

(2) All rights, privileges, advantages, liabilities and obligations conferred to the ICT Department within the Ministry responsible for public service before the commencement of this Act, shall be deemed to have been conferred to the Agency.

32.- (1) The Minister may make regulations for better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the provisions under sub section (1) of the section, the Minister may make regulations specifically on:

(a) electronic communication in public services;

(b) use of electronic signature in public services;

(c) establishment and deployment of ICT systems in the public services; and

(d) protection of information, and ICT systems and services in public services.

33.- (1) Sections 96 and 97 of the Public Service Act, No. 2 of 2011 are hereby repealed.

(2) Notwithstanding the repeal under sub section (1) of this section, anything done by the Information and Communication Department under the provisions of the Public Service Act or any other law before the commencement of this Act, shall continue and be deemed to have been done under the provisions of this Act.
(3) The existing staff of the Information and Communication Technology Department in the Ministry responsible for public service shall continue to work and be deemed to be the staff of the Agency immediately after this Act coming into operation, unless their appointment are revoked or cancelled; and shall for that purpose be deemed to be staff appointed under this Act.

OBJECTS AND REASONS

The object of this Bill is to enact law which will provide for the establishment of the Zanzibar e-Government Agency. The Agency shall be the Government Agency working under the Ministry responsible for Public Service. Before this enactment, the functions of the institution were undertaken by the ICT Department. The department is established under the provisions of section 97 of the Public Service Act, No. 2 of 2011. The main function of the Department is to administer and supervise the use and development of ICT in the public service. Operationally, the Department started in 2012 when the President appointed the Director. The Department is working under the Ministry responsible for Public Service like any other department of the Ministry. In that respect, the department has neither administrative nor financial authority.

Following the challenges encountered by the Department in the performance of its functions, the Government through the President’s Office, Constitutional, Legal Affairs, Public Services and Good Governance, constituted a Technical Committee to look for the way forward and development on the e-Government. The Committee after going through the Public Service Act, particularly section 97 is in the view that, the Department is supposed to work as an independent institution with fully autonomous authority as far as the e-Government issue is concerned. In addition to that, based upon the best experience from others, it has been also observed that, the institution of this nature need operational, administrative and financial autonomy in order to perform its functions effectively and more properly.
Therefore, the Committee pointed out its recommendation to the Government to establish an independent institution to deal with e-Government issue. However, the Government through the Revolutionary Council decided that, the institution to be established should be the Government Agency. In that respect, the Ministry responsible for public service in consultation with the Information and Communication Department form a Committee composed of different experts to prepare a Draft Bill to establish the e-Government Institution in the form of Agency.

However, as far as the legal position is concerned, the Agency shall be semi-autonomous body limited with certain powers and authority to do. In other hands, all powers and authorities to be exercised by the Agency shall be upon approval of the Ministry. Structurally, the Agency shall have Advisory Board which inter alia shall exercise its advisory role in the management of the Agency. In management level, the Agency shall have Executive Director as the chief executive officer to be appointed by the President. The Executive Director shall be responsible for day to day functions of the Agency. In addition to that, there are departments and units within the structure of the Agency. All such departments and units shall be headed by person to be appointed subject to the provisions of the Public Service Act. No.2 of 2011. All heads shall be responsible to the Executive Director in their daily activities.

This Bill is divided into Five Parts.

Part One is about preliminary provisions provide for short title and commencement, application and interpretation of words used therein.

Part Two is for the establishment, objectives, functions and powers of the Agency. It is stated that the Agency shall be same autonomous institution which after the approval of the Minister shall have powers to enter into contract, acquire, hold, purchase and dispose any movable or immovable properties and other matters thereof.

Part Three is about management of the Agency which inter alia provide for establishment of Advisory Board constituted by the Chairperson to be appointed by the President, ex-officio members and other members to be appointed by the Minister. Also, this Part provides for qualifications for Chairperson, functions
of the Board and other provisions relating to proceedings of the meeting of the Board. In other hand, this part provides for appointment of Executive Director, functions of Executive Director, establishment of Department and Units of the Agency and other matters relating to other staff of the Agency.

**Part Four** is about financial provisions which inter alia provide for funds and resources of Agency, accounts and audit provisions, application of Public Finance Management Act in financial transactions of the Agency and financial report.

**Part Five** provides for miscellaneous provisions which is about right to information, immunity, vesting of assets and liabilities, powers of the Minister to make Regulations and repeal and saving sections 96 and 97 of the Public Service Act, No.2 of 2011 which establish ICT department and provides functions thereto.

(Haroun Ali Suleiman)
MINISTER OF STATE (PO),
PUBLIC SERVICE AND GOOD GOVERNANCE.
ZANZIBAR

ZANZIBAR
28\textsuperscript{th} August, 2019