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E-Government Agency Act, No. 12 of 2019
and Enact the Zanzibar E-Government
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NOTICE

The Bill hereunder shall be presented before the House of Representatives for the first reading which will start its session on 29th of November, 2023 and is gazetted together with its Objects and Reasons for public notice.

ZANZIBAR
07th November, 2023

(Eng. Zena Ahmed Said)
***Secretary to the Revolutionary
Council and Chief Secretary***

A BILL
for
AN ACT TO REPEAL THE ZANZIBAR e-GOVERNMENT AGENCY ACT, NO. 12 OF 2019 AND ENACT THE ZANZIBAR e-GOVERNMENT AUTHORITY ACT TO REGULATE THE e-GOVERNMENT SERVICES IN ZANZIBAR AND OTHER MATTERS RELATED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART ONE
PRELIMINARY PROVISIONS

- Short title and Commencement. **1.** This Act may be cited as the Zanzibar e-Government Authority Act, 2023 and shall come into operation after being assented to by the President.
- Application. **2.** This Act shall apply to all public institutions and public servants in matters related to application and ICT equipment on e-Government services in Zanzibar.
- Interpretation. **3.** In this Act, unless the context otherwise requires:
- “Authority” means the Zanzibar e-Government Authority established under the provisions of section 4(1) of this Act;
 - “Board” means the Board of Directors of the Authority established under the provisions of section 8 of this Act;
 - “Data Controller” means a person, company or other body that determines the purpose and means of personal data processing;
 - “data” means any information presented in an electronic form;
 - “Director General” means the Director General of the Authority appointed under the provisions of section 14(1) of this Act;

“e-Government service” means any public service provided by electronic means by any public institution;

“e-Government” means the utilization of ICT in the Government administration and public services delivery;

“electronic communication” means any transfer of sign, signal or computer data of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, photo optical or in any other similar form;

“electronic record” means a record that is created, generated, sent, communicated, received, stored or accessed by electronic means;

“Government” means the Revolutionary Government of Zanzibar;

“ICT security” means protecting information system from unauthorized access, use, disclosure, disruption, modification or destruction in order to provide confidentiality, integrity and availability of information system;

“ICT system” means any ICT set-up consisting of computer hardware, computer software, data, communication technology and people who use them;

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

“information system” means a system for generating, sending, receiving, storing, displaying or otherwise processing data messages;

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

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

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

**PART TWO
ESTABLISHMENT OF THE AUTHORITY**

Establishment of the Authority.

4.-(1) There is hereby established an Authority to be known as the Zanzibar e-Government Authority and its acronym shall be eGAZ.

(2) The Authority shall be a body corporate with perpetual succession, common seal and shall, by its corporate name, subject to the laws, be capable of:

- (a) suing and being sued;
- (b) acquiring, holding, purchasing and disposing of any movable or immovable property;
- (c) entering into any contract or transactions;
- (d) borrowing or lending any such sum of money from any financial institution; and
- (e) performing or doing any other act or thing which the body corporate may, by law, be entitled to perform or do.

Seal and logo of the Authority.

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

(2) The application of the seal and logo of the Authority on any document shall be authenticated by the signature of the Director General or any other officer of the Authority authorized by Director General.

(3) Any document purporting to be an instrument issued by the Authority shall be sealed with a seal of the Authority and authenticated in accordance with the provisions of subsection (2) of this section.

6. The Authority shall have functions, to:

- (a) plan, coordinate, monitor and oversee all e-Government services, standards and provide guidelines in the public institutions;
- (b) provide and ensure access to high quality e-Government services across multiple channels;
- (c) supervise public institutions in the implementation of National ICT Policy, laws, regulations, standards and guidelines related to e-Government;
- (d) provide technical advice or support on matter relating to e-Government in the public institutions;
- (e) establish and maintain records of ICT experts, coordinate their allocation in public services and develop them with continuous trainings;
- (f) certify the compliance of information system with requirements for interoperability safety and security;
- (g) certify the systems and ICT equipment that will be used in public institution;
- (h) develop enabling shared infrastructure to ensure equitable access of e-Government services;
- (i) set specifications and standards for procurement of ICT software and hardware equipment relating to e-Government services in the public institutions;
- (j) assess e-Government services in the public institutions;
- (k) provide instructions to public institutions in the implementation of e-Government policies;
- (l) supervise private institutions that are performing any e-Government related works on behalf of the Government;

- (m) promote and undertake research and innovation related to e-Government in the public institutions and make recommendation to the Government; and
- (n) perform any other function that may be necessary for the better implementation of the provisions of this Act.

Powers
of the
Authority.

7. The Authority shall, in performing its functions under the provisions of this Act, have powers, to:

- (a) require a public institution to provide information, documents, records or report relating to ICT in the preparation and establishment of systems, infrastructure and projects of e-Government services;
- (b) approve sector strategies for development of electronic Government and monitor the implementation of e-Government plans;
- (c) suspend the implementation of any ICT projects implemented by public institutions if they do not meet the standards and guidelines of e-Government and International Standards;
- (d) provide directives to any implementation of e-Government policies and ICT projects by public institutions which is not in compliance with e-Government standards and guidelines;
- (e) obtain any professional or technical assistance from any appropriate institution within or outside Zanzibar;
- (f) enter into relationship with other national or international institutions for the benefit of the Authority and country;
- (g) access any public institution ICT system, infrastructure or networks for the purposes of conducting ICT audits or ICT security assessments relating to e-Government service;

- (h) manage complaints related to e-Government service from the public, service providers or any person; and
- (i) impose fees, charges or other payment to any person or institution from the services it provides.

**PART THREE
ADMINISTRATION AND MANAGEMENT
OF THE AUTHORITY**

8. There shall be a Board to be known as the Board of Directors of the Authority which shall be composed of:

Establishment and Composition of the Board.

- (a) Chairperson who shall be appointed by the President;
- (b) Director General;
- (c) Principal Secretary from the Ministry responsible for Finance or his representative;
- (d) Principal Secretary from the Ministry responsible for ICT or his representative;
- (e) Principal Secretary from the Ministry responsible for e-Government or his representative;
- (f) Director General of the Zanzibar Communication Corporation; and
- (g) State Attorney from Attorney General's Chambers who shall be appointed by the Minister upon consultation with the Attorney General.

9. A person shall qualify to be appointed as the Chairperson of the Board if that person:

Qualifications of the Chairperson.

- (a) is a Zanzibari;
- (b) has at least first degree in the field of ICT, Computer Science, Engineering, Economics, Finance, Administration, Business, Law or any other related

field from an institution recognized by the Government;

- (c) has a working experience of at least seven years and high level of competence to manage effectively affairs of the public or private bodies; and
- (d) has high level of integrity.

Secretary of
the Board.

10.-(1) The Board shall appoint staff of the Authority to be a Secretary of the Board.

(2) Staff of the Authority shall qualify to be the Secretary of the Board if has:

- (a) at least first degree in the field of law or qualified to be a corporate secretary from the institution recognized by the Government; and
- (b) working experience of not less than five years in the public services.

(3) The Secretary of the Board shall be accountable to the Board, and shall:

- (a) prepare the agenda of the meetings of the Board in consultation with the Chairperson;
- (b) take the accurate minutes of the meetings of the Board;
- (c) maintain the correct and sufficient records of the Board;
- (d) give proper notification of the meetings of the Board to the members;
- (e) provide advice to the Board when so needed; and
- (f) perform any other function as may be directed by the Board in accordance with the law.

Functions
of the
Board.

11. The functions of the Board shall be, to:

- (a) manage and monitor the e-Government policy and recommend the review of the that policy;
- (b) supervise the work of the Authority under the provisions of this Act;
- (c) advise the Government on all matters relating to e-Government;
- (d) review and approve business and operating plans, budgets, report and audit financial statements of the Authority;
- (e) review and approve professional system audit report; and
- (g) perform any other function conferred under this Act or any other law which may be necessary for achieving the purposes for which the Authority is established.

12. The Board shall, in the performance of its functions, have powers to:

Powers of
the Board.

- (a) direct the Director General to furnish any information, reports or other documents which the Board considers necessary;
- (b) give lawful instructions to the Director General relating to management and performance of the Authority;
- (c) approve:
 - (i) action plans and objectives of all departments and units and monitor their progress in achieving them on continuous basis;
 - (ii) the annual budget of the Authority;
 - (iii) financial regulations, staff regulations and work plan of the Authority;

- (d) subject to the provisions of the Public Service Act, No. 2 of 2011, determine the terms and conditions of services, salaries and allowances including any other benefits for the staffs of the Authority;
- (e) recommend the organizational structure of the Authority in accordance with the Public Service Act, No. 2 of 2011
- (f) supervise work ethics, discipline and professional standards of the employees of the Authority;
- (g) hear appeal and take corrective measures to erring employees of the Authority subject to the provisions of the Public Service Act, No. 2 of 2011, staff regulations and codes of conduct;
- (h) recruit and promote staff of the Authority subject to the provisions of the Public Service Act, No. 2 of 2011;
- (i) provide various guidelines to the employees of the Authority for strengthening the performance of the Authority;
- (j) approve fees and charges for the services rendered by the Authority; and
- (k) approve goals, targets and performance measures of the Authority.

Proceedings of the Board.

13. The provisions relating to the proceedings of the Board shall be as prescribed in the Schedule to this Act.

Appointment and qualifications of the Director General.

14.-(1) There shall be a Director General of the Authority who shall be appointed by the President.

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

- (a) is a Zanzibari;

- (b) has at least first degree in the field of Computer Science, Information Technology, Telecommunication Engineering, Data Communication or any other related fields from an institution recognized by the Government;
- (c) has working experience of at least seven years in the related fields; and
- (d) has high level of integrity.

15.-(1) The Director General shall be the Chief Executive Officer of the Authority and shall be responsible for the day to day execution of the functions of the Authority.

Functions
of the
Director
General.

(2) Without prejudice to the provisions of subsection (1) of this section, the Director General shall:

- (a) manage the property and business of the Authority;
- (b) supervise the Authority so as to ensure that the objectives of the establishment of the Authority are achieved;
- (c) propose and implement strategic business and operational plan of the Authority; and
- (d) perform any other function for the proper implementation of the provisions of this Act as may be assigned to him by the Board.

16.-(1) The Authority shall establish departments, units and divisions as determined by the Board subject to the provisions of the Public Service Act, No. 2 of 2011.

Depart-
ments,
divisions
and units.

(2) The Directors of the departments shall be appointed by the Board based on their qualifications and experience.

(3) The Managers of the unit and heads of divisions shall be appointed by the Director General based on their qualifications and experience.

(4) The Directors, Managers and heads of divisions shall be accountable to the Director General.

Staff of the Authority.

17.-(1) There shall be staff of the Authority who shall be employed in accordance with the provisions of Public Service Act, No. 2 of 2011.

(2) The Authority may appoint other ICT executives in public institutions who shall work on behalf of the Authority as prescribed in the Regulations.

PART FOUR

e-GOVERNMENT SYSTEMS AND SERVICES

Guiding principles of e-Government.

18. The guiding principles of e-Government shall:

- (a) focus on the needs of citizens and businesses in the delivery of public services;
- (b) develop and utilize innovative design and transformational integrated business processes which are streamlined, collaborative, and citizen-focused for the enhancement of service delivery;
- (c) innovate the solutions in order to reduce long term operational costs and create opportunities to evaluate and eliminate redundant steps and processes and reduce cycle times associated with conventional processes;
- (d) use the sharing of administrative information method among public institutions which avoids information duplicity;
- (e) protect the information held by the Data Controller used in accordance with the law;
- (f) prudently and responsibly use public resources in the implementation of e-Government activities; and
- (g) collaborate with the private sector for the promotion and optimization of sustainable resource utilization from public institutions.

19.-(1) Where any law provides that records shall be retained for any specific period, that requirement shall be deemed to have been satisfied, if such records are retained in the electronic form and:

- (a) the information contained in that record remains accessible so as to be usable for a subsequent reference;
- (b) the electronic record is retained in the format which represent accurately the information originally generated, sent or received; and
- (c) the details that facilitates the identification of the origin, destination, date and time of dispatch or receipt of such electronic record are available in the electronic record.

(2) Management and use of public electronic records shall be done in accordance with the provisions of the Establishment of the Zanzibar Institute of Archives and Records Act, No. 3 of 2008.

20.-(1) Where a law requires any payment to be made in a specific procedure, such requirement of the law shall be deemed to have been fulfilled if the payment is made by electronic means and it complies with all conditions imposed by the Authority.

Electronic payment and issuance of receipt.

(2) Where a law requires the issuance of a receipt of payment, that requirement shall be deemed to have been fulfilled if the receipt is in electronic form and is accessible and intelligible so as to be usable for subsequent reference.

(3) An information processing system used for standards relating to electronic transactions shall be sufficiently secured in accordance with accepted technological standards at the time relating to authentication, integrity, availability and confidentiality to process electronic transactions including electronic banking, mobile banking, electronic funds transfers, point of sale, automatic teller machines and other related electronic transactions or systems or as may be prescribed in the Regulations.

(4) A public institution engaged in electronic payments, contracts and service provision shall meet security requirements in line

with the relevant industry standards of the technology being offered by that organization for electronic payments or as prescribed in the Regulations.

Electronic means of payment.

21. Where charges or other amount receivable arise in connection with an administrative procedure carried out by electronic means, the Authority shall enable payment of such charges or other amount receivable by participating in at least one adequately secure payment procedure which is customary in the area of electronic business transaction.

Validity of electronic information.

22. For the purposes of this Act, an electronic information shall be valid or admissible solely on the ground that, the information:

- (a) is created, stored or communicated electronically; or
- (b) is referred to but is not contained in an electronic document, if the information being referred to is known to and accepted by the party against whom it is relied upon.

Access to files.

23.-(1) A public institution shall, where a right to access a file exists, grant access to files by:

- (a) providing a print-out of the documents concerned;
- (b) displaying the electronic documents on a screen;
- (c) transmitting ICT electronic documents; or
- (d) permitting electronic access to the content of the files.

(2) Every public institution shall be obliged to open up a point of access for the transfer of electronic documents, including such documents provided with a qualified electronic signature.

Optimization of administrative procedures.

24.-(1) A public institution, before introducing any e-Government initiative, shall apply established methods made by Authority to document, analyses and optimize administrative procedures according to this Act.

(2) For the purpose of this section “e-Government initiative” means any activity taken by the public institution for the purpose of implementing e-Government policy.

25.-(1) Where a public institution employs publicly accessible networks to make data available, that public institution shall use a machine-readable format as a general principle.

Require-
ments
pertaining
to provision
of data.

(2) A format under subsection (1) of this section, shall contain data which can be read and processed in automated mode by means of corresponding software.

(3) Subject to the provisions of this Act, data provided under subsection (1) of this section, shall be provided in accordance with metadata.

(4) The Authority may issue guidelines for use of the data under this section including commercial and non-commercial use, conditions of use and exclusion of liabilities and warranties.

(5) For the purposes of this section “metadata” means a set of data that gives information about other data.

26.-(1) Where any law requires or refers the giving of information in writing, information that is given electronically shall be taken to be given in writing if:

Require-
ments to
give
information
in writing.

- (a) when the information was given, it was reasonable to expect that, the information would be readily accessible to, and capable of retention for subsequent reference by the addressee;
- (b) where the information is to be given to the Government and the Government requires that:
 - (i) the information be given in a particular way in accordance with particular technology requirements; or
 - (ii) a particular action be taken to verify the receipt of the information to meet the Government’s requirements; and

- (c) where the information is to be given to a person other than the Government, that person consents to the information being given electronically.

(2) This section applies to a requirements or permission to give information, whether or not any of the words “give”, “send”, “serve” or any other word is used to designate the requirements or permission.

(3) For the purposes of this section, “the giving of information” includes:

- (a) making an application;
- (b) making or lodging a claim;
- (c) serving a notice;
- (d) lodging a return;
- (e) making a request;
- (f) making a declaration;
- (g) lodging or issuing a certificate;
- (h) lodging an objection; and
- (i) giving a statement of reasons.

(4) Where a law under subsection (1) of this section, requires more than one copy of the information to be submitted to a person, that requirement shall be taken to have been satisfied by giving the information to the person electronically in accordance with the provisions of this Act.

Data sharing and exchange.

27.-(1) For the purpose of facilitating data sharing across the public service, the Authority shall establish and manage a data sharing and exchange platform.

(2) Without prejudice to any law and for the purpose of bringing efficiency, the public institution may, in the provision of e-Government

services, share data electronically in the manner prescribed by the Minister.

(3) The access to information shall be in accordance with the user rights and access levels as prescribed by Authority in the guidelines.

28.-(1) A public institution which, pursuant to this Act or any other law, accepts the filing of documents or requires that documents be created, written or retained, issues a permit, license or provides for a manner of payment, may:

Electronic filing, electronic signature and issuing of documents.

- (a) accept filing of documents in electronic form;
- (b) issue a permit, license or approval in electronic form;
- (c) make or receive payment in electronic form; or
- (d) accepts filing of document, to make or receive payments by way of QR Code and Barcode.

(2) The Authority may, in relation to a public institution that performs the function under subsection (1) of this section, prescribe:

- (a) the manner and format in which the electronic communication shall be filed, created, retained or issued;
- (b) the type of electronic signature required in cases where the electronic communication has to be signed;
- (c) the manner and format in which an electronic signature may be attached or associated with the electronic communication;
- (d) the appropriate control processes and procedures to ensure adequate integrity, security and confidentiality of electronic communication or payments; and
- (e) any other requirements for electronic communications or payments.

(3) A public institution may adopt additional authentication procedures including the use of electronic notarization systems or certificates of authentication on printed or hard copies of the electronic document or electronic data messages by electronic notaries, service providers and other duly recognized or appointed certification authorities.

Restriction on use of personal data.

29. Without prejudice to the provisions of this Act, A public institution shall ensure that personal data is:

- (a) kept and used only for specified and lawful purposes for which the data is collected and processed; and
- (b) not kept for longer than is necessary for the purposes for which the data is collected and processed or as required by law.

Non-disclosure of information provided to public institutions.

30.-(1) A person shall not, without lawful authority, disclose any information provided to that public institution for the purpose of e-government services or during the course of delivery of e-government services.

(2) A person who contravenes the provisions of this section, commits an offence and shall, upon conviction, be liable to a fine of not less than Five Million Tanzania Shillings but not exceeding Ten Million Tanzania Shillings or to imprisonment for a term of not less than six months but not exceeding five years, or both.

Data Protection.

31. A public institution shall implement and enforce data protection measures in accordance with procedures prescribed under the Regulations.

Identity and authenticity.

32.-(1) The Data Controller may grant a right of access to personal data in which there is a protected interest in confidentiality in the context of electronic communications in the public sector, where the unique identity of the person desiring access and the authenticity of that person's request is validated.

(2) The validation under subsection (1) of this section, shall be provided in a form which can be verified electronically in accordance with the provisions of this Act.

(3) The Data Controller shall, where only recurring identity can be validated, grant access only in respect of personal data which the person requesting access has made available using the same identity.

(4) The identification of a person may be requested in communications with the Data Controller by a public body, where it is an essential requirement for performance of a task assigned to that Data Controller under any law.

33.-(1) Subject to the provisions of this Act, where the law requires a person's signature in relation to any information, shall be taken to have been met where the information is given electronically and:

Conditions
for
electronic
signature.

- (a) a method is used to identify the person and to show the person's approval to the information given;
- (b) having regard to all the relevant circumstances when that method was used, including any relevant agreement, the method was as reliable as was appropriate for the purposes for which the information was communicated;
- (c) if the signature is required to be given to the public institution and the public institution requires that, the method used to be in accordance with particular information technology requirements, the public institution's requirement has been met; and
- (d) if the signature is required to be given to a person other than the public institution, that person consents to that requirement being met by using the method mentioned in paragraph (a) of this section.

(2) Subject to the provisions of subsection (1)(a) and (b) of this section, an encrypted signature shall be presumed to have satisfied the requirements if that signature is:

- (a) uniquely linked to the person whose signature is required;
- (b) capable of identifying that person;

- (c) created by using means that such person can maintain under his sole control; and
- (d) linked to the information to which it relates in such a manner that any subsequent alteration of the information is revealed.

PART FIVE
MANAGEMENT OF e-GOVERNMENT SERVICES

Communi-
cation
channels.

34.-(1) The Authority shall, for the purpose of this Act, issue Communication channels guidelines specifying:

- (a) Government email hosting and usage;
- (b) website;
- (c) social Media; and
- (d) online communication platforms.

(2) The Authority shall ensure communication channels in relation to e-Government services are protected.

(3) For the purpose of this section “communication channels” means any communication medium through which the public institution or person can send or receive message for the purpose of e-Government service.

Confide-
ntiality.

35. A person shall not, without lawful authority, disclose any Government material document, data stored in a computer or any other information obtained or otherwise acquired in the course of exercising the functions or powers of the Authority under this Act or any other law.

ICT system.

36.-(1) The Authority shall establish, develop or deploy shared ICT system for public institution by its own motion or upon the request from the respective public institution.

(2) The request for the permission referred in subsection (2)

of this section, shall include the requirements as specified by the guidelines issued by the Authority.

(3) The Authority shall issue its recommendation to the public institution not later than fourteen working days from the date of receipt of the request.

(4) Without prejudice the provisions under this Act, public institution shall have the duty to use, sustain and maintain its own ICT system.

37. Any public institution which requires to procure any ICT hardware or software for the purpose of e-Government service delivery shall comply with standards and procedures as prescribed by the Authority in the guidelines.

Procurement of ICT hardware and software.

PART SIX INFORMATION SYSTEM SECURITY AND ELECTRONIC TRANSACTIONS

38.-(1) There shall be e-Government Security Operations Centre for information monitoring.

Establishment of e-Government Security Operation Centre.

(2) The operation of the e-Government Security Operation Centre shall be under the supervision of the Director General.

39. A public institution shall, in accordance with information security standards issued by the Authority:

Security of Information.

- (a) develop and enforce security measures to safeguard information collected or used in connection with e-Government services from unauthorized disclosure; and
- (b) take reasonable steps to ensure that, every officer of the public institution concerned with delivering services, collecting, placing, positing or disseminating information or services is aware of and complies with the security measures regarding the management and protection of information.

40.-(1) The Authority may cause assessment and audits of the e-Government system from any public institution to evaluate compliance with the provisions of this Act.

(2) An assessment and audit under subsection (1) of this section, may be performed by system auditors of the Authority.

(3) The Authority shall, where assessment or audit reveals that, a public institution has contravened any provisions of this Act, regulations, guidelines or procedures, notify the public institution in writing, stating the:

- (a) finding of the assessment and audit report;
- (b) action required to remedy the non-compliance; and
- (c) period within which a public institution shall take the remedial action.

41.-(1) A public institution shall, where it consents to receive any information in electronic form, follow the procedures prescribed in the Regulations relating with:

- (a) the manner and format in which the information shall be communicated to it;
- (b) the type or method of electronic signature required, if any;
- (c) processes and procedures required so as to control and ensure integrity, security and confidentiality of the information; and
- (d) any other attributes for the information that is currently specified for corresponding information on paper.

(2) Where a law allows information to be presented or retained in electronic form, a person shall not demand that the information presented be received in electronic form by a public institution otherwise than as specified or required by that public institution.

42. Subject to the guidelines issued by the Authority, the public institution shall, for the purpose of identifying the user of the e-Government, ensure it;

- (a) verifies the user of ICT system by providing him with an identity to be able to use the system by verifying him according to the requirements of the relevant service;
- (b) monitors access for proper usage and revoke access when no longer required respective usage
- (c) conducts system audit and monitoring of online unusual behavior; and
- (d) informs the user of ICT system on their responsibility of ICT security.

43.-(1) Where, on or before sending the electronic document, the originator indicates to the addressee that the communication of the document is conditional on the receipt of the acknowledgment, the document shall be treated, as between the originator and the addressee.

Acknowled-
gment of
receipt of
electronic
document.

(2) Where there is no agreement between the originator and the addressee as to the form or method of acknowledgment, the addressee may give the acknowledgment by any means of communication, electronic, automated or otherwise or by any conduct that is reasonably sufficient to indicate to the originator that, the electronic document has been received by the addressee.

(3) An acknowledgment of receipt given by the addressee shall be taken as prima facie proof that, an electronic document was received by the addressee, but nothing in this subsection shall be construed as implying that, the electronic document sent corresponds to the electronic document received.

(4) A statement in an acknowledgment of receipt given by the addressee that, the related electronic document meets technical requirements, either agreed upon between originator and addressee or set forth in applicable standards, shall be taken as prima facie proof that those requirements have been met.

(5) Except in so far as it relates to the sending or receipt of the electronic document, this section shall not affect the legal consequences that may flow either from that electronic document or from the acknowledgment of its receipt.

(6) Subject to the provisions of this Act, this section shall apply where the addressee acknowledged the receipt of the document.

Determi-
nation of
originality
of data
message.

44. A public institution shall, for the purposes of determination of the originality of a data message under this Act, ensure that, the integrity of any information shall be assessed by considering whether the information has remained complete and unaltered, except for the addition of any endorsement and any change which arises in the normal course of communication, storage and display.

Publication of
documents in
electronic
Gazette

45. Where any law provides that any document shall be published in the Gazette, such requirement shall be deemed to have been satisfied if such document is published in the Gazette or electronic Gazette.

PART SEVEN FINANCIAL PROVISIONS

Funds and
resources
of the
Authority.

46. The funds and resources of the Authority shall consist of:

- (a) sums as may be approved by the House of Representatives;
- (b) money received from lawful grants, gift, donations, contributions or loans as the Authority may receive from any person or institution;
- (c) moneys received for the services rendered by the Authority; and
- (d) income from investments made by the Authority.
- (e) any other funds that may be legally acquired or received by the Authority.

Budget.

47. The Budget of the Authority shall be prepared in accordance with provisions of the Public Finance Management Act, No. 12 of 2016 and any other directives issued by the Government from time to time.

Account and audit.

48.-(1) The Authority shall keep and maintain proper books of accounts and records of all transaction and ensure that, all moneys received and paid by the Authority are properly accounted for, authorized and adequate control is maintained over its property and incurring of liability.

(2) The annual financial statements of the Authority shall be audited in accordance with provisions of the Public Finance Management Act, No. 12 of 2016 and other relevant financial laws.

Power to invest.

49. The Authority shall have the power to invest its funds in the investment which will be profitable, safe and legal in accordance with the relevant laws.

PART EIGHT OFFENCE AND PENALTIES

50.-(1) A person who:

Offences and penalties.

- (a) illegally discloses or shares any data or electronic record accessed in the course of employment;
- (b) downloads unauthorized materials by the use of government ICT equipment or infrastructure as determined by the Authority;
- (c) disseminates or transmits official information or data through unauthorized channel;
- (d) accesses information or programs through the Government ICT equipment without authorization;
- (e) unlawfully removes, destroys, alters or damages any data or electronic record or ICT infrastructure or ICT equipment;

- (f) knowingly or negligently fails to comply with the prescribed technical guides and standards on ICT security matters; or
- (g) fails to comply with the provisions of this Act regarding to implementation of ICT project,

commits an offence and shall, upon conviction:

- (i) in case of offence under paragraphs (a), (c), (d) and (f), be liable to a fine of not less than Five Million Tanzania Shillings but not exceeding Ten Million Tanzania Shillings or to imprisonment for a term of not less than six months but not exceeding twelve months, or both fine and imprisonment; and
- (ii) in case of offence under paragraphs (b), (e) and (g), be liable to a fine of not less than Three Million Tanzania Shillings but not exceeding Five Million Tanzania Shillings or to imprisonment for a term of not less than six months but not exceeding twelve months, or both fine and imprisonment.

(2) A public servant who contravenes the provisions of this Act, shall be punished in accordance with provisions of the Public Service Act, No. 2 of 2011 or any other relevant law.

Additional
penalty.

51. Where a person is convicted under this Act, the Court may, apart from the penalty imposed for that offence, order:

- (a) that person to pay to the Authority the cost of repairing the damage he caused; or
- (b) any equipment used in the causation of the offence by the person, to be forfeited or disposed of on his cost if the equipment is owned by such person.

PART NINE
MISCELLANEOUS PROVISIONS

52. A member of the Board or staff of the Authority shall not be personally liable for any matter done, or omitted to be done if such matter is done or omitted to be done in good faith in executing the functions or powers of the Authority under this Act. Immunity.

53.-(1) Any ICT work established, created or made by a public institution shall be the property of the Government, and it is strictly forbidden to be used for any personal gain. Innovation.

(2) Subject to the provisions of subsection (1) of this section, the public servant who establishes, creates or made any ICT innovation in respect of public service delivery on his own initiative may be awarded for his effort as determined by the Minister.

54.-(1) The Authority shall prepare annual report and submit to Minister and the Minister shall submit to the President within three months after the end of financial year. Annual report.

(2) The annual report mentioned under subsection (1) of this section shall include important activities of the Authority for the relevant year, the achievement and challenges that emerged during that period as well as the plans of the Authority for the following financial year.

55. In case there is an inconsistency between the provisions of this Act and any other law on matters relating to e-Government, the provisions of this Act shall prevail. Inconsistency of laws.

56. The Minister may make regulations for proper implementation of the provisions of this Act. Regulations.

57.-(1) The Zanzibar e-Government Agency Act, No. 12 of 2019, is hereby repealed. Repeal and saving.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done under the repealed Act before the commencement of this Act, shall continue and be deemed to have been done under the provisions of this Act.

SCHEDULE

PROCEEDING OF THE BOARD [Made under section 13]

Vice Chair-
person.

1. The members of the Board shall, in the first meeting, elect one member among them to be a Vice Chairperson.

Tenure of
members of
the Board.

2. Save for ex-officio members, the Chairperson and other members of the Board shall hold office for a term of three years from the date of their appointment and may be eligible for re-appointment for another term only.

Meetings of
the Board.

3.-(1) The Board shall meet after every three months and may meet at any time when the need arises for the discharging of its functions.

(2) All meetings of the Board shall be preceded by the Chairperson, in his absence, the Vice Chairperson shall preside the meeting of the Board and where the Chairperson and Vice Chairperson are absent, the members present shall elect one among them to precede the meeting.

Quorum
of the
meetings.

4. More than half of the members of the Board shall constitute a quorum at any meeting of the Board.

Decision of
the Board.

5. The Board shall make its decisions by consensus and in the event of disagreement, the decision shall be made by voting and in case of an equality in votes, the Chairperson shall have a casting vote.

Procedures
of Board
meetings.

6. The Board shall have the power to regulate its own procedures in respect of the meetings and proper conduct of its business including committees of the Board.

7. The Board may co-opt any person to attend any deliberations of the meeting of the Board as an expert but the co-opted person shall not have right to vote.

Co-opted member.

8. The minutes of meetings of the Governing Board shall be confirmed by the Governing Board at the next meetings and signed by the Chairperson and Secretary.

Minutes of meetings of the Board.

9.-(1) The Board may, for the purpose of facilitating the performance of its functions, establish committees to perform specific functions as may deem necessary.

Committees of the Board.

(2) Members of Committees established under subsection (1) of this section, shall be among members of the Board or otherwise as may be determined by the Governing Board.

10.-(1) The Board may, subject to such terms and conditions as it deems necessary, delegate some of its functions or powers to the committee of the Board.

Delegation of functions and powers.

(2) Where the Board delegates its functions under subsection (1) of this section, it shall give directives in writing as may be necessary to ensure the proper performance of the functions.

11.-(1) The member of the Board who has direct or indirect personal interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the beginning of the meeting of the Board.

Disclosure of interest.

(2) A disclosure of interest shall be recorded in the minutes of the meeting and the member making such disclosure shall not:

- (a) be present during the deliberations of the Board for the making of the determination; or
- (b) influence any other member in the making the determination.

Cessation of
member-
ship.

12. The member shall cease to hold office if he:

- (a) completes term of the office;
- (b) without showing sufficient cause to the chairperson, fails to attend three consecutive meetings of the Board;
- (c) resigns or becomes in any manner disqualified from membership of the Board;
- (d) becomes incapable by reasons of physical or mental health to perform his duties; or
- (e) dies.

Allowances
of the
members.

13. The Chairperson and other members of the Board shall be paid such allowances in accordance with the provisions of the Public Service Act, No. 2 of 2011.

OBJECTS AND REASONS

The object of this Bill is to repeal the Zanzibar e-Government Agency Act, No. 12 of 2019, and enact the e-Government Authority Act for the purpose of management of Information and Communication Technology (ICT) issues in the Zanzibar Public Service.

This bill also intends to increase the legislative powers so as to manage and control the use of ICT in the public service, the use of various systems in the Government, to set standards for the use of ICT equipment, to establish proper procedures for the establishment and development of electronic systems, joint procurement and use of ICT equipment, effective coordination of electronic communication in public service, storage and use of Government information by electronic means and coordination and development of ICT human resources.

This Bill is divided into nine parts.

Part One is about preliminary Provisions which provide for a short title and commencement, application and interpretation of some important words used in the Act.

Part Two provides for the establishment of the e-Government Authority in Zanzibar, seal and logo of the Authority. In addition, functions and powers of the Authority have been explained in this part.

Part Three is about the Administration and Management of the Authority whereby the Board of Directors of the Authority has been established which shall be the main Organ for the management of the Authority. This part also covers the provisions relating to the functions and powers of the Board, appointment of the Director General, qualifications and functions of the Director General, structure of the Authority and staffs of the Authority.

Part Four explains about the provisions relating to e-Government Systems and services where the guiding principles of e-Government are provided, as well as electronic records, electronic payments and issuance of receipts, electronic means of payment, the validity of electronic information, Access to files, Optimization of administrative

procedures, Requirements pertaining to the provision of data, Requirements to give information in writing, Data sharing and exchange, Electronic filing, electronic signature and issuing of documents, restrictions on the use of personal data, Non-disclosure of information provided to public institutions, Security of information, Data Protection, Identity and Authenticity and Conditions for electronic signature.

Part Five provides for the provisions relating to the Management of e-Government services, including the channels of communication, confidentiality, ICT Systems and Procurement of ICT hardware and software.

Part Six is about Information System Security and Electronic Transactions, this part describes the establishment of the e-Government Security Operation Center, information security, audit of e-government systems, Receipt of information by public institutions, Identity and access and Management, Acknowledgement of receipt of electronic document, determination of originality of data message and publication of documents in e-Gazette.

Part Seven provides for the financial provisions and resources of the Authority, budget, accounting and audit and the power to invest.

Part Eight is about offences and penalties as well additional penalties.

Part Nine is about miscellaneous provisions including immunity, innovation, annual reports, Inconsistency of laws, regulations, repealing the Zanzibar e-Government Agency Act, No. 12 of 2019 and saving.

Finally, there is a Schedule which provides for provisions relating to proceedings of the Board.

ZANZIBAR

07th November, 2023

(HON. HAROUN ALI SULEIMAN)
MINISTER OF STATE, PRESIDENT'S
OFFICE, CONSTITUTION, LEGAL
AFFAIRS, PUBLIC SERVICE
AND GOOD GOVERNANCE

