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**S T A T U T O R Y I N S T R U M E N T S**

**2016 No. 69.**

**THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,  
UGANDA (CERTIFICATION OF PROVIDERS OF INFORMATION  
TECHNOLOGY PRODUCTS AND SERVICES) REGULATIONS, 2016**

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# S T A T U T O R Y I N S T R U M E N T S

2016 No. 69.

## **The National Information Technology Authority, Uganda (Certification of Providers of Information Technology Products And Services) Regulations, 2016.**

*(Under sections 5(c), (d), (f), (h), (q), 6(e) and 39 of the National Information Technology Authority, Uganda Act, 2009, Act No. 4 of 2009)*

In exercise of the powers conferred upon the Minister responsible for information technology by sections 5(c), (d), (f), (h), (q), 6(e) and 39 of the National Information Technology Authority, Uganda Act, 2009, these Regulations are made this 17th day of October, 2016.

### PART I—PRELIMINARY

#### **1. Title**

These Regulations may be cited as the National Information Technology Authority, Uganda (Certification of Providers of Information Technology Products and Services) Regulations, 2016.

#### **2. Interpretation**

In these Regulations, unless the context otherwise requires—

“Act” means the National Information Technology Authority, Uganda Act, 2009;

“Authority” means the National Information Technology Authority, Uganda established by the Act;

“certified person” means a person certified to provide information technology products or services in accordance with these Regulations;

“certification” means a formal procedure by which the Authority assesses, verifies and attests that a person providing information technology products or services meets the requirements and standards prescribed under these Regulations;

“Executive Director” means the chief executive of the Authority, appointed under section 16 of the Act;

“information technology” means the science of collecting and using information by means of computer systems and refers to computers, ancillary or peripheral equipment such as printers and scanners, software and firmware services including support services, and related resources and used in the acquisition, storage, manipulation or processing, management, movement, control, display reception of data or information; includes any equipment or interconnected systems that are used in the acquisition, storage, manipulation or processing, management, movement, control, display, transmission or reception of data or information;

“information technology product” includes information technology hardware, software and peripherals;

“information technology service” means a service that provides value to a customer provided by a supplier, application solution provider, consultant, service delivery including an internet cafe;

“provide” in relation to information technology products or services means offering for sale to the general public, information technology products or services;

“recognised certification body” means a body which the Authority has authorised, in writing, to conduct certification on its behalf in accordance with these Regulations.

## PART II—CERTIFICATION OF PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS AND SERVICES

### **3. Certification required to provide information technology products and services**

(1) A person shall not provide information technology products or services unless that person is certified in accordance with the Act and these Regulations.

(2) A person who provides information technology products or services in contravention of subregulation (1) commits an offence and is liable, on conviction—

- (a) to a penalty of a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both;
- (b) in the case of a second or subsequent offence, to a fine not exceeding seventy-two currency points or imprisonment not exceeding three years or both;
- (c) in the case of a continuing offence, to an additional fine not exceeding ten currency points for each day on which the offence continues.

#### **4. Authority to certify providers of information technology products and services**

(1) The Authority shall be responsible for the certification of providers of information technology products or services.

(2) For the purposes of performing its mandate under subregulation (1), the Authority may retain the services of a recognised certification body to certify providers of information technology products or services.

#### **5. Designation of registrar of providers of information technology products and services**

(1) The Executive Director shall be the registrar of providers of information technology products and services for the purposes of the Act and these Regulations.

(2) The registrar shall be responsible for—

- (a) receiving and processing applications for certification of providers of information technology products or services;
- (b) registering certified providers of information technology products or services;
- (c) implementing the decisions of the Authority regarding the certification of information technology products and services.

(3) The registrar shall establish and maintain a register of certified persons.

### PART III—APPLICATION FOR CERTIFICATION

#### **6. Application for certification**

(1) A person who intends to provide information technology products or services shall apply to the registrar for certification in Form 1 in Schedule 1.

(2) The application under subregulation (1) shall be accompanied with the fee prescribed in Schedule 3.

(3) Without prejudice to subregulation (1), an application for certification shall state precisely the nature of products or services for which the certification is sought.

(4) The Authority shall certify providers of information technology products or services using the classification criteria specified in Schedule 2.

#### **7. Other requirements for certification**

(1) The Authority shall before certifying a person intending to provide information technology products or services ascertain that the person meets the requirements specified in Schedule 2.

(2) Without limiting the general effect of subregulation (1), a person intending to provide information technology products or services shall—

- (a) in the case of a legal person, be registered in accordance with the law;
- (b) abide by the standards for the provision of information technology products or services;
- (c) demonstrate financial viability, where necessary;
- (d) put in place and maintain a sound quality management system;

- (e) have in place policies and procedures to govern the provision of information technology products or services;
- (f) where applicable, employ competent and qualified staff to provide information technology products or services;
- (g) provide appropriate infrastructure and equipment required to provide information technology products or services.

## **8. Assessment of application**

(1) The Authority shall assess every application for certification to ensure that the applicant satisfies the requirements for the provision of information technology products or services in accordance with the Act and these Regulations.

(2) Where the Authority retains the services of a recognised certification body under regulation 4(2), the certification body shall assess the application for certification and make a recommendations to the Authority.

(3) The Authority may, where the information provided by the applicant is insufficient to enable the Authority make a decision on the application, require the applicant to provide further information for the purposes of this regulation to enable the Authority make a decision.

(4) For the avoidance of doubt, the Authority shall assess every application to ascertain that the application—

- (a) complies with applicable administrative, legal and technical requirements issued by the Authority;
- (b) demonstrates experience of the applicant in the provision of information technology products or services;
- (c) complies with applicable standards relating to the provision of information technology products or services.

**9. Grant or refusal of certification**

(1) The Authority shall within forty-five days after the receipt of an application grant or refuse certification.

(2) Where the Authority certifies an applicant, the Authority shall issue the applicant a certificate in Form 2 in Schedule 1 after payment of the fee prescribed in Schedule 3.

(3) A certificate shall be valid for three years from the date of issue or such other period the Authority may prescribe subject to the Act and these Regulations.

(4) Where the Authority rejects or refuses an application for certification, the Authority shall give reasons and the registrar shall notify the applicant of the rejection or refusal within thirty days after the decision.

**10. Certificate to be displayed in conspicuous place**

A person that has been granted a certificate shall display the certificate in a conspicuous place in the premises of the person.

**11. Suspension or revocation of a certificate**

(1) The Authority may suspend or revoke the certification to provide information technology products or services where the Authority is satisfied that—

- (a) the provider is operating in contravention of the Act or these Regulations;
- (b) the capacity of the provider to provide information technology products or services has diminished in a manner that affects the certification.

(2) Before suspending or revoking certification under these Regulations, the Authority shall give notice, in writing, to the provider to show cause, within thirty days, why the certification should not be suspended or revoked.



(3) Where certification is suspended or revoked, the Authority shall give the reasons for the suspension or revocation.

(4) Where a provider's certification—

- (a) is revoked, the registrar shall remove that provider from the register of certified persons;
- (b) is suspended the registrar make an entry in the register to indicate that the certification of the provider has been suspended.

(5) Where a provider surrenders the certification, the registrar shall remove that person from the register.

## **12. Re-instatement of certification**

(1) The Authority may reinstate the certification of a person providing information technology products or services where it is satisfied that the person has addressed the matters that are the reason for the suspension and after payment of the fee prescribed in Schedule 3.

(2) A person whose certification is revoked may make a new application which shall be assessed in accordance with regulation 8.

## **13. Surrender of certificate**

(1) A certified person may surrender the certificate to the Authority.

(2) A certified person who surrenders a certificate under subregulation (1) shall immediately cease to provide information technology products or services subject to the directions of the Authority.

## **14. Renewal of certification**

(1) A certified person shall apply for renewal of the certification six months before the expiry of the certification.

(2) The certification shall only be renewed where the Authority is satisfied that the holder of the certificate meets the requirements for certification.

(3) An application for renewal shall be accompanied by the fee prescribed in Schedule 3.

#### PART IV—GENERAL PROVISIONS

### **15. Power to inspect**

(1) The Authority may in the manner specified in the Act and these Regulations, inspect and monitor a certified person to ensure compliance with the Act and these Regulations.

(2) For purposes of subregulation (1), a certified person shall be inspected on a preliminary basis not less than six months after the grant of the certificate.

(3) A full inspection shall be carried out not less than one year after the grant of the certificate, and thereafter the Authority shall inspect the certified person every year during the validity of the certification.

(4) Notwithstanding subregulations (1) and (2), the Authority may conduct impromptu inspections of the certified person.

(5) The Authority shall prepare a report of any inspection of every certified person.

(6) Where the report indicates that the certified person is in breach of the terms and conditions on which the certification was granted or is in breach of the provisions of the Act or these Regulations, the Authority may require the certified person to fulfill the terms and conditions of the certification or adhere to the provisions of the Act or these Regulations within a period stated by the Authority.

(7) Where a certified person does not comply with subregulation (6), the Authority may suspend or revoke the certification of the person.

(8) Every certified person shall pay an annual inspection fee prescribed in Schedule 3.

## **16. Reviews and appeals**

(1) A person who is dissatisfied with the decision of the Authority under these Regulations may apply to the Authority for the review of the decision within thirty days of receipt of the decision.

(2) The application shall be in Form 3 in Schedule 1 and shall be accompanied by the fee prescribed in Schedule 3.

(3) The application for review shall be in writing and shall include the reasons for the review in a precise and concise manner.

(4) The Authority shall consider the review and either confirm or vary the earlier decision or make such other decisions as may be necessary within thirty days of receipt of the request for review.

(5) A person dissatisfied with a decision of the Authority under these Regulations may in writing appeal to the Minister within fifteen days of receipt of the decision.

(6) The application shall be in Form 4 in Schedule 1.

(7) The appeal shall be in writing and shall state the reasons for the appeal in a precise and concise manner.

## **17. Products not in conformity with standards**

Where the Authority refuses an application because the information technology products do not conform to approved standards for information technology products, the Authority shall take appropriate action including seizing and destroying the products at the cost of the applicant.

## **18. Penalty for breach of Regulations**

A person who contravenes these Regulations commits an offence and is liable on conviction—

- (a) to a penalty of a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both;
- (b) in the case of a second or subsequent offence, to a fine not exceeding seventy-two currency points or imprisonment not exceeding three years or both;
- (c) in the case of a continuing offence, to an additional fine not exceeding ten currency points for each day on which the offence continues.

### PART V—TRANSITIONAL PROVISIONS

## **19. Persons providing information technology products and service prior to coming into force of these Regulations**

(1) A person providing information technology products or services immediately before the coming into force of these Regulations shall apply for certification in accordance with the Act and these Regulations.

(2) The application under subregulation (1) shall be made within ninety working days after the coming into force of these Regulations.

(3) For the avoidance of doubt, the provisions in these Regulations relating to application for certification shall, with the necessary modifications, apply to an application made under this regulation.

**SCHEDULE 1**

*Regulation 6(1)*

**FORM 1**

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,  
UGANDA ACT, 2009

*Application for certification as provider of information technology  
services and products*

**To: The National Information Technology Authority,  
Uganda**

**APPLICATION FOR CERTIFICATION AS PROVIDER OF  
INFORMATION TECHNOLOGY SERVICES AND PRODUCTS**

**1. NAME OF APPLICANT** *(including a trading name, if different from  
registered name)*

.....  
.....

**2. ADDRESS**

(a) Registered physical address.....  
.....

(b) Postal address:  
.....  
.....

(c) Fax number:.....

(d) E-mail address:.....

(e) Website address:.....

(f) Telephone: Fixed .....Mobile:.....

**3. LOCATION**

State the premises of the of provider of information technology products  
or services *(if different from registered physical address)*

.....  
.....  
.....

**4. INFRASTRUCTURE TO SUPPORT THE PROVISION OF INFORMATION TECHNOLOGY PRODUCTS OR SERVICES**

.....  
.....  
.....

**5. EXPERTISE/ STAFF AND QUALIFICATIONS**

(a) How many qualified or propose staff does the applicant have?

.....  
.....  
.....

(b) Please give the name of each of the proposed staff to be employed by the applicant (*attach a separate sheet*). Please indicate the academic qualifications of each member of staff.

.....  
.....  
.....

(c) Indicate the qualifications in information technology of the staff as follows—

(i) Ph. D. holders

.....  
.....  
.....

(ii) Masters

.....  
.....  
.....

(iii) Bachelors

.....  
.....  
.....

(iv) Diploma

.....  
.....  
.....

(v) Certificate

.....  
.....  
.....

(vi) Other Professional Qualifications:

.....  
.....  
.....

**6. FINANCES AND MANAGEMENT**

(a) What is the annual budget or proposed budget of the provider of information technology products or services?

.....  
.....  
.....

(b) How much of the budget is given to-

(i) Infrastructure development

.....  
.....  
.....

(ii) Research and development

.....  
.....  
.....

(iii) Computer hardware and software

.....  
.....  
.....

(iv) Human resource development

.....  
.....  
.....

**7. DETAILS OF PREVIOUS CERTIFICATIONS, IF ANY** *(include details of certification standard, certification body, date of grant of certificate and period for which the certificate was granted)*

.....  
.....  
.....

**8. DETAILS OF APPLICANT'S EXPERIENCE IN PROVIDING INFORMATION TECHNOLOGY PRODUCTS OR SERVICES**

.....  
.....  
.....  
.....

**9. DETAILS OF TAX REGISTRATION AND CLEARANCE**

.....  
.....  
.....

**10. SIGNATURES OF THE OFFICERS OF THE PROVIDER OF INFORMATION TECHNOLOGY PRODUCTS OR SERVICES**

(i) NAME ..... SIGNATURE .....

(ii) NAME ..... SIGNATURE .....

(iii) NAME ..... SIGNATURE .....

**DECLARATION**

We swear that all information submitted in this form is true to the best of our knowledge.

*(Fill all items on this form and append attachments wherever necessary. Print or use capital letters.)*



**FORM 2**

*CERTIFICATE*

*Regulation 9(2)*

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,  
UGANDA ACT, 2009

**CERTIFICATE**

.....  
.....(*insert name*) is certified to provide information technology  
products or services under the Act

Dated this ..... day of ..... 20...

.....  
*Executive Director*  
***National Information Technology Authority, Uganda***

**FORM 3**

*APPLICATION FOR REVIEW*

*Regulation 17(2)*

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,  
UGANDA ACT, 2009

**To: The National Information Technology Authority,  
Uganda**

**APPLICATION FOR REVIEW**

I/We.....(*insert name*)  
being dissatisfied with the decision of the Authority made on the .....day of  
..... 20..... in respect of .....(*attach*  
*copy of the decision*) hereby apply to the Authority to review the decision.

The reasons for application for review are as follows:

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....

Dated this .....day of .....20.....

.....  
*Name of applicant*

.....  
*Signature of applicant*

**FORM 4**

*APPEAL*

*Regulation 17(8)*

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,  
UGANDA ACT, 2009

**To: The National Information Technology Authority,  
Uganda**

**APPEAL**

I/We.....(*insert name*)  
being dissatisfied with the decision of the Authority made on the .....day of  
.....20..... in respect of .....(*attach copy of the decision*)  
hereby appeal to the Minister against the decision of the Authority.

The reasons for appeal are as follows:

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....

Dated this .....day of .....20.....

.....  
*Name of applicant*

.....  
*Signature of applicant*

## SCHEDULE 2

*Regulations 6(4), 7(1)*

### CLASSIFICATION CRITERIA FOR CERTIFICATION OF PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS AND SERVICES

#### **PART I – GENERAL REQUIREMENTS FOR CERTIFICATION OF PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS OR SERVICES**

1. A person seeking certification to provide information technology products or services shall fulfill the criteria specified in this Schedule.
2. Without prejudice to paragraph (1), a person seeking certification shall –
  - (a) be a legally registered business in Uganda or outside Uganda;
  - (b) have sound organisational, financial and planning systems to ensure stability in the provision of information technology services or products;
  - (c) have facilities and equipment to ensure conducive for the provision of information technology products or services;
  - (d) have satisfactory past work performance, track record of credibility, and experience in a given industrial activity for which the certification is sought;
  - (e) have experienced information technology professionals required for the provision of information technology products or services for which the certification is sought;
  - (f) identify the site to be covered under the scope of proposed certification which shall generally be a location at which the person carries out operations;
  - (g) clearly specify the scope of information technology products or services to be included under the certification sought;
  - (h) complies with applicable standards relating to the provision of information technology products or services.

**PART II – CATEGORIES OF PROVIDERS OF INFORMATION  
TECHNOLOGY PRODUCTS AND SERVICES**

1. The classification criteria set out in this Schedule applies to providers of information technology products or services.
2. The categories of providers of information technology products or services shall accord with the Standard Industrial Classification or ISIC for all information and communications technology activities set out below.

<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Description</i>
<b>Repair and installation of machinery and equipment</b>			
33	331	3312	Repair and maintenance of photocoppy machines
			Repair of calculators, electronic or not
			Repair of typewriters
	332	3320	Installation of other industrial equipment, such as;
			Communications equipment
			Mainframe and similar computers
<b>Water supply; sewerage, waste management and remediation activities</b>			
38	381	3811	Collection of non-hazardous waste (e-Waste)
		3812	Collection of hazardous waste (e-Waste)
	382	3821	Treatment and disposal of non-hazardous waste (e-Waste)
		3822	Treatment and disposal of hazardous waste (e-Waste)
	383	3830	Materials recovery (e-Waste Recycling)
<b>Construction</b>			
43	432	4321	Electrical installation – for IT Installations (e.g. Data Centers, Server Rooms, etc.)
		4322	Plumbing, heat and air -conditioning installation – for IT Installations (e.g. Data Centers, Server Rooms, etc.)
		4329	Other construction installation – for IT Installations (e.g. Data Centers, Server Rooms, etc.)
	439	4390	Other specialized construction activities – for IT Installations (e.g. Data Centers, Server Rooms, etc.)

<b>Wholesale</b>			
46	461	4610	Wholesale on a fee or contract basis
	465	4651	Wholesale of computers, computer peripheral equipment and software
		4652	Wholesale of electronic and telecommunications equipment and parts
<b>Retail</b>			
47	474	4741	Retail sale of computers, peripheral units, software and telecommunications equipment in specialized stores
	477	4774	Retail sale of second-hand goods (Computer Equipment)
<b>Publishing</b>			
58	582	5820	Software publishing
<b>Telecommunications</b>			
61	611	6110	Wired telecommunications activities (Structured Network Cabling)
	612	6120	Wireless telecommunications activities (Structured Network Cabling)
<b>Computer programming, consultancy and related activities</b>			
62		6201	Computer programming activities
		6202	Computer consultancy and computer facilities management activities
		6209	Other information technology and computer service activities
<b>Information Services</b>			
63	631	6311	Data processing, hosting and related activities
		6312	Web Portals
<b>Professional, scientific and technical activities</b>			
71	712	7120	Technical testing and analysis
<b>Other professional, scientific and technical activities</b>			
74	741	7490	Other professional, scientific and technical activities not elsewhere classified

<b>Education</b>			
85	851	8510	Pre-primary and primary education
	852	8521	General secondary education
		8522	Technical and vocational secondary education
	853	8530	Higher education
	855	8550	Educational support activities
	854	8542	Cultural education
<b>Arts, entertainment and recreation</b>			
90	900	9000	Creative, arts and entertainment activities
	932	9329	Other amusement and recreation activities
<b>Repair of computers and personal and household goods</b>			
95	951	9511	Repair of computers and peripheral equipment
		9512	Repair of communication equipment

### SCHEDULE 3

*Regulations 6(2), 9(2), 12(1),  
14(3), 15(8) and 16(2)*

#### Fees

The fees specified in this Schedule shall be payable to the Authority and the certification body in respect of the matters to which they relate under the Act and these Regulations.

#### PART A

#### CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. THREE BILLION AND FIVE HUNDRED MILLION

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	<i>Description of fee</i>	<i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i>	<i>Fee in UGX Shilling payable to the certification body (unless stated otherwise)</i>
1	Application for certification	72, 450	277, 550
2	Fee for Certification (regulation 9(2))	2,070,000	7,930,00
3	Fee for reinstatement of certification (regulation 12(1))	414, 000	1,586,000
4	Fee for application for renewal of certification (regulation 14(3))	2,070,000	7,930,000
5	Annual inspection fee (regulation 15(8))	414, 000	1, 586, 000
6	Application for review of decision of the Authority in respect of application for certification (regulation 16(2))	144, 900	Nil



PART B

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. ONE BILLION BUT LESS THAN THREE BILLION FIVE HUNDRED MILLION

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	<i>Description of fee</i>	<i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i>	<i>Fee in UGX Shilling payable to the certification body(unless stated otherwise)</i>
1.	Application for certification	43, 470	166,530
2	Certification (regulation 9(2))	1,242,000	4,758,000
3	Re - instatement of certification (regulation 12(1))	248, 400	951,600
4	Application for renewal of certification (regulation 14(3))	1,242,000	4,758,000
5	Annual inspection (regulation 15(8))	248, 400	951,600
6	Application for review of decision of the Authority in respect of application for certification (regulation 16(2))	86, 940	Nil

PART C

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE DOES NOT EXCEED UG. SHS. ONE BILLION

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	<i>Description of fee</i>	<i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i>	<i>Fee in UGX Shilling payable to the certification body(unless stated otherwise)</i>
1	Application for certification	14, 490	55, 510
2	Certification (regulation 9(2))	414,000	1,586,000
3	Re-instatement of certification (regulation 12(1))	82,800	317,200
4	Application for renewal of certification (regulation 14(3))	414,000	1,586,000
5	Annual inspection (regulation 15(8))	82, 800	317,200
6	Application for review of decision of the Authority in respect of application for certification (regulation 16(2))	86, 940	Nil

PART D

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES IN RESPECT OF INDIVIDUALS

Note: In this Part providers of information technology products and services applies to natural persons

	<i>Description of fee</i>	<i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i>	<i>Fee in UGX Shilling payable to the certification body(unless stated otherwise)</i>
1	Application for certification	28, 980	111,020
2	Certification (regulation 9(2))	207, 000	793,000
3	Re - instatement of certification (regulation 12(1))	57,960	220, 040
4	Application for renewal of certification (regulation 14(3))	207, 000	793,000
5	Annual inspection (regulation 15(8))	414, 000	1, 586, 000
6	Application for review of decision of the Authority in respect of application for certification (regulation 16(2))	57,960	Nil

FRANK TUMWEBAZE (MP)  
*Minister of Information and Communications  
Technology and National Guidance.*

