


THE ICT REGULATORY FRAMEWORK IN MAURITIUS


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DATA PROTECTION COMMISSIONER

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Vision of the Government

- The Government's Vision is to make ICT the major pillar of the economy and transform Mauritius into a Regional Hub.



Facts and Figures


- The ICT Sector has been contributing a 6.4% of the Gross Domestic Product (GDP) in 2010 and it has been projected that the sector will contribute up to 8% of the GDP by 2011

The IT Services together with the Business Process Outsourcing (IT/BPO) has become a key factor for the economic growth of Mauritius.

The IT/BPO industry currently employs around 12,000 people. The industry has actually more than 300 companies operating, where more than 20% of them are housed at Ebene Cybercity, a state of art cyber park.

The Information Development Index (IDI) for Mauritius has improved from 3.30 in 2008 to 3.44 in 2009. This was a direct effect as a result of improvements of ICT infrastructure and access.


Sources: Board of Investment, Central Statistical Office



ICT Laws:-Data Protection Act

The Functions of the Data Protection Commissioner are to:-


- (a) ensure compliance with the Act, and any regulations made under the Act;
- (b) issue or approve codes of practice or guidelines for the purposes of the Act;
- (c) create and maintain a register of all data controllers and data processors
- (d) exercise control on all data processing activities, either of its own motion or at the request of a data subject, and verify whether the processing of data is in accordance of the Act or regulations made under the Act;



ICT Laws:- Data Protection Act

The Functions of the Data Protection Commissioner are to :-


- (e) promote self-regulation among data controllers and data processors;
- (f) investigate any complaint or information which give rise to a suspicion that an offence, under the Act may have been, is being or is about to be committed;
- (g) take such measures as may be necessary so as to bring to the knowledge of the general public the provisions of the Act;
- (h) undertake research into, and monitor developments in, data processing, including data-matching, data linkage and information and communication technologies, and ensure that there are no significant risks of any adverse effects of those developments on the privacy of individuals;



ICT Laws:- Data Protection Act

The Functions of the Data Protection Commissioner are to :-

- (i) examine any proposal for data matching or data linkage that may involve an interference with, or may otherwise have adverse effects on the privacy of individuals and, ensure that any adverse effects of such proposal on the privacy of individuals are minimised;
- (ie) co-operate with supervisory authorities of other countries, to the extent necessary for the performance of her duties under the Act, in particular by exchanging relevant information in accordance with any other enactment;
- (j) do anything incidental or conducive to the attainment of the objects of, and to the better performance of her duties and functions under the Act.



Computer Misuse and Cyber-Crime Act 2003



- PART II of the Act provides for the offences:-
 - Unauthorised access to computer data
 - Access with intent to commit offences
 - Unauthorised access to and interception of computer service
 - Unauthorised modification of computer material
 - Damaging or denying access to computer system
 - Unauthorised disclosure of password
 - Unlawful possession of devices and data
 - Electronic fraud

Postal Services Act 2002 (as amended) The ICT Authority is the national regulator for the ICT sector and Postal Services in Mauritius



- The functions of the Mauritius Post Authority in relation to the Act are to: -
- (a) licence, renew, amend, vary, suspend, cancel or revoke a licence issued under the Act;
 - (b) approve or fix rates for each of the types of postal, courier or ancillary service offered by licensees;
 - (c) conduct surveys, tests and evaluations as regards the standard of services delivered by licensees;

Postal Services Act 2002 (as amended) The ICT Authority is the national regulator for the ICT sector and Postal Services in Mauritius



- (d) regulate the issue of postage stamps, their themes and designs;
- (e) determine uniform standards, best practices and codes of conduct applicable to service providers and ensure compliance therewith;
- (f) issue such directions as may be necessary to ensure that persons in control of premises may provide effective access to premises for the delivery of mail, and
- (g) advise the Minister on all matters relating to the provision of postal services by licensees

The Information and Communication Technologies Act 2001 (as amended)



Objects of the Authority (ICTA):-

- The objects of the Authority are :-
- (a) to democratise access to information taking into account the quality, diversity and plurality in the choice of services available through the use of information and communication technologies
 - (b) to create a level playing field for all operators in the interest of consumers in general;
 - (c) to license and regulate the information and communication services;
 - (d) to ensure that information and communication services including telecommunication services are reasonably accessible at affordable cost nationwide and are supplied as efficiently and economically as practicable and at performance standards that reasonably meet the social, educational, industrial, commercial and, other needs of Mauritius;

Objects of the Authority (ICTA)



- (e) to encourage the optimum use of information and communication technologies in business, industry and the country at large, the introduction of new technology and the investment in infrastructure and services;
- (f) to promote the efficiency and international competitiveness of Mauritius in the information and communication sector;
- (g) to further the advancement of technology, research and development relating to information and communication technologies through modern and effective infrastructure taking into account the convergence of information technology, media, telecommunications and consumer electronics;
- (h) to advise the Minister on all matters relating to information and communication technologies and on matters relating to the Authority generally.

The Electronic Transaction Act 2000 (as amended)



The objects of the Act are to -

- (a) establish the legal infrastructure necessary to implement secure electronic commerce and to remove uncertainties over writing and signature requirements;
- (b) regulate electronic commerce and other electronic transactions by means of secure and reliable electronic-records;
- (c) provide for electronic filing of documents with public sector agencies and promote efficient delivery of public sector services by means of reliable electronic records;
- (d) foster the development of electronic commerce through the use of electronic signatures-.

The Electronic Transaction Act 2000 (as amended)



The objects of the Act are to -

- (e) establish the authenticity and integrity of correspondence in any electronic medium;
- (f) help establish uniformity of rules, regulations and standards regarding the authentication and integrity of electronic records;
- (g) prevent the incidence of forged electronic records and fraud in electronic commerce and other electronic transactions; and
- (h) promote public confidence in the integrity and reliability of electronic records and electronic commerce.

Independent Broadcasting Authority Act 2000 (as amended)



Objects of the Authority

The Authority must -

- (a) promote the provision of a diverse range of radio and television broadcasting services throughout Mauritius;
- (b) promote the development of broadcasting services which are responsive to the needs of the Mauritian audience;
- (c) preserve and promote the plural nature of Mauritian culture by ensuring that licensees include in their services programmes reflecting the linguistic and cultural diversity of Mauritius;
- (d) ensure that licensees include in their services regular locally produced programmes;

Independent Broadcasting Authority Act 2000 (as amended)



Objects of Authority

- (e) ensure that broadcasting services are not controlled by foreign nationals;
- (f) impose limitations on cross media control of private broadcasting services;
- (g) ensure fair competition between broadcasting licensees;
- (h) set acceptable standards for programmes and advertising and monitor compliance with those standards;
- (i) ensure that broadcasting services -
 - (i) are of such a nature as not to encourage or incite crime or racial hatred leading to disorder or offending public feeling;
 - (ii) give adequate coverage to information, education, culture, entertainment and recreation;
 - (iii) are impartial and accurate;

Independent Broadcasting Authority Act 2000 (as amended)



Objects of Authority

- (j) be the sole authority empowered to issue licences for broadcasting;
- (k) levy fees in respect of licences issued;
- (l) inquire into public complaints against a licensee and take any action it thinks appropriate;
- (m) promote together with the Mauritius Telecommunications Authority, the most efficient use of the broadcasting frequency bands;
- (n) monitor, after consultation with the Mauritius Telecommunications Authority, the availability of segments of broadcasting frequency bands and make recommendations for the allocation of frequencies to licensees of broadcasting services.

Copyright Act 1997 (as amended)



The Mauritius Society of Authors must-


- (a) determine the criteria for, and classes of, membership of the Society;
- (b) represent and defend the interests of its members in Mauritius and abroad;
- (c) contribute by all appropriate means to the promotion of national creativity in the artistic, literary and scientific fields;
- (d) administer within Mauritius on an exclusive basis such economic rights of its members as it may determine;
- (e) negotiate with any users of a work-
 - (i) the conditions of, and the fees to be paid for., the authorisation to be given to do an act covered by any economic rights referred to in paragraph (d);
 - (ii) the amount of equitable remuneration where the right to such remuneration is administered by the Society;

Copyright Act 1997 (as amended)



- (f) grant any authorisation which it is permitted to give under the Act;
- (g) collect copyright fees from the users of a work on behalf of its members and distribute those fees among those members;
- (h) make reciprocal agreements with foreign societies of authors for the issue of exclusive authorisation in respect of their members' works and for the collection and distribution of copyright fees deriving from those works-;
- (i) endeavour to obtain the transfer of membership of Mauritian authors who are members of foreign societies of authors and safeguard in favour of Mauritian authors whose membership has been transferred all the advantages which may have accrued to them before the transfer;

Copyright Act 1997 (as amended)




(j) help in the preparation of standard forms of contracts for the benefit and use of its members;

(k) foster such harmony and understanding between authors and the users of their works as are necessary for the protection of the authors' economic rights;

(l) provide its members with information or advice on all matters relating to copyright;

(m) establish and administer a Provident Fund and a Benevolent Fund for its members and their heirs;

(n) do any further activities which it has been authorised to do by any authors whose economic rights or rights to equitable remuneration it administers.



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THANK YOU

