

GOVERNMENT NOTICE NO. 224 published on 29/07/2016

THE CYBERCRIMES ACT,

(CAP. 443)

REGULATIONS

(Made under Section 51)

THE CYBERCRIMES (GENERAL) REGULATIONS, 2016

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THE CYBERCRIMES ACT,
(CAP. 443)

REGULATIONS

(Made under Section 51)

THE CYBERCRIMES (GENERAL) REGULATIONS, 2016

PART I

PRELIMINARY PROVISIONS

- | | |
|--------------------|---|
| Citation | 1. These Regulations may be cited as the Cybercrimes (General) Regulations, 2016. |
| Interpretation | 2. In these Regulations unless the context require otherwise- |
| Act No. 14 of 2015 | “Act” means the Cybercrimes Act, 2015;
“competent authority” means any person or organization that has jurisdiction and due legal authority to deal with the particular matter in question arising in the Act and these regulations. |

PART II

SERVICE PROVIDER TO FURNISH INFORMATION

- | | |
|---|---|
| Service provider to furnish information | 3.-(1) Pursuant to section 39(2)(a) of the Act, the service provider shall furnish a competent authority with information. Request to provide information may vary depending on the situation and type of offense, where in-
(a) emergency situation within one hour
(b) urgent situation within four hours
(c) normal situation within twenty four hours
(2)The information provided under sub regulation (1) shall have the following details-
(a) name and contacts of complainant; |
|---|---|

- (b) name and contacts address of a person infringing the rights or who committed the offence;
- (c) the alleged rights infringed or alleged illegal activity committed;
- (d) date of infringement or commission of illegal activity;
- (e) any other relevant information.

(3) The service provider shall inform the complainant that he has furnished the competent authority with the information on the alleged illegal activity.

(4) The service providers shall store the information for the period not less than one year.

(5) For the purpose of this regulation-

(a) “emergency situation” means the situation where there is threat to public safety and human life

(b) “urgent situation” means the situation involving national security incidents

(c) “normal situation” means the situation involving other criminal activities and incidents

Avail
information to
competent
authority upon
request

4. The service provider shall, upon request by the competent authority, pursuant to section 39(2)(b) of the Act, avail or furnish to a competent authority with the following information-

- (a) all information in regulation 3;
- (b) materials which are source of law infringement; and
- (c) any other relevant information or material.

Accountability

5. The competent authority and the service provider shall be accountable to protect the data/ information provided under regulation 3 from those who do not have the right and authority to access it.

Filing take-
down
notification

6.-(1) Any person who becomes aware of-

- (a) any data or activity that infringes the rights of the recipient or of a third party;
- (b) any unlawful material or activity; or
- (c) any other matter conducted or provided contrary to the provision of any written law,

may file a take-down notification in accordance with the

provisions of the Act by filling in the form prescribed in the Schedule to these Regulations.

(2) The take-down notification referred to under sub regulation (1), upon filling the same, shall be furnished to the service provider.

Service provider
to take-down

7.-(1) The service provider shall, within twenty four hours upon receipt of a notification furnished under regulation 6, and where he is satisfied with the same, take-down-

- (a) any data or activity that infringes the rights of the recipient or of a third party;
- (b) any unlawful material or activity; or
- (c) any other matter conducted or provided contrary to the provision of any written law.

(2) Without prejudice to sub regulation (1), the service provider shall inform the complainant or competent authority, if he has reasonable grounds not to take down as provided for under sub regulation (1), give reasons for such decision within twenty four hours.

Seeking for a
court order

8. Where a suspect cannot be identified, and there arose a need of seeking an order of the court, the law enforcement officer may file an application in court by expressing/terming an identified suspect as "X".

SCHEDULE

(Made under regulation 6(1))

TO (name of the service provider):

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

TAKE NOTICE THAT the information/materials/picture/post at (website, blog, social network account etc):

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

which you own, host, run, manage, maintain, and or operate at the website, blog, social network account above is/are:

Cybercrimes (General)

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(1) Unlawful, pursuant to -----

(2) In violation of my right of (*mention the right being violated*):-----

(3) Infringing copyrights to which I am entitled.

WITH THIS NOTIFICATION THEREFORE you are informed that the law requires you, to expeditiously remove or disable access to the information/material/picture/post upon receiving this notice.

In good faith and belief that the above mentioned information/material/picture/post is contrary to the law.

I certify that the information contained in this **NOTIFICATION** is accurate and true to the best of my knowledge and belief.

Signed and delivered at _____ on this _____ day of _____ 20 ____

Name:.....Signature:.....

Phone:.....Email:.....

Postal Address:.....

Dar Es Salaam

1st June, 2016

.....,
*Minister of Works,
Transport and Communication*