

Private Sector Roundtable Dialogue on Internet Policy and Regulation in Uganda

Internet usage in Uganda is growing, with an estimated 18.8 million internet users representing a 49% penetration rate as of December 2017, per the Uganda Communications Commission (UCC).¹ This growth is largely due to increased infrastructure investments by both the public and private sectors that have driven down costs of bandwidth, and subsequently led to increases in mobile broadband uptake and internet access.²

Various service providers including - mobile network operators, banks, Internet Service Providers (ISPs), software developers and resellers, aggregators among others play an important role in enabling communication, information flows, business processes, innovation and entrepreneurship, to name but a few. They are mandated to adhere to good practices that observe best practice in business and respect basic human rights such as right to privacy, free speech, and access to information. These rights are enshrined in the Constitution of the Republic of Uganda, 1995 and indeed, Acts of parliament such as the Communications Act, 2013 (amended 2017), The Registration of Persons Act 2015, and the Computer Misuse Act, 2011, among others. These regulations provide a blanket regulatory framework for the operations of ICT companies.

However, there are growing concerns amongst citizens including the business community and civil society regarding protections on data privacy and integrity, and general internet freedoms such as freedom of expression and access to information. These include among others, state sanctioned directives, as witnessed in 2016, when the Uganda government ordered the blockade of popular social media platforms, and mobile money services on two separate occasions citing maintenance of public order and national security³, to recent government mass data collection efforts such as national identity and sim card registration⁴, the president's directive to introduce new taxes on social media users and mobile money transactions⁵ and the regulator's move to register online content providers and publishers⁶. These moves often cited as part of service providers licensing and contractual obligations are likely to stifle Uganda's progress in realizing a prosperous if not functional digital economy

In regards to data protection and privacy, businesses, especially Internet Service Providers (ISPs), banks, content providers, social media companies and telecom companies, are collecting large amounts of user data, and have the responsibility of not only handling and storing it securely, but also responding appropriately to frequent user information requests by the government and law enforcement – often in the absence of robust legal and regulatory frameworks around the protection of user data.⁷ The absence of dedicated data protection and privacy legislation in Uganda has made it easier for individuals' right to privacy to be infringed on by both the government and private companies through unlawful disclosure and targeted advertising. It should be noted that the private sector including mobile network operators, ISPs, content providers, banks are key actors in the promotion of internet freedom while also ensuring consumer protections and best business practices. As such, ensuring that clients and consumers are aware of their rights when using services offered by businesses – especially those offered electronically – it is fundamental to understand the current internet policy landscape and how it impacts issues such as data protection and privacy, cyber security, among others.

Indeed, as the digital economy in Uganda grows alongside global strides in areas such as blockchain, digital currencies, artificial intelligence and evolving policies and regulations, it is critical to understand current perceptions held by businesses in Uganda on these issues and to chart ways of proactively enhancing internet freedom upon which a foundation that recognises the users in the country and their unique digital needs.

The Collaboration on International ICT Policy in East and Southern Africa (CIPESA) thus seeks to convene a roundtable dialogue with the business community to discuss the current state of internet policy and regulation in Uganda. It is expected that the dialogue will increase awareness and understanding of the impact of the above-mentioned policy issues on businesses, with the view of charting possible solutions to address prevailing challenges.

¹ Communication Sector Performance for the Quarter ending December 2017, <http://www.ucc.co.ug/wp-content/uploads/2017/09/Quarterly-Market-Report-4Q17-V002.pdf>

² Justus Lyatuu, Airtel lowers data prices in new promo, *The Observer*, January 25, 2018, <http://observer.ug/business/56725-airtel-lowers-data-prices-in-new-promo.html>, NITA-U reduces cost of Internet Bandwidth further for Government Institutions, <https://www.nita.go.ug/media/nita-u-reduces-cost-internet-bandwidth-further-government-institutions>

³ Ugandans Turn to Proxies, VPN in Face of Social Media Shutdown, <https://cipesa.org/2016/02/ugandans-turn-to-proxies-vpn-in-face-of-social-media-shutdown/>

⁴ <https://www.independent.co.ug/national-ids-allowed-new-7-day-ucc-sim-card-deadline/>

⁵ Uganda's Social Media Tax Threatens Internet Access, Affordability, <https://cipesa.org/2018/04/ugandas-social-media-tax-threatens-internet-access-affordability/>

⁶ UCC, Registration of Online Data Communication and Broadcast Service Providers, Public Notice, <https://bit.ly/2HXUYz4>

⁷ The Growing Trend of African Governments' Requests for User Information and Content Removal From Internet and Telecom Companies, https://cipesa.org/?wpfb_dl=248

Agenda

Venue: Golden Tulip Hotel , Kampala, Uganda

Date: May 31, 2018

Time: 8.30am – 12.00pm

Time	Activity
8:30-9:00	Arrival and registration of participants
9:00-9:10	Welcome remarks – CIPESA
9.10-9.30	Presentation: Private sector roles and responsibilities under recent internet policy and legislative developments – CIPESA
9:30-10:30	Panel discussion: Business and Human Rights Online in Uganda This session seeks to explore how the current the legal and policy framework within which ICT private sector operates can best secure human rights online, particularly the rights to freedom of expression and data privacy. Panelists: <ul style="list-style-type: none">● Dennis Kakonge – Airtel Uganda● Sam Agona - Next Media Services● Sherifah Tumusiime - Zimba Women● Silver Kayondo - Ortus Advocates● TMS Ruge - ICTAU
10:30-10:45	Open discussion
10:45-11:00	Health break
11:00-12:00	Panel discussion: Strategies for progressive internet policy in Uganda This session seeks to chart ways on improving internet policy in Uganda in wake of the concerns and challenges. Panelists: <ul style="list-style-type: none">● Badru Ntege – NFT Consult● Douglas Onyango – Independent● James Wire Lunghabo – The Wire Perspective● Joanitah Nvannungi - Clarke International University● Mustapha B. Mugisa – Summit Consulting Ltd
12.00-12.15	Open discussion
12.15-12.30	Closing remarks
12:30 – 01:00	Lunch and departure



CIPESA was established in 2004 under the Catalysing Access to Information and Communications Technology in Africa (CATIA) initiative, which was mainly funded by the UK's Department for International Development (DfID). CIPESA works to enable policy makers in the region to understand ICT policy issues, and for various stakeholders to use ICT to improve governance and livelihoods. CIPESA currently approach her work through four different but interrelated thematic areas, namely; promoting online freedom, ICT for democracy and civic participation, open data and the right to information, and contributing to internet governance debate at national, regional and global levels.

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