

THE COMPUTER MISUSE (AMENDMENT) ACT, 2022**ARRANGEMENT OF SECTIONS***Section*

1. Amendment of Computer Misuse Act, 2011
2. Insertion of section 23A in principal Act
3. Insertion of sections 26A, 26B, 26C and 26D in principal Act
4. Amendment of section 30 of principal Act

THE COMPUTER MISUSE (AMENDMENT) ACT, 2022

An Act to amend the Computer Misuse Act, 2011 to enhance the provisions on unauthorised access to information or data; to prohibit unlawful sharing of any information relating to a child; to prohibit hate speech, the sending or sharing of malicious or unsolicited information; to regulate the use of social media; and for related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

1. Amendment of Computer Misuse Act, 2011

The Computer Misuse Act, 2011, in this Act referred to as the principal Act, is amended in section 12—

(a) by substituting for subsection (1), the following—

“(1) A person who, without authorisation—

(a) accesses or intercepts any program or another person’s data or information;

- (b) voice or video records another person; or
- (c) shares any information about or that relates to another person,
commits an offence.”; and
- (b) by substituting for subsection (7), the following—

“(7) A person who commits an offence under this section is liable, on conviction, to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding ten years, or both.”

2. Insertion of section 23A in principal Act

The principal Act is amended by inserting immediately after section 23, the following—

“23A. Unauthorised sharing of information about children

(1) A person shall not send, share or transmit any information about or that relates to a child through a computer unless—

- (a) the person obtains the consent of the child’s parent, guardian, or other person having authority to make decisions on behalf of the child;
- (b) the person is authorised by law; or
- (c) the sending, sharing or transmitting of the information is in the best interest of the child.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding seven years, or both.”

3. Insertion of sections 26A, 26B, 26C and 26D in principal Act

The principal Act is amended by inserting immediately after section 26, the following—

“26A. Hate speech

(1) A person shall not write, send or share any information through a computer, which is likely to—

- (a) ridicule, degrade or demean another person, group of persons, a tribe, an ethnicity, a religion or gender;
- (b) create divisions among persons, a tribe, an ethnicity, a religion or gender; or
- (c) promote hostility against a person, group of persons, a tribe, an ethnicity, a religion or gender.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding seven years, or both.

26B. Unsolicited information

(1) A person shall not send to or share with another person unsolicited information through a computer unless the sending or sharing of the unsolicited information is in the public interest.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding seven years, or both.

(3) For the purposes of this section, “unsolicited information” means information transmitted to a person using the internet without the person’s consent, but does not include unsolicited commercial communication.

26C. Malicious information

(1) A person shall not send, share or transmit malicious information about or that relates to another person through a computer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding seven years, or both.

26D. Misuse of social media

(1) A person who uses social media to publish, distribute or share information prohibited under the laws of Uganda under a disguised or false identity, commits an offence.

(2) Where the information under subsection (1) is published, shared or distributed on a social media account of an organisation, the person who manages the social media account of the organisation shall be held personally liable for the commission of the offence.

(3) A person who contravenes subsection (1) is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years, or both.

(4) For the purposes of prosecution under this section, it shall be presumed, until the contrary is proved, that the information published, distributed or shared on a social media account which is—

- (a) verified by a social media operator, has been published, distributed or shared by a legal or natural person;

- (b) registered using a telephone contact, is published, distributed or shared by the person or organisation in whose name the telephone contact is registered; or
- (c) registered using an email address which has been used or submitted as data by any data collecting entity, is published, distributed or shared by the person or organisation in whose name the email address is registered.

(5) For the purposes of this section, “social media” means a set of technologies, sites, and practices which are used to share opinions, experiences and perspectives, and includes YouTube, WhatsApp, Facebook, Instagram, Twitter, WeChat, TikTok, Sina Weibo, QQ, Telegram, Snapchat, Kuaishou, Qzone, Reddit, Quora, Skype, Microsoft Team and LinkedIn.”

4. Amendment of section 30 of principal Act

The principal Act is amended in section 30 by repealing subsection (3).