

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 52 OF 2021

The Cyber Security and Cyber Crimes Act, 2021
(Act No. 2 of 2021)

The Cyber Security and Cyber Crimes (National Cyber Security, Advisory and Coordinating Council) Regulations, 2021

IN EXERCISE of the powers contained in Sections 7 and 90 of the Cyber Security and Cyber Crimes Act, the following Regulations are made:

1. These Regulations may be cited as the Cyber Security and Cyber Crimes (National Cyber security, Advisory and Coordination Council) Regulations, 2021. Title
2. In these Regulations, unless the context otherwise requires—Interpretation
 - “Authority” means the Zambia Information and Communication Technologies Authority established under the Information Communication and Technologies Act, 2009; Act No. 15 of 2009
 - “Chairperson” means the person elected as Chairperson under regulation 3;
 - “Director-General” means the Director-General appointed under the Information Communication and Technologies Act, 2009; Act No. 15 of 2009
 - “member” means a member of the Council appointed under regulation 3; and
 - “Vice-Chairperson” means the person elected as Vice-Chairperson under regulation 3.

Composition
of the
Council

3. (1) There is constituted the Council which consists of the following part-time members appointed by the Minister:

(a) a representative each from the—

- (i) Zambia Security Intelligence Service
- (ii) Zambia Army;
- (iii) Zambia Air Force;
- (iv) Zambia National Service;
- (v) Drug Enforcement Commission; and
- (vi) Zambia Police.

(b) a representative from the Ministry responsible for communications;

(c) a representative from the Disaster Management and Mitigation Unit;

(d) a representative of the Attorney-General; and

(e) one other person appointed by the Minister with experience in cyber security.

(2) The Director-General of the Authority shall be an *ex-officio* member of the Council.

(3) A person shall not be appointed as a member of the Council if that person—

(a) is an undischarged bankrupt;

(b) has been convicted of an offence and sentenced to more than six months imprisonment without an option of a fine; or

(c) is legally disqualified from performing the duties of a member;

(4) The members of the Council shall elect a Chairperson and the Vice-Chairperson from among themselves.

(5) The Authority shall provide the Secretarial services to the Council.

Tenure and
vacancy of
office

4. (1) A member shall hold office for a period of three years from the date of appointment and may be re-appointed for a further and final period of three years.

(2) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until another member is appointed to succeed that member.

(3) The office of a member becomes vacant if the member—

(a) dies;

(b) is adjudged bankrupt;

(c) is absent from three consecutive meetings of the Council of which the member has had notice, without the prior approval of the Council;

(d) on the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Minister;

(e) is legally disqualified from performing the duties of a member of the Council;

(f) ceases to be a member of the organisation which nominated the member; or

(g) is convicted of an offence and sentenced to more than six months imprisonment without an option of a fine.

(4) A member may resign from office by giving not less than one month's notice in writing to the Minister.

(5) The Minister shall, where the office of a member becomes vacant, appoint another member in place of the member who vacates office, and such member shall hold office for the remainder of the term.

5. (1) Subject to the other provisions of these Regulations, the Council may regulate its own procedure.

Proceedings
of the
Council

(2) The Council shall meet for the transaction of business, at least once in every three months at such places and times as the Council may determine.

(3) On giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson except, that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called on a shorter notice.

(4) The quorum at a meeting of the Council shall be five.

(5) There shall preside at any meeting of the Council—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
and

(c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of votes of the members present and voting at the meeting and, in the event of equality of vote, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) A member of the Council shall not appoint a proxy where the member is for any reason unable to attend any meeting of the Council.

(8) The Council may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and every meeting of any committee established by the Council.

Committees
of the
Council

6. (1) The Council may, for the purpose of performing its functions, establish such number of committees as the Council may determine.

(2) Subject to any specific or general directive to the Council, the committee may regulate its own procedure.

Allowances

7. There shall be paid to members of the Council and committee of the Council allowances as the Emoluments Commission may, on the recommendation of the Minister, determine.

8. (1) If a member or person is present at a meeting of the Council at which any matter, in which that person or any member of the person's immediate family, is directly or indirectly interested in a private capacity, is the subject of consideration that person or member shall, as soon as is practicable after the commencement of the meeting, disclose that interest in writing and shall not, be part of the meeting, take part in any consideration or discussion of, or vote on any question relating to, that matter.

Disclosure
of interest

(2) A disclosure of interest made under sub regulation (1) shall be recorded in the minutes of the meeting at which it is made.

9. (1) A person shall not without the consent in writing given by or on behalf of the Council publish or disclose to any unauthorised person, otherwise than in the course of duties of that person the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under these Regulations.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
persons

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, on conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding six months, or to both, for each such breach.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-regulation(1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, on conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding six months, or to both for each such breach.

10. An action or other proceeding shall not lie or be instituted against a member of the Council or a member of staff of the Authority for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance or purported exercise or performance of any of the powers, functions or duties conferred under these Regulations.

Immunity of
members
of Council

LUSAKA

11th May, 2021

[MTC.101/31/1]

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Communication*