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THE Regulator

CREATING A LEVEL PLAYING FIELD

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SPECIAL EDITION
MAY 2018

EPOCA Regulations 2018









KISWAHILI SUPPLEMENT

INTERNATIONAL EVENTS CALENDAR, 2018

APRIL 26

International Girls in ICT Day. The event is celebrated every fourth Thursday In April as one of the efforts to encourage girls and young women to pursue studies in science, technology,engineering and mathematics (STEM). The International Telecommunication Union (ITU) encourages ICT stakeholders to organize events involving girls and young women around the theme *'Expanding horizons, changing attitudes'.*

MAY 17

World Telecommunications and Information Society Day. The event aims at raising awareness on ICTs. Previously it was celebrated as World Telecommunication Day. May 17 commemorates the founding of ITU in 1865. Tanzania has been celebrating the day through focussed public education campaigns including seminars, the airing of radio and television programmes and the publication of special supplements in newspapers.

SEPT 10-13

ITU Telecom World 2018, Durban South Africa. The event will feature an exhibition of ICT products and services and a forum in which experts from Governments, businesses and international organizations will debate policies, strategies, business models and technologies shaping the industry. The theme is: better, sooner; underlining speedier innovations to bridge differences in access and to improve lives.

OCT 9

World Postal Day. It marks the creation of the Universal Postal Union in 1874. Governments, postal services providers and regulators organize activities to raise public awareness to the role of the Post in social and economic development. UPU has organized an international letter writing competition for young people in which they are required to think of a message likely to be conveyed by a letter travelling through time.

OCT 29 to NOV 16

ITU Plenipotentiary Conference, PP 18, Dubai, UAE. The Plenipotentiary conference is ITU's top policy-making body. It meets every four years. The last PP conference was held in Busan, Korea in which Tanzania was elected member of the 48-member ITU Governing Council; the governing body between PP conferences. Africa has 13 seats in the Council. Other African members are Algeria, Burkina Faso, Egypt, Ghana,Kenya, Mali, Morocco, Nigeria, Rwanda, Senegal, Tunisia and Uganda. Tanzania is seeking re-election.

DEC 17

African Telecommunications and ICT Day. It marks the founding of the African Telecommunications Union (ATU) in 1977 as a specialised agency of the African Union for ICTs. Two reports released in 2017 by ITU and the UN Broadband Commission show the widening of the gap between the Continent and the rest of the world in access and use of the internet.

United Republic of Tanzania

Tanzania Communications Regulatory Authority

ISO 9001: 2015 CERTIFIED

The Tanzania Communications Regulatory Authority (TCRA) is a Government body responsible for regulating the Communications and Broadcasting sectors in Tanzania. It was established under the Tanzania Communications Regulatory Act No.12 of 2003.

Vision

To be a world class regulator of communication sector.

Mission

To effectively regulate electronic and postal communications services, promote efficiency among service providers and protect consumer interests with an objective of contributing to development in the United Republic of Tanzania.

Strategic Goal

To enhance the welfare of Tanzanians through effective regulations that promote innovation and ensure universal access to secure, quality and affordable communication services.

Core Values

(a) **Professionalism**: We maintain the highest degree of professionalism and ethical standards and undertake our activities objectively to deliver quality services.

(b) **Respect**: We are an organization that values its Employees and respects its Customers.

(c) **Empowerment**: We believe in empowerment and effective delegation enabling Employees to make decisions and take challenges commensurate with their own levels of responsibility.

(d) **Innovation**: We encourage creativity and innovation leading to enhancement of our capacity in handling regulatory issues.

(e) **Integrity:** We believe in integrity and we are determined to treat Customers and each other with trust, confidentiality and honesty.

(f) **Accountability**: We are accountable, undertaking our duties fairly, with care and transparency.

(g) **Teamwork**: We benefit from teamwork, putting together diverse expertise to achieve success.

(h) **Efficiency:** We believe in providing our regulatory services in an efficient way and actively seek opportunities to improve our regulatory services.

(i) **Non-discrimination**: We believe in equal opportunity and treatment for our internal and external Stakeholders and do not discriminate against Gender, Religion, race, affiliation and origin.

Regulator

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The Regulator is published quarterly by the Tanzania Communications Regulatory Authority (TCRA), an independent Government agency established under the Tanzania Communications Regulatory Authority Act No. 12 of 2003 to regulate the electronic and postal sectors in Tanzania. Current and past copies are available on the TCRA website: https://www.tcra.go.tz

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COVER PHOTOGRAPHS



-Watching television at an improvised facility in Mbagala, Dar es Salaam: Radio and Television Broadcasting Content Regulations seek to protect children against unsuitable content.
-Accessing online content at a computer lab: Online Content Regulations promote responsible use of the internet.
-Delivering mail by courier: Postal Regulations have conditions for courier services operators.
-A mobile phone base station: Co-location and infrastructure sharing reduces network costs.

Letter from the Editor

In presenting this special edition on regulations, it is important to revisit the framework for the licensing of electronic and postal operators, which was introduced in 2005. The converged licensing framework (CLF) was adopted in response to the convergence of technologies. TCRA has since been granting licences under four categories: network facilities; network services; applications services and content services.

Other licence categories are for postal and courier services; installation and maintenance of electronic communication equipment, importation and distribution of electronic communication equipment, sale of electronic communication equipment, the use of spectrum and electronic communication numbers and addresses and V-SAT.

As part of the migration to digital terrestrial television, a new category of licensees – channel aggregators – has been introduced.

An application service licence is for the provision of electronic communications services including internet access.

Content services include satellite broadcasting, terrestrial free to air television, terrestrial radio broadcasting, subscription television and other broadcasting services. The radio and television broadcasting content regulations and online content regulations address issues in the two licence categories.

We have excerpts from the 20 regulations that have been updated and full versions of three - those on online content; radio and television broadcasting content; and consumer protection. Others will be serialized in subsequent editions.

The radio and television broadcasting content regulations repeal the broadcasting services regulations of 2005. Online content regulations are new.

One characteristic of online content is that it can be generated by both a service provider and an end user. Examples are interactive discussions and chat forums on social media networks. Online content regulations spell out the rights and obligations of users; with their different educational levels and social backgrounds. In this regard we have a Kiswahili version of these regulations from page 30.

Otherwise the April – June edition is being finalized and will cover artificial intelligence, machine learning and postal delivery in the digital age.

We welcome articles and photographs for subsequent issues of the Regulator. Contributions, in font size 12, single-spacing, up to four A4 pages, may be submitted to:

regulator.magazine@tcra.go.tz

New Regulations for a Vibrant Sector

This special edition of the regulator is devoted to the recently published revised regulations made under respective section of the Electronic and Postal Communications Act (EPOCA). Regulations that have been in place were introduced in 2005, 2011, 2013, 2014 and 2015 respectively. Online content regulations are being introduced for the first time.

The new regulations were signed earlier this year by the ministers for Works, Transport and Communications; and Information, Culture, Sports and Arts respectively.

They cover 20 areas; namely licencing, tariffs, infrastructure sharing and colocation, accounts separation, competition, consumer protection, interconnection, value added services, radio frequency spectrum, quality of service and mobile number portability.

Other areas are postal operations, tele-traffic monitoring, central equipment identification register, digital and other broadcasting networks, electronic communication numbering and addressing, and electronic communications equipment standards.

Technology has transformed the delivery of information, education and entertainment through the media. The dividing lines between what has for long been referred to as the traditional and new media have been blurred; as both print and electronic media outlets embrace technology to deliver.

A pivotal role in this transformation is being played by the internet; which has changed not only media effectiveness but has created audiences with varying interests, aspirations and expectations. It enables the streaming of video and audio content and interactive messaging, discussions and social networking.

The internet has also become a medium for the circulation, online, of newspapers and magazines, the realm of the print media.



Online journalism has attracted more players; such as publishers, producers; hosts of websites and blogs and a new breed of journalists; some of whom lack the basic ethics which are vital for responsible journalism. Such a scenario calls for strict self-regulation and the formulation of guidelines to make online journalism relevant and responsible.

Online content regulations are designed to promote responsible online journalism. Although there are codes of ethics for media professionals, these regulations apply the codes in a more focused way.

The regulations are not intended to interfere with media freedom; nor with individual rights to communication. They address issues of national safety and security, protection of minors, promotion of national culture and the respect of privacy. The roles of the various players in the digital media supply chain are also clearly defined.

FROM OUR ARCHIVES

Past copies of the Regulator can be accessed on the TCRA website - www.tcra.go.tz. Navigate to 'Publications and Statistics', scroll down to The Regulator.



EPOCA Regulations, 2018

Revised electronic and postal sector regulations have been published; with the introduction of a new one on online content.

The new regulations, made under the electronic and Postal communications Act (EPOCA), were signed earlier this year by the ministers for Works, Transport and Communications; and Information, Culture, Sports and Arts respectively.

They cover 20 areas; namely licencing, tariffs, infrastructure sharing and colocation, accounts separation, competition, consumer protection, interconnection, value added services, radio frequency spectrum, quality of service and mobile number portability.

Other areas are postal operations, tele-traffic monitoring, central equipment identification register, digital and other broadcasting networks, electronic communication numbering and addressing, and electronic communications equipment standards.

Content issues are covered by the online, and radio and television content regulations.

The regulations can be accessed on the TCRA website –www.tcra.go.tz –

Excerpts are presented below:

Licencing Regulations

They apply to:

(a) network facilities licences;

(b) network services licences;

(c) content services licences;

(d) application services licences;

(e) postal and courier services licences;

(f) installation and maintenance of electronic communication equipment;

(g) importation and distribution of electronic communication equipment;

(h) selling of electronic communication equipment; (i) V-SAT;

(j) the usage of scarce resources in relation to spectrum usage licence and electronic communication numbering and addresses;

(k) channel aggregators. These are entities being licensed following the migration to digital broadcasting to package individual licensed or authorized channels into a specific basket of channels for distribution by a multiplex operator;

(l) any other licences as may be determined by the Authority.

The regulations define service areas for Network Facilities, Network Services and Application Services licences as regional (maximum of 10 administrative regions), and district (three districts).

Regional and district Content Service (Radio Broadcasting) Licences shall cover a maximum of ten and three points of presence respectively.

They require licensees to take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical emission or radiations emanating from the use of equipment or installation from such operations.

Licensees are obliged to improve the skills and knowledge of local personnel. Regulation 32 states:

' A licensee shall take all reasonable steps to ensure that Tanzanian nationals acquire the necessary skills and knowledge for effective discharge of their duties under licensee's operations".

Tariff Regulations

They require tariffs to be objective and cost based; and also set rules for promotions and special offers, the management of which has been subject of consumer complaints.

Regulation 12 states:

(1) The Authority may, from time to time, issue rules on promotions and special offers.

(2) A licensee shall, at least seven working days (before the intended date of the implementation of a promotion or special offer, file all details of the promotion or special offer with the Authority for its approval.

(3) A licensee shall notify its customers at least twenty four hours before implementation of the promotion and special offer.

(4) A licensee shall ensure that all promotion and special offers:

(a) provide the terms and conditions and the details of the manner of participation;

(b) provide clear information to its customers on the terms and conditions of the promotion or special offer, through publication in widely circulated local news papers in English and Kiswahili and where applicable, in accessible electronic media, sign language or any other method acceptable by the

Authority;
(c) notify customers accurate billing information on tariffs and usage in order to verify whether or not they are billed correctly;
(d) indicate and publish where the special offer or promotion requires the customer to pay the applicable rate;
(e) obtain the necessary approvals from relevant authorities, where the special offer or promotion involves services other than those regulated by the Authority ;
(f) are not anti-competitive).
(5) A promotion or special offer which does not comply with sub-regulation (2), (3) and (4) shall not be approved by the Authority.

(6) The Authority may discontinue a promotion or special offer that does not comply with this regulation and state the reasons for doing so.

Access, Colocation and infrastructure sharing
Infrastructure sharing reduces operators' costs and risks. It enables them to concentrate on core functions. It also facilitates faster network coverage.
The regulations, among others, cover licensees roll out rights and obligations, categories of infrastructure sharing, connectivity between internet exchange points (IXPS) and agreements for infrastructure sharing and co-location.

Accounts Separation
They cover, inter alia, preparation of separated accounts, Content and structure of separated accounts, Presentation of financial statement., Audit and publication.

Licensees are required to prepare separated accounts for business units, products or services.

The Authority may, from time to time, issue guidelines on issues regarding regulatory accounting principles; regulatory accounting conventions; transfer charging; and principles of accounting separation.

Competition
The regulations include rules of fair competition AND conduct deemed to be substantial lessening competition.

Unfair competition, is explained in regulation 6 as an act or omission of a licensee with a dominant position, whether independently or in any form of collusion with others. Abuse of its dominant position is constituted where aact or omission involves:
(a) price abuses or anti-competitive pricing like predatory pricing, price squeezes, cross-subsidizations, price discrimination or any form of direct or indirect imposition of unfair purchasing, selling prices or other similar conditions;
(b) any conduct which exploits customers or suppliers through excessively high prices or discriminatory prices or terms, conditions or conducts which removes or limits competition from existing competitors or discourage entry or exclude new undertakings from entering the market through predatory behaviour, vertical restraints or refusal to supply existing or potential competitors;
(c) limiting production or supply of services, markets or technical development to the prejudice of consumers;
(d) applying different conditions to equivalent transactions with other parties, which place them at a competitive disadvantage;
(e) concluding contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts;
(f) predatory network alterations, where the dominant licensee alters the physical or logical interface of its network in a manner that imposes significant costs on interconnected licensees without any legitimate business, operational or technical justification;
(g) refusal to supply or grant access to facilities;
(h) refusal to interconnect or act in good faith during interconnection negotiations; and
(i) engaging in unfair methods of competition that improperly deter or are likely to deter entry into the communications markets or restrict or are likely to restrict existing competition in the communications markets for reasons unrelated to the availability, price or quality of the service that a prospective or current licensee offers or seeks to offer through:
(i) false or misleading claims;
(ii) degradation of service availability or quality;
(iii) provision of false or misleading information to competitors; or
(iv) interference with end-user or supplier relationship.

Consumer Protection
The regulations have been introduced to protect consumers; a key TCRA duty. They include the obligations of licensees and consumers, issues of privacy,

the complaints handling mechanism, requirements and facilities for persons with disabilities.
The regulations are reproduced in full from page 5.

Online
They cover Obligations of online content providers, hosts and users; prohibited content and the protection of children against indecent online content. The full version is on page 22.

Radio and television broadcasting content
They repeal the 2005 broadcasting content. Areas covered include obligations of content service providers and requirements for content provision.

Interconnection
They set the conditions for negotiating interconnection agreements. Interconnection parties are required to negotiate on technical and commercial terms and in a transparent manner. Interconnection negotiations should be done freely and in good faith between the parties.
They explain the conditions under which the Authority would intervene.

Value Added Services
Value Added Services (VAS) regulations are intended to prevent the transmission of short messages over mobile phone networks without the consent of targeted recipients; which breaches consumer rights to privacy. The regulations state the obligations of VAS providers and users.

They require service providers to refrain from sending unsolicited messages to subscribers; including advertisements. A VAS provider may refer a consumer to a VAS Short Code only when responding to balance inquiry; when sending a confirmation after a customer has recharged their airtime.

Radio Frequency Spectrum
The regulations are designed to regulate the use of this scarce resource. Areas covered include allocation and licensing of radio frequency spectrum and safe operation of stations or networks.

Quality of Service
The Regulations are intended to create conditions for customer satisfaction by making known the quality of service required from a service provider, to facilitate periodic measurements of quality of service, and to protect the interest of consumers of postal, content and electronic communications services.

They have quality of service parameters for the public switched telephone network, mobile telephone services; international telephone services; internet services; postal services; and content services.

Number portability
Mobile Number Portability (MNP) is the ability to change Mobile Service Provider without changing your telephone number. It allows subscribers to keep their telephone number when they move from one mobile service provider to another. The regulations cover the porting process with details for service providers and subscribers.

They require service providers to provide tariff transparency in real time for ported numbers and to acquaint subscribers with information on number portability including the terms and conditions of porting.

Postal
Areas covered include the provision of universal postal services, issuance of postage stamps, posting and delivery of postal items, disposal of postal items, quality of service and conditions for the provision of courier services.

There are six categories of courier services- domestic, inter-city, intra city, inter city transporters, East Africa and international.

Courier service licensees are required to operate from permanent premises. They should have well built public counters; rooms or lobbies for the comfort and convenience of customers waiting to be served; adequate ventilation; adequate transport or arrangements for the conveyance of postal items and adequate and secure storage facilities for postal items awaiting conveyance or delivery.

Standards
They cover procedures of type approval of electronic communications equipment, type approval certification, installation of approved equipment; and warranty for equipment to be used in Tanzania. The minimum warranty for electronic communications equipment for use in country is 12 months.

The regulations require licensees to offer the warranties as a separate signed form or as part of sales receipt; with a clear description of covered services, including but not limited to, replacement or free maintenance.

Tele-traffic

The regulations include the functions of the tele-traffic monitoring system and licensees' obligations to provide traffic information to TCRA.

TCRA installed the telecommunications traffic monitoring system in 2013 and its functions have since then they have increased, and now include:

(a) monitoring quality of service;
(b) generating reliable statistics for both, local on-net and off-net within regional block and international tele- traffic;
(c) providing terminal identification details;
(d) providing mobile money transaction information;
(e) provide fraudulent SIM card profile;
(f) tracking and detect fraud through an anti-fraud system and services within international gateway traffic and cause the bypass fraud to be blocked;
(g) collecting call data records (CDR) without any interception of contents of communications such as voice or SMS;
(h) detecting new mobile devices that sign onto any licensee's network in the United Republic;
(i) monitoring licensees' mobile money gateways and transactions in order to capture transaction information from licensees; and
(j) providing revenue statistics for telecommunication services.

Central Equipment Identification Register (CEIR)

They require mobile service providers to install and maintain Equipment Identity Register (EIR) in their networks. The Central Equipment Identification Register (CEIR) is a shared electronic database of all EIRs of all mobile service providers. CEIR was introduced to prevent the use of stolen, and counterfeit mobile phones on networks.

The regulations detail the procedures for reporting and recovering stolen mobile devices. They have obligations of subscribers and providers of mobile phone services on stolen, damaged or lost mobile phones.

They prohibit the reprogramming of the International Mobile equipment Identify (IMEI) of mobile devices. They prohibit the reprogramming of the International Mobile Equipment Identity (IMEI) of mobile devices.

Digital and other Broadcasting Networks

They promote seamless broadcasting of free to air content; requiring multiplex operators to ensure interoperability in the digital broadcasting chain.
All Free to Air channels shall be accessible without any subscription fees on any digital platform through an integrated digital television or a set top box.

Tanzania Computer Emergency Response Team (TZ-CERT)

Tanzania Computer Emergency Response Team (TZ-CERT) is a team within the structure of the Tanzania Communications Regulatory Authority (TCRA), with national responsibility for coordinating responses to cyber security incidents at the national level. It cooperates with regional and international entities involved in the management of cyber security incidents.

The regulations spell out the obligations of service providers (on cyber security); constituencies and service providers(on information security and functionality of services),sector specific CERT and users of computers and phones with data processing capabilities.

Regulation 11 states:

" Any user of any computer or equipment with data processing capability shall not attempt to secure unauthorised access to a computer or intentionally or knowingly cause loss or damage to the public or any person, destroy or delete or alter any information in the computer resources or diminish its value or utility or affect it injuriously by any means".

Electronic Communication Numbering and Addressing

The regulations include those on the national numbering plan management; procedure for assignment of electronic communications numbers; assignment criteria of VAS short codes; assignee obligations and use, registration and management of dot-tz Electronic addresses and names.

Regulation 10 requires any entities registered and conducting business in Tanzania to register and use domain names with dot-tz country code top level domain (ccTLD). Dot-tz Electronic Communications shall be used for all official correspondences unless where proved technically not possible.

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (CONSUMER PROTECTION) REGULATIONS, 2018

PART I PRELIMINARY PROVISIONS

Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Consumer Protection) Regulations, 2018.

Application 2. These Regulations shall apply to electronic and postal communications licensees.

Interpretation 3. In these Regulations unless the context otherwise requires:-

Act	The Electronic and Postal Communications Act;
Authority	the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act;
association	the Tanzania consumers' Association and any other registered body representing consumers in Tanzania
"bill"	a written statement of money owed for services provided by postal or electronic communication licensees
complaint	any statement of dissatisfaction of services by postal or electronic communications service consumer;
consumer" mean	any person who uses electronic communications or postal products or services
"Customer	any person who obtains or seeks to obtain services of any kind from a person undertaking activities pursuant to this regulation, and includes subscribers;
license	an entity licensed by the Authority to provide any electronic communication, postal or courier services;
outage credit"	a credit to be paid to a customer for a period of time when services are not rendered for reasons not caused by the customer, force majeure or without prior publication of scheduled maintenance or service;
telemarketing"	direct marketing using telephone to satisfy prospective customers and persuade them to buy a product or service;
"SIM card	Subscriber Identity Module which is an independent electronically activated device designed for use in conjunction with a mobile telephone or device to enable the user of the mobile telephone or device to transmit and receive indirect communications by providing access to telecommunication systems and enabling such telecommunication systems identify the particular Subscriber Identity Module and its installed information.

PART II
PROVISION OF INFORMATION AND TERMS OF CONTRACT TO CONSUMERS

Products and services information

4. A licensee shall provide to consumers information on products and services which is complete, accurate and up to date in a simple and clear English or Kiswahili language or both.

Obligations of licensee

5.-(1) A licensee shall endeavour to respond in a timely manner to the consumer requests for information on products and services and such information shall be provided free and shall include the following:-

(a) current product and services arrangements, including rates, terms and conditions for all services offered to the public, shall be readily available in printed and electronic formats at all retail outlets where the licensees' services are sold;

(b) products and services which are subject to tariff regulation by the Authority shall be available in printed and electronic formats;

(c) the quality of services offered, service delivery time and any service areas covered;

(d) fully responsible for the effective performance of the entire services including service support, maintenance, complaints handling, dispute resolution and other administrative requirements.

(2) Licensees shall supply, or make available on request, a copy of the contract or agreement for the provision of services, and such contracts shall be written in plain and clear English and Kiswahili languages.

(3) Where services provided by a third party are required in order to effectively utilize the services of the licensee, the consumer shall be sufficiently informed of such requirements or service dependencies.

(4) Any compensation, refund or other arrangements which may be applied where the contract is breached or quality service parameters are not met, along with the procedures and methods for resolving disputes in respect of the service contract shall be filed with the Authority.

(5) Where services are subject to upgrade or migration options, clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration shall be communicated to consumers at least seventy two hours prior to its implementation.

(6) Any contractual warranty relating to products supplied for use in connection with the service, including how to obtain warranty service if needed and where a copy of the warranty is not provided with the products, the licensee shall inform the consumer how to obtain the same.

(7) The contract between licensee and consumers shall contain the following information:-

(a) commencement date of the contract;

(b) contract term;

(c) manner and consequences of termination;

(d) situations where early termination is possible;

(e) amount or method of calculating any charges payable upon early termination;

(f) conditions and terms of renewal of the contract, if applicable;

(g) terms and conditions that may apply to refund of any deposit including timing and any deductions or charges applicable;

(h) terms and conditions relating to situations that may give rise to the interruption, withdrawalor discontinuation of the service; and

(i) terms and conditions relating to the delivery, installation or activation of the service.

Protection of consumer information

6.-(1) A licensee may collect and maintain information on individual consumers where it is reasonably required for its business purposes.

(2) The collection and maintenance of information on individual consumers shall be:-

(a) fairly and lawfully collected and processed; (b) processed for identified purposes;

(c) accurate;

(d) processed in accordance with the consumer's other rights;

(e) protected against improper or accidental disclosure; and

(f) not transferred to any party except as permitted by any terms and conditions agreed with the consumer, as permitted by any permission or approval of the Authority, or as otherwise permitted or required by other applicable laws.

Promotion and advertising of services

7.-(1) In issuing any advertisements which promote the availability of services, a licensee shall provide information on any geographical or technical limitations on the availability of the service to consumers.

(2) A licensee shall ensure that promotions:-
(a) do not contravene quality of service obligations;
(b) do not have anticompetitive effects;
(c) may cover a period of up to three months;
(d) may be extended for a maximum of two months subject to approval by the Authority and upon satisfaction that there was compliance to quality of service requirements.

(3) When promoting product or service, a licensee shall indicate clearly the total charge for the package and terms and conditions that are applicable.

(4) A licensee shall not engage in unsolicited telemarketing, sms-marketing or any other electronic methods unless:-
(a) customer consents to the service;
(b) at the beginning of the communication, it discloses the identity of the licensee or other person on whose behalf it is made and the precise purpose of the communication; and
(c) the communication gives out the breakdown of the total cost of any product or service that is the subject of the communication.

Complaints of broadcasting content nature

8. Complaints of broadcasting content nature shall be facilitated by the Authority and reported to, considered and determined by the Content Committee established under Section 26 of the Tanzania Communications Regulatory Authority Act.

Consumer billing, charging, collection and credit practices

9.-(1) A licensee shall ensure that:-
(a) billing is accurate, timely and verifiable; and
(b) records of a consumer's bill and related charges are retained for a minimum period of twelve months.

(2) A licensee shall ensure that any billing information consist of the following:-
(a) the consumer's billing name and address;
(b) the licensee's current business name, address and registered number;
(c) a way of identifying the bill uniquely; (d) the billing period;
(e) a description of the charges for which the consumer is billed;
(f) the total amount billed, applicable credits, payments or discounts, and the net amount payable by the consumer (or repayable by the licensee);
(g) the date on which the bill is issued;
(h) the bill or refund payment due date;
(i) methods of billing or refund payment; and
(j) contacts for complaints and billing inquiries;

(3) A licensee shall not charge consumers for complaints, bills or billing related information.
(4) A licensee shall process and issue bills within thirty days of the closure of each billing period.

(5) A bill shall include all charges incurred during the billing period except where:-
(a) there exists a separate agreement with the consumer to the contrary;
(b) there is a delay as a result of the inclusion by the licensee of information from other suppliers or service providers in the bill;
(c) there is a delay as a result of a change initiated by the consumer, such as where the consumer has requested a different billing frequency or billing period;
(d) there is a delay as a result of the suspension of charges that are in dispute;
(e) there has occurred a billing system or processing problem, in which case the problem shall be rectified and bills issued without undue delay and in accordance with any time periods identified by the Authority; or
(f) billing is delayed by circumstances beyond the reasonable control of the licensee, such as an event of force majeure.

(6) Licensee shall ensure that consumers are able to verify their bill payment by acknowledgement of payment on the next bill issued, telephone confirmation by calling a specified number or such other appropriate and accessible methods as may be made available by licensees.
(7) Where a consumer has not paid the licensee in full or part of a bill for a service provided by the licensee, any measures taken by the licensee to effect payment or disconnection shall:-
(a) be proportionate and not unduly discriminatory;
(b) be accompanied by appropriate warning to the consumer in advance of any resulting service interruption or disconnection; and
(c) confine any service interruption or disconnection to the services concerned, as far as technically feasible.

Consumer obligations

10.-(1) A consumer shall be bound by a licensee's terms and conditions of service on return of a signed service agreement.
(2) The terms and conditions of service shall be clearly and fully outlined in one of the official languages of the United Republic and shall be in a manner that the consumer may comprehends with no ambiguity or hidden facts.
(3) Any person who owns or intends to use a detachable SIM card or built-in SIM card mobile telephone shall register the SIM card or built in SIM card mobile

telephone or SIM enabled communications device with their respective application service licensees, operators or authorized distributors, agents or dealers.

(4) Any person whose detachable SIM card, mobile telephone, built-in SIM card mobile telephone or SIM enabled mobile communication device is lost, stolen or destroyed shall report, the loss, theft or destruction to the Police and to its respective application service licensee, operator or authorized distributor, agent or dealer in accordance to SIM card registration Regulations.

PART III
COMPLAINTS HANDLING

Complaints handling process

11.-(1) A licensee shall provide information about consumer complaints handling process pursuant to these Regulations.

(2) A licensee shall:-

(a) establish and maintain complaint handling procedures;

(b) keep record and report of complaints handled; and

(c) submit to the Authority on quarterly basis reports on consumer complaints handled and their status in a manner to be determined by the Authority.

(3) Complaints handling processes shall be free of charge and shall include the following:-

(a) consumers' right for their complaint to be heard;

(b) licensee's complaints escalation process;

(c) evidence required to support the complaint;

(d) time within which a complaint shall be resolved pursuant to these Regulations;

(e) access to persons with disabilities and other special needs; and

(f) appeal mechanism.

(4) A consumer who is aggrieved by the licensee under this regulation shall lodge his complaint within six months.

(5) Where a consumer is not satisfied with a decision reached pursuant to a complaint, the licensee shall give the consumer the option of pursuing an identified escalation process where the decision may be examined by a suitably qualified person in the licensee's organization.

(6) Where the consumer is provided with the benefit of the licensee's escalation process and where there are no further escalation processes, the licensee shall inform the consumer accordingly.

(7) Where a complaint has not been resolved to the consumer's satisfaction as a result of any escalation process within thirty days of being communicated to the licensee, the licensee shall inform the consumer of his right to refer the complaint to the Authority.

(8) Where the consumer is not satisfied with the resolution with his service provider under this regulation, may refer his complaint to the Authority by filling in the prescribed from specified in the Schedule.

(9) The Authority shall, upon receipt of the complaint referred to it under sub regulation (8):-

(a) notify the licensee of the complaint and give him an opportunity to make a reply within fourteen days; and

(b) try to resolve the parties amicably.

(10) Where the dispute is not resolved amicably between the parties, the Authority shall:-

(a) set for the date of hearing of the complaint and notify both parties; and

(b) determine the complaint within sixty days from the date of the hearing.

PART IV
CUSTOMER CALL CENTRE AND WALK-IN CENTRE

Requirements for call centres

12.-(1) A licensee shall establish a call centre that is accessible for twenty four hours within seven days a week.

(2) All call centres shall:-

(a) be accessible free of charge; and

(b) comply with the quality of service parameters.

(3) All call centres shall be maintained within the country in order to ensure ease and quick resolution of complaints owing to language and geographical familiarity.

Requirements for walk-in centres

14.- A licensee shall take appropriate measures to ensure that persons with disabilities are able to access the premises and other relevant services.

PART V
MISCELLANEOUS PROVISIONS

Penalties

15.-(1) Any person who contravenes any provision of these Regulations commits an offence and shall on conviction be liable to a fine not less than five million shillings or to imprisonment for a term of not less than twelve months or to both.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Accent on National Security, Responsible Use

The recently introduced regulations on online content are designed to promote national security and culture; encourage responsible use of social media and protect children.

The regulations, Minister for Information, Culture, Arts and Sports, Dr. Harrison Mwakyembe have five parts; namely preliminary provisions, general obligations of online content services producers; complaints handling and offences and penalty.

The Regulations spell out the obligations of application services licensees; bloggers; internet cafes; online content hosts; online forums; online radio and television; social media; subscribers and users of online content.

They require online content service providers to ensure that online content is safe, secure and does not contravene the provisions of any written law; and take into account trends and cultural sensitivities of the general public; establish online policy or guidelines and make them available to users; and to take corrective measures for objectionable or prohibited content.

Prohibited content includes making available instructions and guidance on bomb-making, illegal drug production or counterfeit products, obscenities, hate speech; sex crimes and the portrayal of violence

Content that causes annoyance, threatens harm or evil, encourages or incites crime, or leads to public disorder; and which advocates hate propaganda or promotes genocide or hatred against an identifiable group is also prohibited.

The regulations prohibit the posting of content containing bad language including the use of disparaging or abusive words, calculated to offend an individual or a group of persons.

Providers of online content, access to online content, hosts or uses online contents or internet café are required to ensure that children do not register, access or contribute to prohibited content; and users are provided with content filtering mechanism and parental control.

Obligations of social media users include being responsible and accountable for the information they publish on a social media and to use password to protect any user equipment, access equipment or hardware from unauthorised access or use by unintended persons.

Providers of online content services and those streaming television and radio content on the internet will have to apply and be granted class licences renewable every three years. There are application fees, initial, annual and renewal fees according to a respective licence type.

TCRA will keep a register of bloggers, online forums, online radio and online television and take action against non-compliance to these Regulations, including to order removal of prohibited content.

Transmission of obscene content is a punishable offence under the Electronic and Postal Communications Act (EPOCA) of 2010. Section 118 of the Act states:

" Any person who:

(a) by means of any network facilities, network services, applications services or content services, knowingly makes, creates, or solicits or initiates the transmission of any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person;

(b) initiates a communication using any applications services, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threatens or harass any person at any number or electronic address;

(c) by means of any network services or applications service provides any obscene communication to any person; or

(d) permits any network services or application services under the person's control to be used for an activity described in section 117 (3), commits an offence and shall, on conviction, be liable to a fine not less than five million Tanzanian shillings or to imprisonment for a term not less than twelve months, or to both and shall also be liable to fine of seven hundred and fifty thousand Tanzanian shillings for every day during which the offence is continued after conviction".

THE ELECTRONIC AND POSTAL COMMUNICATIONS

(ONLINE CONTENT) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

Citation: **1.** These Regulations may be cited as the Electronic and Postal Communications (Online Content) Regulations, 2018.

Application: **2.** These Regulations shall apply to online content including:

(a) application services licensees
(b) bloggers;
(c) internet cafes
(d) online content hosts
(e) online forums
(f) online radio or television
(g)social media
(h) subscribers and users of online content
(i) any other related online content

Interpretation: 3. In these Regulations, unless the context otherwise requires-

Term	**Meaning**
application services licensee	a licensee of the Authority in the category of application service licence limited to the provision of online content or facilitation of online content producers;
blog or weblog	a website containing a writer's or group of writer's own; experiences, observations, opinions including current news, events, journals, advertisements and images, video clips and links to other websites;
blogger	a writer or group of writers owning and performing the act of blogging and any other acts similar to blogging;
content	sound, data, text or images whether still or moving;
electronic media	means a mode of communication of content to the public by television, radio, video, cinema, e-newspaper or by any other electronic means and devices including social media, applications and any other related means;
hate material	content which advocates or promotes genocide or hatred against an identifiable group of people;
"hate speech"	means speech that refers to any portrayal by words, speech or pictures or otherwise, which denigrates, defames, or devalues a person or group on the basis of race, ethnicity, religion, nationality, gender, sexual orientation, or disability;
indecent content	any content which is offensive, morally improper and against current standards of accepted behavior, such as nudity and sex;
internet café or cybercafé	a retail establishment, café or coffee bar or small, informal restaurant that offers online access on its own computers or customers laptops, usually for fee;
law enforcement agency	the Police, Tanzania Intelligence Service, Prosecutor, any authority responsible for regulating communications or any other body authorized in any written law;

obscene content	a content which gives rise to a feeling of disgust by reason of its lewd portrayal and is essentially offensive to one's prevailing notion of decency and modesty, with a possibility of having a negative influence and corrupting the mind of those easily influenced;
online content host	any server that hosts or provides access to online accessible content which includes file transfer protocol servers, telnet servers, web hosting companies and web servers;
online	a networked environment available via online whereby content is accessible to or by the public whether for a fee or otherwise and which is intended for consumption in or originated from Tanzania;
online forum	an online discussion site where people can hold conversations in the form of posted messages or journals;
online radio, web radio, net radio, streaming radio, e-radio, or webcasting	an audio service whether licensed or not licensed by the Authority which is transmitted via the online;
online television or web television	the digital distribution of television content, short programs or videos created by a wide variety of companies and individuals whether licensed or not licensed by the Authority delivered online through web streaming and intended for consumption by citizens of the United Republic;
prohibited content	content whose publication, distribution or posting is prohibited under these Regulations;
recognized identity card	the National Identity Card, Zanzibar Residence Identity Card, Driving Licence, Passport and Voters Identity Card;
social media	an online-based applications and platforms that build on the ideological and technological foundations of web and that allow the creation and exchange of highly interactive user generated content and platforms through which individuals, organizations and communities share, co-create, discuss, and modify user-generated content; "user" means a person or legal entity accessing online content whether by subscriptions or otherwise;
social media	an online-based applications and platforms that build on the ideological and technological foundations of web and that allow the creation and exchange of highly interactive user generated content and platforms through which individuals, organizations and communities share, co-create, discuss, and modify user-generated content; "user" means a person or legal entity accessing online content whether by subscriptions or otherwise;
web page, web site or site	files of content accessible on the World Wide Web by a requested URL.

Editor's note

URL the abbreviation of Uniform Resource Locator; is the address of a web page. A typical URL is in the form: https://www.tcra.go.tz/images/index.php/regulations in which www.tcra.go.tz is the host name and images/index.php/regulations the path to the directory where the file is accessible.

Obligations of online content providers and users

5. - (1) For the purpose of these Regulations, an online content provider shall have the obligations to-

(a) ensure that online content is safe, secure and does not contravene the provisions of any written law;

(b) take into account trends and cultural sensitivities of the general public;

(c) establish online policy or guideline and make it available to users;

(d) use moderating tools to filter prohibited content;

(e) have in place mechanisms to identify source of content;

(f) take corrective measures for objectionable or prohibited content; and

(g) ensure prohibited content is removed within twelve hours upon being notified.

An online content provider shall cooperate with law enforcement officers in pursuing his functions under these Regulations.

(2) A subscriber and user of online content services shall:

(a) be responsible and accountable for the information he posts in an online forum, social media, blog and any other related media; and

(b) ensure his posts do not contravene the provision of these Regulations and any other written law.

(3) An online content provider shall cooperate with law enforcement officers in pursuing his functions under these Regulations.

Obligations of Application services licensees

6. - (1) An application services licensee shall, when application entering contract with subscribers, incorporate terms and conditions of service which include the right to:

(a) deny access or terminate service where a subscriber contravenes these Regulations; and

(b) remove prohibited content in accordance with these Regulations.

(2) The terms and conditions incorporated under sub-regulation (1) shall be in a manner and form easily accessible by its subscribers.

(3) Where the licensee is notified by the Authority or by a person affected by the existence of prohibited content shall, within twelve hours from the time of notification, inform its subscriber to remove the prohibited content.

(4) Upon receipt of notification pursuant to sub-regulation (3), the subscriber shall, within twelve hours from the time of notification, remove the prohibited content.

(5) Where the subscriber fails to remove the prohibited content within twelve hours, the licensee shall suspend or terminate the subscribers' access account.

Obligations of Online radio, television and blogger

7. - (1) A licensee of online radio and television intended for broadcasting over the public internet with the objective of informing, entertaining and educating the public shall adhere to the following conditions:

(a) content streamed to abide to regulations governing broadcasting services;

(b) adhere to journalism ethics and professionalism;

(c) payment of regulatory fees;

(d) submit to the regulator the human resource development plan;

(e) adhere to copyright and intellectual property laws and Regulations;

(f) adhere to ownership and corporate obligations provided under the Act;

(g) Adhere to local content requirements.

(2) Sub regulation (1) shall apply to Tanzania residents, Tanzanian citizens outside the country, non- citizens of Tanzania residing in the country, blogging or running online forums with contents for consumption by Tanzanians.

(3) An applicant for electronic media under this regulation shall apply to the Authority and provide the following information:

(a) address indicating premises of operation;

(b) certificate of incorporation;

(c) owner and management team of the web;

(d) curriculum vitae of the staff;

(e) nature of content to be provided such as current affairs, news and sports (programme information);

(f) editorial policy guidelines;

(g) operation hours;

(h) technical description for the facilities used;

(i)clarification if it is a profit or non-profit making service.

Obligations of Online content host

8. Subject to Regulation 5 an online content host shall-

(a) adopt a code of conduct for hosting content;

(b) upon notification by the person affected by the content, the Authority, or law enforcement agency, remove the hosted content.

Obligations of Internet cafe

9. - (1) Subject to Regulation 5, every internet café or

business center shall have the following obligations:
(a) to ensure that all computers used for public internet access at the café are assigned public static IP addresses;
(b) establish and publish a safe internet use policy for safe use of the internet with regards to online content and post it on conspicuous place; computer home screen or display the same on a visible areas for users to read before using the service;
(c) to put in place mechanism to filter access to prohibited content;
(d) to install surveillance camera to record and archive activities inside the cafe.
(e) to keep a proper service user register and ensure every person using internet service is registered upon showing a recognized identity card.
(2) The images recorded by surveillance camera and the register of users recorded pursuant to sub regulation 1 shall be kept for a period of twelve months.

Obligations of Social media user

10. Subject to Regulation 5, a social media user shall:
(a) be responsible and accountable for the information he publishes on a social media;
(b) use password to protect any user equipment or access equipment or hardware to prevent unauthorised access or use by unintended persons.

Disclosure of information

11. - (1)The Authority or any person employed by the Authority shall not disclose any information received or obtained during the exercise of its powers or performing its duties under the provisions of these Regulations, except, where the information is required by any law enforcement agency, court of law or other lawfully constituted tribunal.

(2) Notwithstanding sub-regulation (1) or other provisions of these Regulations, any authorized person who executes a directive or assists with execution of such directive and obtains knowledge of any information shall not-
(a) disclose such information to another person unless that other person is a law enforcement officer and the extent of such disclosure is necessary for the proper performance of the official duties of the authorized person or the law enforcement officer receiving the disclosure; or
(b) use such information to the extent that such use is necessary for the proper performance of official duties.

Prohibited content

12. Online content services provider shall not publish-
(a) indecent content save for sex and nudity sex scenes approved by the body responsible for film censorship;
(b) obscene content;
(c) hate speech;
(d) explicit sex acts or pornography;
(e) sex crimes, rape or attempted rape and statutory rape, or bestiality;
(f) content that portrays violence, whether physical, verbal or psychological; that can upset, alarm and offend viewers and cause undue fear among the audience or encourage imitation;
(g) content that portrays sadistic practices and torture, explicit and excessive imageries of injury and aggression, and of blood or scenes of executions or of people clearly being killed;
(h) content that causes annoyance, threatens harm or evil, encourages or incites crime, or leads to public disorder;
(i) content which advocates hate propaganda or promotes genocide or hatred against an identifiable group;
(j) content that may threaten national security or public health and safety such as-
(i) making available instructions and guidance on bomb-making, illegal drug production or counterfeit products;
(ii) disseminating false information with regards to outbreak of racial tension;
(iii) disturbances in a specific part of the country;
(iv) circulating information and statements with regards to possible terrorist attacks;
(v) circulating or making available information with regards to the outbreak of a deadly or contagious diseases;
(vi) any other related content.
(k) content that uses bad language including-
(i) the use of disparaging or abusive words which is calculated to offend an individual or a group of persons;
(ii) crude references words, in any language commonly used in the United Republic, which are considered obscene or profane including crude references to sexual intercourse and sexual organs;
(iii) hate speech.
(l) false content which is likely to mislead or deceive the public unless where it is clearly pre-stated that the content is-
(i) satire and parody;
(ii) fiction; and
(iii) where it is preceded by a statement that the

content is not factual.

Protection of children against indecent online content

13. A person who provides online content, access to online content, hosts or uses online content or operates an internet cafe shall take all possible measures to ensure that:

(a) children do not register, access or contribute to prohibited content; and

(b) users are provided with content filtering mechanism and parental control.

LICENSING

Application for online content service licence

14. - (1) Any person who wishes to provide online content services shall fill in an application form and pay fees as set out in the Schedules to these Regulations.

(2) The application form referred to under sub-regulation (1) shall be accompanied by such documents or information as the Authority may require.

Cancellation of online content services license

15. - (1) The Authority reserves the right to cancel the content services licence where the terms and conditions are breached.

(2) Notwithstanding sub regulation (1), Where the Authority is satisfied that a holder of a content services licence has breached or is breaching this Act or conditions of licence, it shall serve a notice in writing requiring to remedy the breach within the period specified in the notice.

Complaints handling by online content provider

16. - (1) Any person may file a complaint to the online content provider against parties referred in Regulation 2 in relation to any matter connected with prohibited content.

(2) Online content provider shall, within twelve hours, resolve the complaint filed under this regulation.

(3) Where the online content provider fails to resolve the complaint within the time specified under sub-regulation (2), the aggrieved person may, within thirty days from the date of filing of complaint, refer the complaint to the Authority.

Referral of complaints to Authority

17. - (1) Upon receiving complaint under these Regulations, the Authority shall serve the online content services provider with copy of the complaint and require the online content services provider to reply within twelve hours.

(2) Where a person is not satisfied with the response of the content services provider under sub regulation (1), the Authority shall handle the complaint through the Content Committee procedures.

Offences and penalty

18. Any person, who contravenes the provisions of these Regulations, commits an offence and shall, upon conviction be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term of not less than twelve months or to both.

ONLINE CONTENT SERVICES LICENCE FEES (in Tshs)

S/N	Type of license	Application fees	Initial license fees	Annual license fees	Renewal fees	Duration of license
1	Online Content Services	100,000	1,000,000	1,000,000	1,000,000	3 years
2	Simulcasting Television License (streaming content on the Internet)	50,000	200,000	200,000	200,000	3 years
3	Simulcasting Radio License (streaming content on the Internet)	50,000	200,000	200,000	200,000	3 years

The Promise of Online media

Derek Murusuri, business journalist and media consultant based in Dar es Salaam, analyses the recently published Online Content Regulations and concludes that they are designed to promote safe use, competition and entrepreneurship.

Blogs in Tanzania pay. An average hard working blogger can earn up to 10 million shillings in advertising revenue every month. Bloggers pose stiff competition to the mainstream media which pay assorted fees and have other running costs.

Most TV viewers, radio listeners and newspaper readers in Tanzania are increasingly resorting to online platforms instead of the mainstream media; not only are the new media are user-friendly, but are interactive. Feedback is often immediate.

Blogs are too competitive to be left on the back seat. The emerging opportunities on online platforms are immense and blogs are increasingly becoming a media of choice for many young people; who account for over 60 per cent of Tanzania's population.

Before the publication of the Electronic and Postal Communications (online Content) Regulations in March 2018, bloggers in Tanzania were not regulated.

The regulations are not aimed at muzzling free speech in Tanzania; but are intended to identify operators in the industry and to help ensure that online content is appropriate for consumption, thereby creating a secured online operating environment for everyone, says Dr. Phillip Filikunjombe, a Senior Legal Officer at TCRA.

Laws and regulations are introduced to address issues in respective societies. What is right according to the circumstances in Tanzania could be perceived differently in other countries. An example is the smoking of marijuana or cannabis which is prohibited in Tanzania but has been re-classified from B to C in the United Kingdom where possession of the drug would not lead to arrests in most cases. Instead, the police will give an on-the-spot warning and confiscate the drug.

Other countries have relaxed the laws on drugs with a view to helping sick people. Some varieties of cannabis are legal for medicinal purposes in Australia, Puerto Rico, Poland, Czech Republic, Canada, Croatia and Macedonia. In Turkey, its cultivation is legal for the same purposes.

The Minister for Information, Culture, Arts and Sports, Dr Harrison Mwakyembe, who signed the document, reiterated that online content providers should appreciate trends and cultural sensitivities of the general public. These include Tanzania's national interests.

A licensee of online radio and television intended for broadcasting over the public internet shall now abide by the regulations governing the broadcasting services and adhere to ethics of the journalism profession, he said

TCRA Board Chairman, Dr Jones Killimbe said there was a lot of misinformation in the social media on the regulations. He explained that the regulations do not obstruct or impede development of social media but will promote competition in the industry and create a level playing field.

He called on all stakeholders to enhance awareness campaigns on the regulations so that they were appreciated by all in the industry.

Some of the provisions in the current regulations were in the penal code.

Tanzania is not the first country to address online media content. Countries that regulate online content include Australia, Malaysia, Kenya and Singapore. Others are Dubai, China and Egypt.

The German Parliament early this year passed a landmark law to hold internet companies accountable for illegal, racist, slanderous material on their social media platforms; requiring them to remove such content within a specified timeframe, or face fines up to 50 million euro.

Former German Justice Minister Heiko Maas, the driving force behind the legislation, declared, "freedom of speech ends where the criminal begins."

Maas, who is now Minister for Foreign affairs, said the legislation was intended to make rules that apply in the real world, equally enforceable in the digital world. In an intervention aimed at protecting its citizens from intrusion into their privacy, the European Union (EU) has raised concerns about social media operations. EU Justice Commissioner Vera Jourova has held an open discussion with Face book Chief Operating Officer Sheryl Sandberg about unauthorized access to subscriber data by the political consultancy firm Cambridge Analytica, which worked on U.S. President Donald Trump's campaign.

Facebook founder and CEO Mark Zuckerberg will also appear before the European Parliament. This happens after the US Senate and House lawmakers quizzed Zuckerberg for about 10 hours in two days early this year over data privacy and the terms and conditions of the Facebook user agreement.

Regulator KISWAHILI

TOLEO MAALUM, MEI 2018

Hili ni toleo la Kiswahili la jarida la The Regulator, linalotolewa mara nne kwa mwaka na Mamlaka ya Mawasiliano Tanzania (TCRA), taasisi ya serikali inayosimamia mawasiliano ya kielektroniki na posta nchini. TCRA ni taasisi ya Serikali inayosimamia sekta ya mawasiliano (kama vile simu, intaneti, mtandao wa kompyuta na kadhalika),huduma za Posta na usafirishaji wa vipeto katika Jamhuri ya Muungano wa Tanzania na pamoja huduma za utangazaji (kama vile redio na televisheni) kwa Tanzania Bara tu. Zanzibar ina Tume yake inayosimamia utangazaji. Kazi za TCRA zimefafanuliwa kwenye Sheria iliyoiunda Mamlaka na pia kwenye Sheria ya Mawasiliano ya Kielektroniki na Posta EPOCA) ya 2010.

BODI YA UHARIRI

Mwenyekiti/Mhariri
Dr. Emmanuel Manasseh

Mhariri/Mratibu
Bw. Semu Mwakyanjala

Mhariri wa uzalishaji
Bw. Isaac Mruma

Wajumbe
Bw. Thadayo Ringo
Dr. Philip Filikunjombe
Ms. Thuwayba Hussein
Mhandisi Gabriel Mruma
Bw. Rolf Kibaja
Bw. Erasmo Mbilinyi

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Barua ya Mhariri

Tunapowasilisha toleo hili maalum lenye kanuni za 2018 za Sheria ya Mawasiliano ya Kielektroniki na Posta (EPOCA), kuna umuhimu wa kurejea mfumo wa utoaji wa leseni unaozingatia muingiliano wa tekinolojia, yaani CLF ambao ulianzishwa 2005 ili kwenda sambamba na mabadiliko ya tekinolojia. TCRA imekuwa ikitoa leseni chini ya mfumo wa CLF; ambao una aina nne za leseni, ambazo nl **leseni inayojumuisha** uwekaji wa miundombinu; leseni inayoruhusu kutoa huduma za simu yaani sauti, picha na takwimu kupitia miundombinu; leseni ya kutoa huduma kama vile intaneti, kupiga simu kupitia internet, takwimu kwa ajili ya biashara na huduma za kutuma taarifa fupi; na leseni ya kutoa maudhui.

Pamoja na makundi haya ya leseni ndani ya CLF, nyingine ni ya kutoa huduma za posta na usafirishaji wa vifurushi; kuweka na kutengeneza vifaa vya mawasiliano ya kielektroniki, kuagiza na kusambaza vifaa vya mawasiliano ya kielektroniki; kuuza vifaa hivi; matumizi ya masafa na namba na anwani za kielektroniki. Leseni nyingine ni ya huduma za satelaiti kupitia V-SAT na ya kusambaza maudhi ya utangazaji.

Tumechapisha ujumbe wa Mkurugenzi Mkuu kuhusu kanuni hizi na pia kuna maelezo mafupi kuhusu kila kanuni. Kama ambavyo baadhi ya wasomaji wameona, kanuni za kulinda watumiaji; na za maudhui mtandaoni zimechapishwa, kwa lugha ya kiingereza. Katika toleo hili, tunayo tafsiri ya kiswahili ya kanuni za maudhui mtandaoni.

Maendeleo ya tekinolojia ya mawasiliano yamewezesha ushriki wa watu wengi katika kuandaa, kutengeneza na kusambaza maudhui mtandaoni kwa gharama ndogo sana. Hii ina maana kwamba maudhui mtandaoni yanaweza kusambazwa na mtoa huduma na pia mtumiaji wa huduma. Mitandao ya kijamii inawezesha watu kuendesha mijadala mubashara kupitia vifaa vya mawasiliano, hasa simu za mkononi. Kanuni za maudhui mtandaoni zinaelezea majukumu na wajibu wa watoa huduma na watumiaji wa huduma za maudhui mtandaoni.

Tunapowatakia usomaji mwema, tunakaribisha makala, maoni au picha kuhusu masuala ya mawasiliano. Makala zichapwe; kwa herufi za ukubwa wa 12 aina ya Times New Roman, ziwe na nafasi ya kutosha na urefu wa hadi kurasa nne za A4. Picha ziwe kwenye jpeg. Makala na picha vitumwe kupitia barua pepe kwa:

regulator.magazine@tcra.go.tz

Kanuni Mpya kwa Sekta Imara

Toleo hili maalum la jarida la Regulator ni mahsusi kwa ajili ya kanuni zilizochapishwa hivi karibuni chini ya Sheria ya Mawasiliano ya Kielektroniki na Posta (EPOCA)baada ya kufanyiwa marekebisho. Zinafuta zile zilizochapishwa 2005, 2011, 2013, 2014 na 2015 kwa maeneo husika. Kanuni mpya - za Maudhui Mtandaoni - zimetolewa.

Kanuni hizi ziliwekwa saini mapema mwaka huu na Waziri wa Ujenzi, Usafirishaji na Mawasiliano; na Waziri wa Habari, Utamaduni, Michezo na Sanaa. Kanuni zinahusu leseni,tozo,uwekaji na uchangiaji wa miundombinu, uwekaji wa mahesabu tofauti kwa shughuli zinazotolewa na wenye lseni, ushindani wa haki na kulinda watumiaji.

Kanuni pia zinahusu maunganisho ya mitandao, huduma za ziada, matumizi ya masafa ya mawasiliano,ubora wa huduma. masuala ya posta, huduma ya kuhamia mtandao mwingine bila kubadili namba ya simu ya kiganjani (MNP) na viwango vya bidhaa za mawasiliano.

Masuala mengine ni ufuatiliaji wa mawasiliano ya simu, mitandao ya utangazaji ya kidijitali na mingineyo, namba na anwani za kielektroniki; na za kitengo cha dharura cha kitaifa cha kushughulikia masuala ya usalama wa mitandao.

Katika toleo hii tumechapisha tafsiri ya kiswahili ya Kanuni za Maudhui Mtandaoni, ambazo zimetolewa kwa mara ya kwanza.

Tekinolojia imebadilisha sana na kuleta ufanisi katika utoaji wa habari, elimu na burudani kupitia vyombo vya habari. Tofauti iliyokuwepo kati ya vile vilivyojulikana kwa muda mrefu kama vyombo vya habari vya 'zamani' na vya 'kisasa' haionekani tena kwa uwazi; kwa kuwa sasa matumizi ya tekinolojia yameenea katika magazeti na vyombo vya habari vya kielektroniki.

Msingi mkubwa wa mabadiliko haya uko kwenye matumizi ya intaneti; ambayo imebadilisha sio tu ufanisi wa vyombo vya habari bali imewezesha kuibuka kwa watumiaji wa huduma za habari wenye maslahi, malengo na matarajio tofauti. Intaneti imewezesha kutolewa kwa maudhui kwa njia ya sauti na video. Aidha, imewezesha watu kubadilishana taarifa kwa wakayi na kujadiliana kupitia mitandao ya kijamii.

Intaneti pia imewapatia wachapishaji wa magazeti na majarida nyenzo ya kusambaza nakala za bidhaa zao mtandaoni.

Uandishi wa habari mtandaoni umevutia washiriki wengi; wakiwemo wachapishaji, wanaotoa huduma za kuhifadhi tovuti na blogu na aina mpya ya waandishi wa habari ambao baadhi ya kazi zao zinaonyesha upungufu katika kuzingatia miiko muhimu ya uandishi uliojaa weledi.

Hali kama hii inataka kuwepo na umakini katika kujisimamia; na inahitaji kutungwa kwa miongozo itakayowezesha kuwekwa kwa maudhui ya maana mtandaoni.

Kanuni za maudhui mtandaoni zinalenga kuhimiza uandishi makini mtandaoni. Ingawaje kuna kanuni, miongozo na miiko ya weledi katika uandishi, kanuni hizi zinalenga matumizi katika eneo moja -uandishi mtandaoni.

Kanuni hizi hazikusudiwi kuingilia uhuru wa vyombo vya habari; au uhuru wa kuwasiliana wa mtu binafsi. Zinalenga masuala ya usalama wa taifa, kulnda watoto, kuendeleza utamaduni wa taifa na kuheshimu haki ya mtu kuwa na faragha na usiri. Majukumu ya wahusika tofauti atika mfumo mzima wa upashanaji habari kupitia mitandao ya kidijitali yamefafanuliwa wa undani.



TCRA imeanza kutoa leseni kwa watoa huduma za maudhui mtandaoni. Mkurugenzi Mkuu, Mhandisi James Kilaba akikabidhi leseni kwa .... hivi karibuni. Ikishuhudiwa na Ms. Fortunata Mdachi and Eng.Felician Mwesiga

Kanuni za EPOCA, 2018

Kanuni mpya za Seria ya Mawasiliano ya Kielektroniki na Posta (EPOCA)

Kanuni ya Leseni
Zina vipengele kadhaa ikiwa ni pamoja na kuainisha maeneo ya kijiografia ambayo wenye leseni watatoa huduma.
Aidha zinawataka watoa huduma kuchukua hatua zote za tahadhari kuhakikisha usalama wa maisha ya wananchi na kuhakikisha kwamba hawaathiriki na matumizi ya vifaa au miundombinu itakayowekwa.

Kanuni za tozo
Pamoja na mambo mengine zinaweka masharti ya promosheni na ofa maalum; na kwamba masharti hayo ni ya wazi, yanaeleweka na hayana vifungu vilivyojificha.

Kanuni za uwekaji na uchangiaji wa miundombinu
Zinahimiza watoa huduma kushirikiana katika uwekaji na uendeshaji wa mindombinu kwani hilo linapunguza gharama kwa mtoa huduma binafsi na pia linaongeza ufanisi.
Kanuni znaeleleza haki na wajbu wa watoa huduma wanaoshirikiana katika uwekaji na uedeshaji wa miundombinu.

Kanuni za kuweka mahesabu tofauti
Hizi zinawataka watoa huduma kutenganisha mahesabu ya shughuli wanazotoa. wanatakiwa wawe na hesabu tofauti kwa vitengo vya kibiashara, huduma na bidhaa wanazotoa.
Zinaelezea utaratib wa kuandaa, kuwasilisha kwa ukaguzi na kuchapisha mahesabu.

Kanuni za ushindani wa haki
Zinaelezea mwongozo wa ushindani wa haki, na kwa mtoa huduma mwenye nguvu zaidi sokoni kutokutumia vibaya nafasi hiyo.

Kanuni za kulinda watumiaji
Zinaelezea wajibu wa watoa huduma na watumiaji wa huduma; zinazungumzia masuaa ya usiri na faragha ya taarfa za watumiaji na zimeainisha utaratibu wa kuwasilisha malamiko.

Kanuni za maudhui mtandaoni
Zinafafanua majukumu na wajibu wa watoa huduma na watumiaji wa huduma za maudhui mtandaoni; maudhui yaiyokatazwa na pia umuhimu wa kulinda watoto wanapotumia mitandao ya mawasiliano. Tafsiri ya kiswahili ya kanuni hizo iko kwenye toleo hili.

Kanuni za maudhui ya utangazaji wa redio na televisheni
Zinaelezea majukumu ya mtoa huduma za utangazaji kwa umma, kwa jamii na kibiashara.
Vilevile zina masharti ya utoaji wa maudhui.

Kanuni za maunganisho ya mitandao
Zinaweka masharti ya majadiliano kuhusu gharama za maunganisho baina ya mitandao.

Kanuni za huduma za ziada
Pamoja na mambo mengine zina lengo la kuthibiti usambazaji wa meseji kwa watumiaji wa simu za mkono, ikiwa ni pamoja na matangaz ya biashara bila ridhaa yao; jambo ambalo linaingiia usiri na faragha ya mtumiaji.
Zinaweka masharti ya utumaji wa meseji za kutangaza huduma mpya; na zinataka watoa huduma wamuondoe mtumiaji kwenye huduma ya meseji ambayo hakuiomba wala kuridhia.

Kanni za matumizi ya masafa ya mawasiliano
Zina lengo la kusimamia matumizi endelevu ya masafa ya mawasiliano, ambayo ni raslimali adimu.

Kanuni za ubora wa huduma za mawasiliano
Hizi zina lengo la kuhakikisha kwamba watumiaji wanapata huduma kulingana na ubora ambao watoa huduma wameutangaza. Viwango vya ubora vimewekwa kwa huduma za simu, intaneti, posta na maudhui ya utangazaji.

Kanuni za Huduma ya kuhamia mtandao mwingine bila kubadili namba ya simu ya kiganjani (MNP)
Chini ya MNP mtumiaji anabaki na namba yake ya awali iwapo ataamua kuhamia mtandao mwingine wa simu za kiganjani nchini Tanzania. Kanuni zinaelezea utaratibu wa kuhama na masharti yake na majukumu ya watoa huduma.

Kanuni za Posta
Pamoja na mamzo mengine zinaelezea aina sita za watoa huduma za kusafirisha vifurushi ambao ni wanaotoa huduma kati ya mji na mji, ndani ya mji, wenye vyombo vya usafiri, wanaosafirosha nchi nzima, Afrika Mashariki na kwingineko duniani.
Aidha, zinaelezea masharti ya kupata leseni ya kusafirisha vifurushi.

Kanuni za viwango vya vifaa vya mawasiliano ya kielektroniki
Zinahusu utaratibu wa kupata idhini ya kutumia bidhaa za mawasiliano nchini na masuala ya utoaji wa waranti au garantii kwa vifaa vinavyouzwa; ambayo ni angalau miezi 12.

Kanuni za ufuatiliaji wa taarifa za simu
Kanuni zinaelezea umuhimu na faiza za Mtambo wa Usimamizi na ufuatiliaji wa simu za kimataifa (Telecommunications Traffic Monitoring System (TTMS) ambao umefungwa TCRA.
Mtambo unawezesha kufuatilia sekta ya mawasiliano kwa karibu na ufanisi zaidi, Umewezesha kuwatambua watoaji wa huduma za simu bila leseni wanaosababisha ukosefu wa mapato kwa serikali.
Mtambo unawezesha kuwa na takwimu sahihi za mawasiliano nchini na unafuatilia miamala ya kifedha ya simu za mkononi kwa karibu zaidi.
Kanuni zinaelezea majukumu na wajibu wa watoa huduma katika kuwasilisha taarifa muhimu TCRA.

Kanuni za mitandao ya utangazaji ya kidijitali na mingineyo
Kuwepo kwa kanuni hizi kuna lengo la kuhimiza na kuhakikisha wamba madhui ya utangazaji yanapatikana kwa watumiaji wa huduma. Zinawakata watoa huduma za kusambaza maudhu ya utangazaji kuhakikisha ufanisi kwenye mfumo wa utangazaji wa kidijtali.
Aidha zinazungumzia upatikanaji wa chaneli za utangazaji ambazo zinatakiwa kutolewa bila malipo.

Kanuni za TZ-CERT
TZ-CERT ni Kitengo cha dharura cha kitaifa cha kushughulikia masuala ya usalama wa mitandao.Kina majukumu ya kitaifa yakuratibu matukio ya usalama katika mitandao na pia kushirikiana na vyombo vingine vya kikanda na kimataifa katika kusimamia matukio ya usalama mitandaoni.
Kanuni hizi zina kipengele kinahowataka watumiaji wa mitandao kuwa na mifumo ya usalama ya kuthbiti vifaa na mitanbo yao isiingiliwe.

Kanuni za namba na anwani za kielektroniki
Zinahusu usimamizi wa namba na anwani za kielektroniki; utaratibu wa kupata namba za mawasiliano ikiwa ni pamoja namba fupi na usajili wa tovuti kwenye kituo cha urajisi wa tovuti Tanzania (tzNIC). Kanuni zinataka taasisi na vyombovilivyosajiiwa Tanzania kujisajili na kutumia tovuti zenye “dot tz”.

MAUDHUI MTANDAONI

Usalama, Kulinda Watoto, Kuhimiza Uwajibikaji

Kanuni za maudhui mtandaoni za 2018, zina vipengele ambayo vinalenga kuendeleza usalama, kulinda watumiaji ikiwemo watoto na kuhimiza uwajibikaji katika matumizi ya mitandao ya kijamii.

Kanuni hizo zinawataka watoa huduma za maudhui mtandaoni kuhakikisha kwamba maudhui mtandaoni ni salama, yako katika hali ya usalama na hayakiuki matakwa ya sheria nyingine yoyote na kuweka maanani mwelekeo na hisia za kiutamaduni za umma kwa ujumla.

Aidha anatakiwa kuweka sera au mwongozo kuhusu maudhui mtandaoni na kuwezesha kupatikana kwake kwa watumiaji; kuchukua hatua za kudhibiti maudhui yasiyotakiwa au yaliyokatazwa.

Maudhui yaliyokatazwa ni pamoja na maudhui machafu; hotuba za chuki; vitendo vya wazi vya ngono au ponografia; uhalifu unaohusisha ngono, ubakaji, kusudio la ubakaji, ngono isiyo na ridhaa ambayo ni jinai kisheria na ngono inayohusisha binadamu na wanyama.

Maudhui yanayoonyesha utumiaji nguvu, ama kwa vitendo, kwa maneno au kisaikolojia; na ambayo iyanaweza kutibua, kushtua na kuudhi watazamaji na kusababisha hofu kubwa miongoni mwa watazamaji au kuhimiza wengine kuiga matukio hayo; maudhui yanayosababisha kero na maudhi, yanayotishia uharibifu au ubaya, yanayohimiza au kuchochea uhalifu; au ambayo yanaweza kusababisha vurugu katika jamii yamekatazwa.

Kanuni pia zinakataza maudhui ambayo yanatetea propaganda za chuki au ambayo yanahimiza mauaji ya kimbari au chuki dhidi ya kundi la watu linalojulikana;yanayoweza kutishia usalama wa taifa au afya na usalama wa jamii, kama vile kutoa maelekezo mna mwongozo wa nanma ya kutengeneza mabomu, madawa ya kulevya au bidhaa feki.

Mtu ambaye anatoa maudhui mtandaoni, anapata maudhui mtandaoni, anatunza au anatumia maudhui mtandaoni au anaendesha kibanda au sehemu ya kutoa huduma za intaneti atachukua hatua zote zinazowezekana kuhakikisha kwamba watoto hawajisajili, hawapati au kuchangia maudhui yaliyokatazwa.

Wanaolipia shitariki na wanaotumia maudhui mtandaoni wanatakiwa kuchukua dhamana na kuwajibika kwa mambo wanayoweka mwenye majukwaa ya mtandaoni, mitandao ya kijamii, blogu au mifumo mingine mtandaoni inayofanana na hii; na kuhakikisha kwamba mambo wanayoweka mtandaoni hayakiuki matakwa ya Kanuni hizi au sheria nyingine.

Wajibu huu pia unawahusu wanaotumia mitandao ya jamii, ambao wanatakiwa kuchukua dhamana na kuwajibika kwa taarifa atakazochapisha kwenye mitandao hiyo na kutumia neo la siri (password) kulinda vifaa wanavyotumia au vinavyowawezesha kutumia mitandao ya kijamii dhidi ya matumizi yasiyoidhinishwa, ama kutumiwa na mtu asiyeruhusiwa.

Kanuni za Maudhui Mtandaoni

Kanuni za maudhui mtandaoni, ambazo zimetolewa hivi karibuni zina lengo la kuhimiza uwajibikaji katika matumizi ya mitandao ya mawasiliano inayotumia intaneti, kulinda watumiaji wa mitandao na kuimarisha usalama wa Watanzania.

Zinaelezea majukumu na wajibu wa wanaotoa na wanaotumia huduma za maudhui ya televisheni na redio kupitia mitandao, wamilki wa blogu na majukwaa ya mtandaoni, watumiaji wa mitandao ya kijamii na wanaoendesha biashara ya huduma za intaneti kwenye vibanda (internet cafes).

Kanuni hizo zinaitwa The Electronic and Postal Communications (Online Content) Regulations, 2018 na zimewekwa saini na Waziri wa Habari, Utamaduni, Michezo na Sanaa Dr. Harrison Mwakyembe, Machi 2018.

Zinawataka watoa huduma za maudhui na wanaotoa matangazo ya redio na televisheni kupitia mitandao kuomba na kupewa leseni, za muda wa miaka mitatu, ambazo zinaweza kuendelezwa baada ya kipindi hicho.

Kutakuwa na ada ya maombi ya leseni, malipo ya awali ya leseni, malipo ya kila mwaka na ya kuendeleza leseni.

MAELEZO YA AWALI

Kanuni hizi zitahusu maudhui mtandaoni ikiwa ni pamoja na:

(a) Wenye leseni zinazoruhusu utoaji wa huduma kama vile internet, kupiga simu kupitia internet, takwimu kwa ajili ya biashara, na huduma za kutuma taarifa fupi (application services licensees)
(b) Wamilki wa blogu;
(c) Wanaotoa huduma za intaneti kwenye vibanda (internet cafes)
(d) Wanaoweka maudhui mtandaoni
(d) Majukwaa ya mtandaoni
(f) Redio na televisheni mtandaoni
(g) Mitandao ya kijamii
(h) waliojiunga na huduma, na watumiaji wa maudhui ya mtandaoni
(i) Maudhui mengine yanayohusiana na maudhui ya mtandaoni

MAANA YA MANENO YALIYOTUMIKA KWENYE KANUNI

Neno/maneno	Maana
Mwenye leseni inayoruhusu utoaji wa huduma kama vile internet, takwimu kwa ajili ya biashara, na huduma za kutuma taarifa fupi (application services licensee)	Mwenye leseni ya Mamlaka katika kundi la leseni linalojulikana kama application service ambayo inahusu tu utoaji wa maudhui mtandaoni au kuwawezesha watoaji wa huduma za maudhui mtandaoni;
blogu au web-blogu	Tovuti yenye maudhui ya mwandishi au kundi la waandishi, ambayo inaelezea uzoefu, uchambuzi, maoni, taarifa za habari, matukio, majarida, matangazo au picha, video fupi na ambayo inaweza kumuunganisha mtumiaji na tovuti nyingine;
wamilki wa blogu	mwandishi au kundi la waandishi ambao wanamilki na wanaendesha shughuli za kuendesha blogu au shughuli zinazofanana na kuendesha blogu;
maudhui	sauti, data, maandishi au picha -ama picha mnato au zinazotembea;
chombo cha habari mtandaoni	mfumo wa kuwasilisha maudhui kwa umma kwa televisheni, redio, video, sinema, gazeti mtandao au kwa njia nyingine ya kielektroniki au vifaa vya kielektroniki. Hii ni pamoja na mitandao ya kijamii, huduma zinazowezeshwa na teknolojia na njia nyingine zinazofanana na hizi;
maudhui yenye kuendekeza chuki	maudhui ambayo yanachochea au kuhamasisha mauaji ya kimbari au chuki dhidi ya kundi la watu linaloweza kutambulika;
hotuba ya chuki	hotuba ambayo, kwa maneno, sauti au picha au vinginevyo itakavyokuwa, ambayo inakebehi, kuharibu sifa, inachafua au inayoshusha sifa za mtu au kundi la watu kwa misingi ya rangi, mbari, dini, utaifa, jinsia, mwelekeo wa jinsi au ulemavu;

maudhui yasiyo na heshima	maudhui yoyote ambayo yanachukiza na kukera, yasiyofaa kimaadili na yanayokiuka viwango vya sasa na vinavyokubalika vya tabia njema; kama vile utupu na ngono.
Kibanda cha intaneti au kibanda cha mawasiliano mtandaoni	Sehemu inayotoa huduma za intaneti au kuwezesha watumiaji kujiunga na mitandao kwa kutumia kompyuta zake yenyewe au kompyuta makato za wateja; kwa kawaida kwa malipo;
chombo cha kusimamia sheria	Polisi, Idara ya Usalama wa Taifa, Mwendesha mashtaka au mamlaka yoyote iliyopewa nguvu kwa sheria yoyote iliyoandikwa;
maudhui machafu	maudhui ambayo yatafanya anayeyaona, kuyasoma au kuyasikia apate karaha kutokana na kuwepo kwa maandishi au picha za kiasherati na maudhui yenye mwelekeo wa uzinifu, ambayo hayana staha na ambayo yanaweza kuleta athari mbaya kwa wanaokutana nayo;
anayehifadhi maudhui mtandaoni (online content host)	kompyuta yoyote ambayo inahifadhi maudhui kutoka kompyuta nyingine iliyounganishwa kwenye mtandao; inayoweza kuhamisha taarifa kwenda kwa kompyuta nyingine iliyounganishwa kwenye mtandao; au inayowezesha maudhui yaliyo mtandaoni kufikiwa na watumiaji; ikiwa ni pamoja na mfumo wa kuhamisha taarifa kupitia kompyuta (file transfer protocol servers), kuunganisha kompyuta kubwa zilizo mbali (telnet servers), kampuni zinazohifadhi maudhui kwenye intaneti (webhosting companies) na kampuni kubwa zinazohifadhi maudhui ya intaneti (web servers);
mtandaoni	mfumo unaowezesha mazingira ya kupatikana kwa maudhui kupitia mtandao, ama kwa malipo au vinginevyo na ambayo yameanzia Tanzania au yamelengwa kutumiwa na umma Tanzania;
jukwaa la mtandaoni	majadiliano yanayofanyika kwenye sehemu maalum mtandaoni ambapo watu wanazungumza kupitia michango wanayotuma;
radio mtandao	huduma ya sauti; yenye leseni ya Mamlaka au la, ambayo inarushwa kupitia mitandao. Majina mengine ya huduma hii ni online radio, web radio, net radio, streaming radio, e-radio,au webcasting;
televisheni mtandao	usambazaji wa maudhui ya televisheni kidijitali, vipindi vifupi au video fupi vinavyotengenezwa na makampuni au watu mbalimbali; walio na leseni za Mamlaka na ambao hawana; na kusambazwa mtandaoni na ambayo yamelenwa kutumiwa Tanzania;
maudhui yasiyoruhusiwa	maudhui ambayo uchapishaji, usambazaji au uwekaji mitandaoni umekatazwa kwa mujibu wa Kanuni hizi;
kitambulisho kinachotambulika	Kitambulisho cha Taifa, Kitambulisho cha Mzanzibari Mkazi, Leseni ya Udereva, Pasipoti na Kadi ya Mpiga Kura;
mitandao ya kijamii	mifumo ya mtandaoni iliyowekwa kwa msingi wa tekinolojia inayowezesha intaneti; ambayo inawezesha watumiaji kutunga na kubuni maudhui na kubadilishana na watumiaji wengine; hivyo kuwezesha watu binafsi, taasisi na jamiii kutumiana, kubuni kwa pamoja,kujadili na kurekebisha maudhui.
mtumiaji	mtu au taasisi ambao wanaweza kupata maudhui yaliyoko mtandaoni ama kwa kulipia au kwa utaratibu mwingine;
ukurasa wa tovuti au tovuti au 'saiti'	mafaili au maudhui ambayo yanapatikana kwenye mtandao wa kompyuta duniani, yaani www ambacho ni kifupisho cha World Wide Web; kwa kuandika anwani mahsusi ambayo inajulikana kama URL.
	Tanbihi: URL ni kifupisho cha Uniform Resource Locator; ambayo ni anwani ya ukurasa wa tovuti. Mfano wa URL ni https://www.tcra.go.tz/images/index.php/regulations ambapo www.tcra.go.tz ni mwenye tovuti na images/index.php/regulations ni sehemu ambako faili linapatikana.

Majukumu ya Wanaoweka maudhui mtandaoni

5. - (1) Kwa madhumuni ya Kanuni hizi, mtoa huduma za maudhui mtandaoni atakuwa na majukumu kama ifuatavyo-

(a) kuhakikisha kwamba maudhui mtandaoni ni salama, yako katika hali ya usalama na hayakiuki matakwa ya sheria nyingine yoyote iliyoandikwa;

(b) kuweka maanani mwelekeo na hisia za kiutamaduni za umma kwa ujumla;

(c) kuweka sera au mwongozo kuhusu maudhui mtandaoni na kuwezesha kupatikana kwake kwa watumiaji;

(d) kutumia vifaa vya kusimamia na kuchuja maudhui yaliyokatazwa;

(e) kuweka utaratibu wa kutambua vyanzo vya maudhui;

(f) kuchukua hatua za kudhibiti maudhui yasiyotakiwa au yaliyokatazwa;

(g) kuhakikisha kwamba maudhui yaliyokatazwa yanaondolewa mtandaoni ndani ya saa kumi na mbili baada ya kutaarifiwa kufanya hivyo;

(2) Anayelipia shitariki na anayetumia maudhui mtandaoni atatakiwa kuzingatia yafuatayo:

(a) kuchukua dhamana na kuwajibika kwa mambo anayoweka mwenye majukwaa ya mtandaoni, mitandao ya kijamii, blogu au mifumo mingine mtandaoni inayofanana na hii;

(b) kuhakikisha kwamba mambo anayoweka mtandaoni hayakiuki matakwa ya Kanuni hizi au sheria nyingine.

(3) Mtoa huduma za maudhui mtandaoni atashirikiana na maafisa wa kusimamia sheria wakitekeleza majukumu yao chini ya Kanuni hizi.

Wenye leseni zinazoruhusu utoaji wa huduma kama vile internet, kupiga simu kupitia internet, takwimu kwa ajili ya biashara, na huduma za kutuma taarifa fupi

6. - (1) Mwenye leseni ya kutoa huduma mtandaoni anapoingia mkataba na watumiaji ataweka vigezo na masharti ambavyo, pamoja na mambo mengine, vitakuwa haki ya:

(a) kumkatalia mtumiaji huduma au kukatisha huduma kwa mtumiaji pale mtumiaji anapokiuka Kanuni hizi;

(b) kuondoa maudhui yaliyokatazwa kwa mujibu wa Kanuni hizi.

(2) Vigezo na masharti vitakavyowekwa ndani ya kanuni ndogo ya (1) vitakuwa katika namna na mfumo ambao utawawezesha watumiaji kuvipata kwa urahisi;

(3) Pale ambapo mwenye leseni atataarifiwa na Mamlaka au na mtu ambaye ameathirika na kuwepo kwa maudhui yaliyokatazwa; mwenye leseni atatakiwa, ndani ya saa kumi na mbili tangu alipopata taarifa ya Mamlaka, kumwelekeza mteja wake kuondoa maudhui hayo yaliyokatazwa;

(4) Baada ya kupokea taarifa chini ya kifungu kidogo (3), mteja atatakiwa, ndani ya saa kumi na mbili kuanzia muda aliyopewa taarifa, kuondoa maudhui hayo yaliyokatazwa;

(5) Pale ambapo mteja atashindwa kuondoa maudhui hayo yaliyokatazwa ndani ya saa kumi na mbili, mwenye leseni ataisimamisha au kuifungia akaunti ya mteja.

Mwenye blogu ya maudhui ya redio na televisheni mtandaoni

7. - (1) Mwenye leseni ya redio na televisheni mtandaoni vinavyotangaza kupitia intaneti kwa lengo na kuhabarisha, kuburudisha na kuelimisha umma atatakiwa kuzingatia masharti yafutayo:

(a) maudhui yatakayorushwa yatazingatia kanuni zinazotawala huduma za utangazaji;

(b) kuzingatia maadili ya uandishi wa habari na weledi;

(c) kulipa ada zinazotakiwa;

(d) kuwasilisha kwa msimamizi wa sekta mpango wa kuendeleza wafanyakazi wake;

(e) kuzingatia sheria na kanuni za haki ya kunakili na hakimiliki;

(f) kuzingatia masuala ya umilki na majukumu ya uendeshaji yaliyoainishwa kwenye Sheria;

(g) kuzingatia matakwa ya kuwa na maudhui yaliyoandaliwa Tanzania kwa mujibu wa kanuni.

(2) Kifungu kidogo (1) kitahusu Watanzania wakazi, raia wa Tanzania walioko nje ya nchi, watu wasio raia wa Tanzania wanaoishi nchini ambao wanaendesha blogu au majukwaa ya mtandaoni yenye maudhui yanayolenga kutumiwa na Watanzania.

(3) Muombaji wa leseni ya chombo cha habari mtandaoni chini ya kanuni hii atawasilisha maombi kwa Mamlaka na kutoa taarifa zifuatazo:

(a) anwani inayoeleza ilipo sehemu anapofanyia shughuli zake;

(b) hati ya usajili;

(c) mmilki na menejimenti ya mtandao;

(d) maelezo binafsi ya wafanyakazi kuhusu elimu, ujuzi (curriculum vitae);

(e) aina ya maudhui yatakayotolewa kama vile taarifa za habari, habari kwa ufupi na michezo (taarifa za vipindi);

(f) mwongozo na sera ya uhariri;

(g) saa za kazi;

(h) maelezo ya kitaalamu ya vifaa vinavyotumika;

(i) ufafanuzi iwapo ni huduma ya kibiashara au la.

Anayehifadhi maudhui mtandaoni (online content host)

8. Kwa kuzingatia Kanuni ya 5, anayehifadhi maudhui mtandaoni atatakiwa-

(a) kuwa na kanuni zenye masharti ya kuweka maudhui;

(b) atakapopata taarifa ya mtu ambaye ameathiriwa na

maudhui hayo au kutoka kwa Mamlaka au vyombo vya kusimamia sheria, ataondoa maudhui hayo aliyoweka.

Wanaotoa huduma za intaneti kwenye vibanda (internet cafes)

9. - (1) Kwa kuzingatia Kanuni 5, kila kibanda cha intaneti au sehemu ya biashara inayotoa huduma za intaneti atakuwa na wajibu ufuatao:

(a) kuhakikisha kwamba kompyuta zote zinazotumiwa na wateja kwa huduma za intaneti zinawekewa utambulisho mahsusi ambao haubadiliki kwa kifaa husika(public static IP addresses);

(b) kutunga na kuchapisha sera ya matumizi salama ya intaneti kwa ajili ya matumizi salama ya intaneti kwa ajili ya maudhui mtandaoni na kuiweka mahali ambapo inaonekana kwa urahisi ndani ya sehemu huduma inapotolewa; au kwenye kioo cha kompyuta; au kuweka sera hiyo kwenye sehemu zinazoonekana ili watumiaji waisome kabla ya kutumia huduma hiyo;

(c) kuweka utaratibu wa kudhibiti watumiaji kupata maudhui yaliyokatazwa;

(d) kufunga kamera za kurekodi shghuli zote zinazofanyika ndani ya sehemu ya huduma za intanetina kuweka kumbukumbu ya picha ziizorekodiwa;

(e) kuweka na kutumia rejista ya kumbukumbu ya watumiaji wa huduma za intaneti na kuhakikisha kwamba kila mtu anayetumia huduma ya intaneti anasajiliwa baada ya kuonyesha kitambulisho kinachotambulika.

(2) Picha zitakazochukuliwa na kamera za kurekodi matukio na rejesta ya watumiaji kama ilivyoelezwa kwenye kifungu kidogo (1) vitahifadhiwa kwa kipindi cha miezi kumi na mbili.

Wanaotumia mitandao ya kijamii

10. Kwa kuzingatia Kanuni 5, mtumiaji wa mitandao ya kijamii atatakiwa:

(a) kuchukua dhamana na kuwajibika kwa taarifa atakazochapisha kwenye mitandao ya kijamii;

(b) kutumia neo la siri (password) kulinda vifaa anavyotumia au vinavyomuwezesha kutumia mitandao ya kijamii dhidi ya matumizi yasiyoidhinishwa, ama kutumiwa na mtu asiyeruhusiwa.

KUHUSU UTOAJI WA TAARIFA, MAUDHUI YALIYOKATAZWA NA KUWALINDA WATOTO

Utoaji wa taarifa

11. - (1) Mamlaka au mtu yeyoe aliyeajiriwa na Mamlaka hatatoa taarifa alizopewa au alizozipata wakati wa kutekeleza majukumu yake ya kikazi kwa mujibu wa vipengele vya Kanuni hizi, ila tu pale ambapo taarifa hizo zinatakiwa na chombo chochote cha kusimamia sheria, mahakama au baraza lolote lililoundwa kisheria.

(2) Pamoja na kanuni ndogo ya (1) au vipengele vingine vya Kanuni hizi, mtu aliyeruhusiwa ambaye anatekeleza maelekezo au anajua kuhusu taarifa yoyote atazingatia yafuatayo-

(a) hatatoa taarifa hizo kwa mtu mwingine isipokuwa pale ambapo mtu huyo atakuwa afisa wa chombo cha kusimamia sheria na kwamba utoaji wa taarifa hizo ni muhimu kwa ajili ya kuwezesha utendaji kazi wa huyo mtu aliyeidhinishwa,au afisa wa kusimamia sheria ambaye anapokea taarifa hizo; au

(b) atatumia taarifa hizo kwa namna ambayo ni muhimu kwa utendaji wa kazi zake rasmi.

Maudhui yaliyokatazwa

12. Mtoa huduma za maudhui mtandaoni hatachapisha-

(a) maudhui yasiyofaa isipokuwa tu yake yaliyoidhnishwa na taasisi inayohusika na kuchuja filamu;

(b) maudhui machafu;

(c) hotuba za chuki;

(d) vitendo vya wazi vya ngono au ponografia;

(e) uhalifu unaohusisha ngono, ubakaji, kusudio la ubakaji, ngono isiyo na ridhaa ambayo ni jinai kisheria na ngono inayohusisha binadamu na wanyama;

(f) maudhui yanayoonyesha utumiaji nguvu, ama kwa vitendo, kwa maneno au kisaikolojia; na ambayo inaweza kutibua, kushtua na kuudhi watazamaji na kusababisha hofu kubwa miongoni mwa watazamaji au kuhimiza wengine kuiga matukio hayo;

(g) maudhui yanayoonyesha vitendo vya ukatili na utesi, kuumizwa, umwagaji wa damu na picha za watu wakiwa wanauawa waziwazi;

(h) maudhui yanayosababisha kero na maudhi, yanayotishia uharibifu au ubaya, yanayohimiza au kuchochea uhalifu; au ambayo yanaweza kusababisha vurugu katika jamii;

(i) maudhui ambayo yanatetea propaganda za chuki au ambayo yanahimiza mauaji ya kimbari au chuki dhidi ya kundi la watu linalojulikana;

(j) maudhui ambayo yanaweza kutishia usalama wa taifa au afya na usalama wa jamii, kama vile-

(i) kutoa maelekezo na mwongozo wa nanma ya kutengeneza mabomu, kuzalisha madawa ya kulevya au bidhaa feki;

(ii) kueneza taarifa za uwongo zinazohusu kuzuka kwa migogoro ya kimbari (racial tension);

(iii) vurugu katika sehemu fulani ya nchi;

(iv) kusambaza habari na taarifa zinazohusu uwezekano wa mashambulizi ya kigaidi;

(v) kusambaza au kuwezesha kupatikana kwa taarifa zinazohusu kuzuka kwa magonjwa hatari au ya kuambukiza;

(vi) maudhui yoyote yanayohusiana na masuala haya.

(k) maudhui yanayohusu lugha chafu ikwa ni pamoja

na- (i) matumizi ya maneno yanayoshusha hadhi ya mtu au ya matusi ambayo yanalenga kumuudhi mtu au kundi la watu;

(ii) matumizi ya maneno yasiyo na staha, katika lugha yoyote inayotumiwa na wengi katika Jamhuri ya Muungano, ambayo yanachukuliwa kuwa ni machafu, ikiwa ni pamoja na yanayotaja ngono au sehemu za siri;

(iii) hotuba za chuki.

(l) maudhui ya uwongo ambayo yanaweza kupotosha au kudanganya umma, isipokuwa tu kama imeelezwa awali kwamba maudhi hayo:-

(i) ni kejeli na maigizo ya kuchekesha;

(ii) ni ya kutunga;

(iii) yana maelezo ya awali kwamba maudhui sio ya kweli.

Kuwalinda watoto dhidi ya maudhui yasiyofaa mtandaoni

13. Mtu ambaye anatoa maudhui mtandaoni, anapata maudhui mtandaoni, anatunza au anatumia maudhui mtandaoni au anaendesha kibanda au sehemu ya kutoa huduma za intaneti atachukua hatua zote zinazowezekana kuhakikisha kwamba:

(a) watoto hawajisajili, hawapati au kuchangia maudhui yaliyokatazwa;

(b) watumiaji wanapewa utaratibu wa kuchuja maudhui na kusimamia maudhui kama wazazi.

UTOAJI WA LESENI

Wenye leseni zinazoruhusu utoaji wa huduma kama vile internet, kupiga simu kupitia internet, takwimu kwa ajili ya biashara, na huduma za kutuma taarifa fupi

14. - (1) Mtu yeyote ambaye anataka kutoa huduma za maudhui mtandaoni atajaza fomu ya maombi na kulipa ada kama ilivyowekwa kwenye kiambatanisho cha Kanuni hizi.

(2) Fomu ya maombi iliyotajwa kwenye kifungu kidogo (1) itaambatana na nyaraka na taarifa kama mamlaka itakavyohitaji.

Kufutwa kwa leseni ya huduma za maudhui mtandaoni

15. - (1) Mamlaka inayo haki ya kufuta leseni ya huduma za maudhui mtandaoni pale ambapo vigezo na masharti vimekiukwa.

(2) Bila kuathiri kifungu kidogo cha (1), pale ambapo Mamlaka imaridhika kwamba mwenye leseni ya huduma za maudhui mtandaoni amekiuka au anakiuka Kanuni hizi au masharti ya leseni, Mamlaka itatoa notisi kwa maandishi ikitaka ukikukwaji huo urekebishwe ndani ya kipindi kitakachowekwa kwenye notisi hiyo.

Utaratibu wa watoa huduma za maudhui mtandaoni kushughulikia malalamiko

16. - (1) Mtu yeyote anaweza kuwasilisha malalamiko kwa mtoa huduma za maudhui mtandaoni dhidi ya watu walioelezwa kwenye Kanuni (2) kuhusiana na masuala yoyote yanayohusiana na maudhui yaliyokatazwa.

(2) Mtoa huduma za maudhui mtandaoni atatakiwa kutatua malalamiko yaliyowasilishwa chini ya Kanuni hii ndani ya saa kumi na mbili.

(3) Pale ambapo mtoa huduma za maudhui mtandaoni atashindwa kutatua malaamiko ndani ya muda uliowekwa chini ya kifungu kidogo cha 2, mlalamikaji anaweza, ndani ya siku 30 kuanzia siku aliyowasilisha malalamiko kwa mtoa huduma, kuwasilisha malalamiko kwa Mamlaka.

Kuwasilisha malalamiko kwa Mamlaka

17. - (1) Baada ya kupokea malalamiko chini ya Kanuni hizi, Mamlaka itampatia mtoa huduma nakala ya malalamiko na kumtaka mtoa huduma za maudhui mtandaoni kujibu ndani ya saa kumi na mbili.

(2) Pale ambapo mtu hajaridhika na majibu ya mtoa huduma za maudhui mtandaoni chini ya kifungu kidogo cha 1, Mamlaka inashughulikia malalamiko hayo kupitia utaratibu wa Kamati ya Maudhui.

Makosa na adhabu

18. Mtu yeyote ambaye atakiuka matakwa ya Kanuni hizi, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyopungua shilingi milioni tano za Kitanzania au kifungo kwa kipindi kisichopungua miezi 12 au vyote.

ADA ZA LESENI ZA HUDUMA ZA MAUDHUI MTANDAONI (kwa shilingi)

Na.	Aina ya Leseni	Malipo ya maombi ya usajili	Ada ya kupatiwa Leseni	Ada ya Mwaka ya Leseni	Gharama ya Kuhuhisha Leseni (renewal)	Kipindi cha Leseni (miaka)
1	Blogu, Majukwaa mtandaoni	100,000	1,000,000	1,000,000	1,000,000	3
2	Televisheni mtandaoni	50,000	200,000	200,000	200,000	3
3	Radio mtandaoni	50,000	200,000	200,000	200,000	3

Taarifa zinazotakiwa unapoomba Leseni ya maudhui mtandaoni

Fomu za maombi ya leseni zinatolewa na Mamlaka ya Mawasiliano Tanzania zinapatikana kwenye tovuti ya Mamlaka, ambayo ni: www.tcra.go.tz. Ukishaingia, nenda kulikoandikwa *licensing*; shuka chini hadi *licensing information*; fungua *application forms*, kisha uone orodha ya fomu kisha ufungue unayoitaka.

Fomu iliyojazwa kikamilifu inatakiwa iwasilishwe ikiwa na taarifa na viambatanisho kama inavyoelezwa hapa.

A: Aina ya leseni inayoombwa

B: Taarifa za muombaji

1. Jina au majina ya muombaji:
Simu, fax, anwani ya barua pepe, tovuti, sehemu shughuli zinakofanyika (mji/jiji, mtaa, namba ya kwanja, postikodi.
2. Jina (majina) ya wenye hisa na idadi ya hisa zao kila mmoja.
3. Mtaji wa kampuni.
4. Uraia wa wenye hisa/wakurugenzi wa kampuni ya muombaji/
5. TIN na Tax Clearance Certificate.
6. Aina ya huduma zinazoombewa leseni (mfano, elimu, habari au burudani).
7. Eleza iwapo utatoa huduma maalum kama vile matukio na taarifa za habari.
8. Makisio ya gharama za uwekezaji.
9. Wafanyakazi wanaohitajika na elimu yao.
10. Mpango wa mafunzo kwa wafanyakazi (kama upo).
11. Tarehe ambapo shughuli zinatarajiwa kuanza.
12. Mipango ya baadae.
13. Taarifa nyingine muhimu.
14. Jina, wadhifa wa anayesaini fomu.
15. Anayesaini atatoa tamko kwamba taarifa zote alizotoa kwenye fomu ni za kweli.
16. Muhuri rasmi wa kampuni.

(**Tanbihi:** Orodha ya postikodi kwa nchi nzima imechapishwa kwenye tovuti ya TCRA. Kwenye ukurasa wa kwanza, nenda palipoandikwa ***Postal Services***).

MAJIBU YA BAADHI YA MASWALI KUHUSU MAUDHUI MTANDAONI

Je, usajili huu unahusu pia Magrupu yanayotumia majukwaa/mitandao ya nje kama WhatsApp, Facebook, Instagram, n.k?

Usajili huu hauhusu watumiaji wa mitandao ya kijamii yenye wamiliki walioko nje ya nchi kama WhatsApp, Facebook, Instagram, n.k.
Hata hivyo, Kanuni ya 5, 7, 8 na 10 za Kanuni za Maudhui Mtandaoni (Online Content Regulations) za 2018, inawapa wajibu wa kutimiza watumiaji wote wa maudhui mitandaoni ikijumuisha wana-Group wote na Wasimamizi (Administrators) wake bila kujali unatumia majukwaa/ mitandao ya ndani au ya nje.

Je, wamiliki wa websites nao wanatakiwa kujisajili?

Hapana iwapo haijihusishi na upakiaji wa taarifa za mara kwa mara (Current News) vinginevyo itahitaji usajili.

Je, gharama za usajili ni kiasi gani?

Gharama za usajili zimefafanuliwa kwenye jedwali ukurasa za 24; na ni katika shilingi.

Je, wamiliki wa Radio na Televisheni walio na Leseni za TCRA kwa sasa lakini wanarusha pia matangazo yao kwa kutumia internet wanatakiwa kusajiliwa?

Ndiyo, TCRA ilitoa leseni moja tu ya kurusha maudhui ya matangazo kwa kutumia mitambo iliyosimikwa ardhini (Radio and Television Terrestrial services) na si vinginevyo

Je, usajili unafanyika kwenye mtandao pekee?

Ndiyo, fungua tovuti (website) ya TCRA (www.tcra.go.tz), upande wako wa kulia juu kuna maandishi yanasomeka (BROADCASTING) chini ya maandishi haya utaona linki yenye neno Online Content Services bofya na uendelee na usajili.

Muda wa Leseni ukoje?

Leseni zote ni za miaka mitatu ambapo baada ya muda huo itahitajika kuomba kuhuishwa na kupewa Leseni nyingine kwa anayekidhi vigezo husika.

MAUDHUI MTANDAONI YANAVYOSIMAMIWA NCHI NYINGINE

Nchi kadhaa zimeweka utaratibu wa kusimamia maudhui mtandaoni ambayo yanaelekwa kwa umma. Muhtasari huu unaelezea usimamizi huo nchini Uganda. Kenya, Malaysia, Australia, India, China, Falme za Kiarabu, Singapore, Uingereza na Marekani

Na	Nchi	Aina ya usimamizi	Maelezo
1	Uganda	1.Sheria ya kudhibiti ponografia (Anti-Pornography Act) ya mwaka 2014, 2. Taarifa kwa umma ilitolewa tarehe 6 Machi 2018 kwa mujibu wa Sheria ya matumizi mabaya ya Kompyuta ya 2011 Usajili wa watoa huduma za mawasiliano ya data na utangazaji	Inakataza ponografia kwa mfumo wowote ule ikiwa ni pamoja na mtandaoni Kulitolewa taarifa kwa umma wa mujibu wa kifungu 6(e) cha Sheria ya Mawasiliano Uganda ya mwaka 2013 ambayo iliwataka watu wote wanaotoa huduma za mawasiliano ya data mtandaoni (ikiwa ni pamoja na wachapishaji mtandaoni, majukwaa ya habari mtandaoni, waendeshaji wa redio na televisheni mtandaoni) kuomba na kupatiwa idhini kutoka kwa Tume ya Mawasiliano Uganda ifikapo 2 April 2018. Kuwaelekeza watoa huduma za intaneti (ISP) kuzuia upatikanaji wa tovuti au vyanzo vya maudhui haya.
2	Kenya	Sheria ya matumizi mabaya ya kompyuta na udhibiti wa makosa ya mtandao ya 2018	Kenya imepitisha, hivi karibuni, sheria ya matumizi mabaya ya kompyuta na udhibiti wa makosa ya mtandao ya Mei 2018. Ingawaje sheria haizungumzii moja kwa moja udhibiti wa maudhui mtandaoni, imeweka kipengele cha adhabu kwa maudhui na mambo yasiyotakiwa au yaliyozuiwa mtandaoni. Adhabu: Faini ya shilingi za Kenya milioni 5 hadi 25 na kifungo kati ya miaka 2 na 25.
3	Malaysia	Kanuni za Malaysia za mitandao na maudhui	Sehemu ya 5: Mwongozo mahsusi kwa mitandao. Kifungu 1.2 cha Kanuni kinahusu maeneo ambayo yanasimamiwa na kinawahusu watoa huduma za maudhui mtandaoni au wale wanaowezesha kupatikana kwa maudhui mtandaoni kwa kutumia tekinolojia zilizoko na ambazo zinakuja baadae. Hawa ni pamoja na: (a) Wanaotoa huduma za intaneti; (b) Wanaohifadhi maudhui ya intaneti kwa niaba ya wateja; (c) Wanaoandaa maudhui yanayopatikana kupitia intaneti; (d) Wanaowezesha kusambazwa maudhui ya intaneti (e) Wanaounganisha mitandao. Chini ya kifungu 99, Tume ya Mawasiliano inaweza kumuagiza mtu au kundi la watu, kwa mujibu kifungu cha 51 kuzingatia matakwa ya Kanuni hizi. Adhabu: Faini isiyozidi pesa za Malaysia (Ringit) 50,000 ambayo ni sawa na dola za Kimarekani (USD) 13,000).
4	Singapore	Sheria ya Utangazaji Taarifa kuhusu leseni ya jumla	a) mtu yeyoye aliyeko Singapore na ambaye anatoa vipindi; kwa madhumuni ya kibiashara, kisiasa au dini kwenye mtandao wa intaneti au b) taasisi au kikundi cha watu (ikiwa ni pamoja na chama chochote, biashara, klabu, kampuni, umoja, jamii, kikundi au ubia bila kujali kama vimeandikishwa chini ya sheria za Singapore au la) na ambavyo vinatoa vipindi vyovyote kwenye mtandao wa intaneti; ikiwa ni pamoja na wachapishaji mtandaoni na wanaohifadhi maudhui mtandaoni. Lazima waombe leseni ya kufanya shughuli hizi. Adhabu: Faini isiyozidi dola za Singapore ($) 30,000 au kifungo jela kwa kipindi kisichozidi miaka 3 au vyote.

Na	Nchi	Aina ya usimamizi	Maelezo
5	Australia	Sheria ya huduma za utangazaji ya 1992 Sheria ya Kuboresha usalama Mtandaoni, namba 24 ya 2015.	Sheria ya huduma za utangazaji ambao ilipitishwa 1992 inahusu usimamizi wa masuala kama vile utangazaji wa televisheni, masharti ya leseni na kuanzishwa kwa Mamlaka ya Utangazaji Australia,ambayo sasa inaitwa Mamlaka ya Mawasiliano na Habari. Mwaka 1999 sheria ilirekebishwa na kuipa Mamlaka uwezo wa kusimamia maudhui mtandaoni Australia. Maudhui yaliyokatazwa yako chini ya Sheria ya Huduma za Utangazaji ya 1992 lakini usimamizi wa maudhui yaliyokatazwa uko chini ya Sheria ya Kuboresha usalama Mtandaoni, namba 24 ya 2015. Sheria hii imeanzisha ofisi inayoitwa Kamishna wa Usalama ambayo ina uwezo wa kutunga kanuni, kwa ajili ya kusimmia na kuhakiisha usalama mtandaoni Australia. Majukumu ya Kamishna ni pamoja na:- a) Kuendeleza usalama mtandaoni kwa watu wa Australia; b) Kushughulikia malalamiko yanayohsiana na maudhu mtandaoni; c) Kuratibu shughuli za Idara za Serikali kuu na wakala wanaoshughulika na usalama mtandaoni; d) Kusimamia masuala ya maudhui mtandaoni chini ya Sheria ya Huduma za Utangazaji; e) Kusajili watoa huduma za mitandao ya kijamii. Adhabu kwa kukiuka sheria ni kiwango sawa na dola za Kimarekani (USD) 15,500.
6	India	Kanuni za mitandao ya kijamii	Tarehe 6 April 2018 Wizara ya Habari na Utangazaji ya India iliagiza kuundwa kwa kamati ya watu 10 kubuni na kupendekeza mfumo wa usimamizi kwa ajili ya mitandao ya habari na taarifa ikiwa ni pamoja na watoa huduma za utangazaji wa kidijitali, watoa huduma za maudhui ya burudani, burudani na habari na wanaowezesha watoa huduma za habari na wenye mitandao ya kijamii kutoa huduma hizo. Hadidu za rejea za Kamati hiyo ni:- i. Kuainisha maeneo ya utoaji wa habari mtandaoni ambayo yanatakiwa kusimamiwa, kwa utaratibu unaotumika kwa magazeti na vyombo vya habari vya kielektroniki. ii. Kupendekeza utungaji sera unaofaa kwa ajili ya mitandao ya habari na taarifa na mitandao ya maudhui; ikiwa ni pamoja na utangazaj wa kidijitali unaojumuisha burudani, burudani na habari na wanaowezesha usambazaji wa huduma hizi mtandaoni; kwa kuzingatia kanuni, miongozo na miiko ya uandaaji na urushaji wa vipindi na matangazo ya kibiashara kwenye chaneli za televisheni. iii.Kufuatilia na kuchambua utaratibu wa kimataifa wa namna usimamizi wa masuala haya unavyofanywa kwa lengo la kuchukua mambo yaliyo bora.
7	China		Kuwezesha chombo cha China cha utawala wa mitandao kuwa chombo kinachowajibika na kuelekeza, kuendesha na kusimamia sheria kuhusiana na huduma za habari na taarifa kupitia mitandao nchini kote. Leseni inahitajika ili kutoa huduma za habari na taarifa kupitia intaneti. Hairuhusiwi kuanzisha shughuli za utoaji wa habari na taarifa kwa umma kupitia intaneti bila kuwa la leseni na kuzingatia matakwa na masharti ya leseni husika. Maombi ya leseni ya kutoa huduma za habari na taarifa kupitia intaneti yanatakiwa kukidhi masharti yafuatayo:- (1) Leseni iombwe na taasisi iliyoanzishwa kisheria ndani ya mipaka ya Jamhuri ya Watu wa China; (2) Wahusika wakuu na mhariri mkuu wawe raia wa China;

Na.	Nchi	Aina ya usimamizi	Maelezo
	China		(3) Muombaji awe na wataalamu mahsusi wa kuhariri habari, wa kupitia maudhui na wenye ujuzi wa tekinolojia inayotumika kwa huduma hizo; (4) Muombaji awe na mfumo uliokamilika wa kusimamia huduma za habari na taarifa kupitia mtandao wa intaneti; (5) Kuwa na mfumo uliokamilika wa kusimamia usalama wa mitandao na mfumo wa kuhifadhi na kutunza mitandao inayotumika kutoa huduma hizo; (6) Kuwe na sehemu ya kufanyia shughuli na vifaa vinavyotakiwa na fedha za kuwezesha kutolewa kwa huduma hizo. Adhabu: Faini ya pesa za Kichina Yuan kati ya 10.000 (sawa na dola za Kimarekani (USD) 1,600 na 30.000 (USD 4,700).
8	Falme za Kiarabu (UAE)	Kanuni za mtandao ya kielektroniki,2018	Kanuni zinahusu mitandao yote ya kielektroniki inayoendeshwa kwenye Falme za Kiarabu (UAE). Shughuli zinazohusika zimelezwa kwenye Kanuni hizo kama ifuatavyo:- • Tovuti za kufanyia biashara; zinazotoa na kuuza maudhui yaliyoko kwenye mfumo wa sauti, video au machapisho; • Kutoa huduma za uchapishaji na uchapaji mtandaoni pale zinapotakiwa; • Tovuti maalum (utoaji wa matangazo ya kibiashara mtandaoni, tovuti za habari na kadhalika) na • Shughuli yoyote ya kielektroniki itakayoainishwa na msimamizi wa sekta. Ili kupata leseni ya kutoa huduma za habari mtandaoni, muombaji anatakiwa kujaza kikamilifu na kuwasilisha fomu ya maombi ya leseni (na fomu nyingine yoyote) kwa taasisi inayosimamia shughuli hizi. Anatakiwa kuambatanisha nyaraka muhimu na kulipa ada zinazotakiwa. Tarehe ya ukomo: Watoa huduma za habari mtandaoni waliopo wanatakiwa kupata leseni za utoaji wa habari mtandaoni ifikapo Juni 2018. Adhabu: Faini sio chini ya pesa za UAE Dirham 5,000 (sawa na dola za Kimarekani (USD) 1,400) au vinginevyo tovuti na mitandao yao ya kijamii vitafungiwa.
9	Uingereza	Mapendekezo ya kutunga Kanuni za Intaneti, 2017	Tarehe 26 Aprili 2016 Waziri Mkuu wa Uingereza Theresa May alitangaza hatua za Uingereza kusimamia intaneti. Wakati huo huo: Kuna vyombo viwili vya utoaji wa leseni ambavyo vinafaa kuangaliwa nchini Uingereza; ambavyo ni PRS na PPL. Iwapo mtu anataka kuendesha kituo cha redio mtandaoni ambacho kitacheza muziki kibiashara nchini Uingereza anatakiwa awe na leseni ya PPL na ya PRS ili shughuli zake zitambulike kisheria. Leseni hizi hazihitaji malipo ya ada ya kila mwezi au mahesabu ya mrahaba na badala yake zinalipiwa ada ya mwaka.
10	Marekani	Utoaji leseni kwa redio na televisheni mtandaoni	Ili kutoa matangazo ya redio mtandaoni Marekani, mhusika anatakiwa kuomba leseni iliyowekwa kisheria. Kuna vyombo vikuu vinne vinavyotoa leseni kisheria Marekani: • ASCAP (Chama cha watunzi wa nyimbo, waandishi wa vitabu na wachapishaji), • BMI (Taasisi inayosimamia muziki unaorushwa na vyombo vya utangazaji), • SESAC (Chama cha kusimamia haki za watunzi wa nyimbo na wachapishaji), • Sound Exchange (kinasimamia hakimiliki za wasanii). Taasisi tatu za mwanzo zinasimamia haki za watunzi na ya mwisho inasimamia haki za wasanii. TANBIHI: Ni vyema kutambua kwamba lengo la utoaji wa leseni kwa redio na televisheni mtandaoni limejikita kwenye kulinda haki za watunzi na kuhakikisha ukusanyaji wa mapato; na halihusu masuala ya maudhui.

TEHAMA na Changamoto Mitandaoni

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Ukuaji wa teknolojia na kuvumbuliwa kwa njia za kisasa katika sekta ya habari na mawasiliano kumerahisisha upatikanaji wa huduma za kifedha kwa njia ya simu za mkononi.

Simu imekuwa wakala mkubwa wa fedha ambapo kila wakati yupo karibu kumhudumia mteja kwenye kuhamisha fedha, kutuma, kutoa au hata kuweka.

Kwa mujibu wa ripoti ya Benki ya Uwekezaji Ulaya (European Investment Bank, 2015) Afrika imeongoza duniani kwa matumizi ya simu za viganjani kufanya miamala ya kifedha.

Kikanda, hususan kwa Afrika Mashariki, Kenya ndio ilitajwa kuibuka kidedea kwa wakati huo ambapo wananchi 6 kati ya 10 (62%) ya watu wake wamekua wakitumia simu za viganjani kufanya miamala ya kifedha.

Mwaka 2017 Tanzania ilitikisa mno hasa kutokana na kupiga hatua kubwa kwenye huduma jumuishi za kifedha. Pamoja na mafanikio haya yote, ikiwemo ongezeko kubwa la watumiaji wa mtandao na miamala ya kifedha kwa simu za mkononi balaa lingine la uwepo wa matapeli liliibuka.

Kumekuwa na idadi kubwa ya watu wenye nia mbaya ambao hutumia maendeleo haya ya teknolojia kujipatia fedha kwa njia zisizo halali kutoka kwa watumiaji wa huduma za mtandao.

Licha ya matukio ya wizi wa fedha kwa njia ya mtandao kupungua nchini kwa sasa, ikilinganishwa na miaka iliyopita, wizi wa fedha kwa miamala ya simu umeonekana kushika kasi huku mkoa wa Dar es salaam ukiwa katika nafasi ya juu ukifuatiwa na Mwanza.

Taarifa na takwimu za matukio ya wizi wa mtandao zilizotolewa na Jeshi la Polisi, zinathibitisha kuwa kuanzia Oktoba 2016 hadi Machi 2017 mkoa wa Dar es salaam ulikuwa na matukio 1,423 ya wizi wa fedha kwa njia ya mtandao wa simu huku ukifuatiwa kwa mbali na mkoa wa Mwanza uliokuwa na matukio 659.

Mikoa mingine iliyotajwa kuwa na matukio mengi ya wizi wa fedha kwa njia ya simu ni Arusha, Dodoma, Morogoro na Mjini Magharibi (Zanzibar).

Kwa kipindi hicho kulikuwa na matukio 5,253 ya wizi wa fedha kwenye mtandao wa simu katika mikoa 19 ya Tanzania Bara na Visiwani. Matukio yaliyoripotiwa mkoa wa Dar es salaam ni sawa na asilimia 27 ya matukio yote. Katika mikoa mitatu ya Mwanza, Mjini Magharibi na Dodoma kulikuwa na matukio1,648.

Tofauti hiyo kubwa ya mkoa wa Dar Es salaam ikilinganishwa na mikoa mingine inatajwa kuchochewa na ongezeko la idadi ya watu wengi wanaotumia miamala ya simu kuliko taasisi nyingine za fedha zikiwemo benki.

Ndani ya mkoa wa Dar es salaam pia kuna tofauti kubwa kutoka wilaya moja hadi wilaya nyingine, kwa mfano, matkio yaliyoripotiwa wilaya ya Kinondoni yalikuwa 1,303 ikifuatiwa kwa mbali na wilaya ya Temeke (101) na Ilala (19).

Tofauti hii inaweza kuthibitisha kuwa tatizo la wizi wa fedha kwa njia ya mtandao wa simu ni kubwa zaidi katika wilaya ya Kinondoni kuliko maeneo mengine ya nchi. Inawezekana pia hii ni kutokana na ukubwa wa Kinondoni ambayo sasa imegawanywa na kuzaa Ubungo. Kinondoni pia ina wakazi wengi zaidi ya wilaya nyingine za Dar Es Salaam; 1,775,049 ukilinganisha na Ilala 1,220,611 na Temeke 1,368,881.

Pamoja na hilo, ni kwenye takwimu hizo hizo za Jeshi la Polisi, mikoa ya Geita, Tabora, Mtwara, Iringa, Tanga, Manyara na Kigoma ilitajwa kuwa na matukio machache ya uhalifu wa kifedha mitandaoni.

Kwa kipindi kati ya Mei 2017 na Mei mwaka huu, naamini kutokana na juhudi zilizofanywa na jeshi la polisi, wananchi na Mamlaka ya Mawasiliano Tanzania (TCRA), takwimu hizi zitakuwa zimeshuka kwa kiasi kikubwa.

Sote tumeona namna ambavyo TCRA wanafanya kazi yao wakishirikiana na kitengo maalumu cha polisi cha halifu mtandaoni ambacho kikipelekewa shauri hulishughulikia haraka na wahalifu kunaswa. Hii ni kutokana na uwepo wa vifaa vya kisasa vya kiteknolojia ua uchunguzi wa uhalifu mtandaoni.

Kipekee niipongeze TCRA, na kampuni za simu nchini, kwa kuendelea kutoa elimu na tahadhari kwa watumiaji wa simu za mkononi kuwa makini na matapeli ambao hutumia ujumbe wa simu kujipatia fedha kwa udanganyifu.

Licha ya kushamiri kwa ujumbe wa kila aina kama vile, “amekubali, tuma hapa” au “mbona hujatuma ile fedha,” na nyingine nyingi tu; watu wamekuwa makini ambapo wanawabaini mapema sana matapeli hawa.

Penginepo duniani shirika linalofuatilia wizi katika mitandao (ACFE, the nationals on occupational fraud and abuse, 2016), linaeleza kuwa kesi 2,410 zimeripotiwa katika nchi 114 ambapo dola bilioni 6.3 zimepotea kutokana na wizi wa mtandao.

Kwa ukanda wa Afrika Mashariki, ripoti ya hivi karibuni inasema Kenya ndiyo inayoongoza kuwa na matukio mengi ya wizi wa mtandao kupitia simu ambapo kila mwaka kuna matukio ya kiasi cha shilingi bilioni tano (5) za Kenya na kiasi hicho kinaendelea

kuongezeka.

Umakini mkubwa unahitajika kwenye mtandao au tovuti inayouliza maelezo yoyote kati ya yafuatayo: majina ya mtumiaji, maneno siri (PIN), nambari za usalama wa jamii au Bima, nambari za akaunti ya benki na au siku yako ya kuzaliwa.

Mbali na hiyo, watumiaji wanashauriwa wasitume neno la siri kupitia barua pepe na kuwashirikisha watu wengine kwa sababu maneno hayo au namba ni ufunguo wa akaunti zako na huduma mtandaoni.

Kama ilivyo katika maisha nje ya mtandao, unapaswa kuwa mwangalifu na mtu unayempa funguo za mlango wa nyumba yako. Kwenye mtandao mambo ni hivyo hivyo; PIN ni kwa ajili yako tu, usimuamini mtu.

KUMBUKA

Tovuti na huduma halali, kamwe hazitakutaka uwatumie neno la siri au namba ya siri ya akaunti yako yoyote kupitia barua pepe, hivyo ukipata maombi ya namna hiyo usijibu, hao ni wezi.



TCRA imechapisha na inasambaza mwongozo maalum kwa watumiaji wa huduma na bidhaa za mawasiliano; ambao, pamoja na maudhui mengine, una tahadhari anazotakiwa kuchukua mtumiaji ili kuepuka wizi na ulaghai mtandaoni. Pichani, Waziri wa Habari, Utamaduni, Michezo na Sanaa; Dr Harrison Mwakyembe, (katikati), Naibu Waziri wa Ujenzi, Uchukuzi na Mawasiliano, Mhandisi Atashata Nditiye (wa pili kulia); Naibu Katibu Mkuu Wizara ya Ujenzi, Uchukuzi na Mawasiliano, Mhandisi Angelina Madete (wa pili kushoto); Mwenyekiti wa Bodi ya Wakurugenzi ya TCRA, Dr Jones Killimbe (kulia) na Mkurugenzi Mkuu wa Mamlaka, Mhandisi James Kilaba (kushoto) wakati wa uzinduzi wa mwongozo huo Dar Es Salaam mapema 2018.

Taarifa kwa Umma

UFAFANUZI JUU YA USAJILI WA WATUMIAJI WA MITANDAO YA KIJAMII KAMA FACEBOOK, INSTAGRAM NA TWITTER

Mamlaka ya Mawasiliano Tanzania (TCRA) inauarifu umma kwamba:-

1. Wamiliki wote walio na leseni za utangazaji wanaotumia mitambo iliyosimikwa ardhini (Terrestrial) endapo watapenda kutumia pia kurasa za mitandao ya kijamii (Facebook, Instagram na Twitter) kurusha maudhui yao (content streaming) kwa lengo la kuhabarisha umma ni lazima wajisajili kwanza TCRA.

2. Wamiliki wote wa Blogu, majukwaa mtandaoni (Online Forums), Redio na Televisheni mtandaoni ambao wamekuwa wakitoa huduma za maudhui mtandaoni kabla ya usajili kuanza, walizuiliwa kuhamishia huduma hizo kwenye Facebook, Instagram, Twitter na nyinginezo za kufanana na hizo.

3. Kwa watumiaji mmoja mmoja (individual users) wa mitandao hiyo ya kijamii hawahitaji kusajiliwa na TCRA isipokuwa Kanuni zinataka wawajibike kwa maudhui wanayoyapakia (uploading) kwenye mitandao hiyo.

Pamoja na kwamba TCRA itaendelea kuchukua hatua za kisheria kwa watakaobainika kuhusika na upotoshaji huu, TCRA inavitahadharisha vyombo vya habari na watumiaji wa mitandao ya kubebea maudhui kujiepusha na usambazaji wa taarifa zisizokuwa na ukweli.

Kwa ufafanuzi au maelezo zaidi tumia barua pepe: onlinecontent@tcra.go.tz au Piga namba +255 22 2199769 au +255 22 2412011 wakati wa kazi.

JAMHURI YA MUUNGANO WA TANZANIA

MAMLAKA YA MAWASILIANO TANZANIA

ISO 9001:2015 CERTIFIED






Mamlaka ya Mawasiliano Tanzania(TCRA) ni taasisi ya Serikali inayosimamia sekta ya mawasiliano. TCRA ilianzishwa chini ya Sheria ya Udhibiti wa Mawasiliano Tanzania Na 12 ya 2003. TCRA ina viwango vya ISO 9001:2015.

Maeneo yanayosimamiwa

Mitandao ya simu na intaneti, masafa ya mawasiliano,huduma za Posta na usafirishaji wa vipeto katika Jamhuri ya Muungano wa Tanzania na huduma za utangazaji (kama vile redio na televisheni) kwa Tanzania Bara tu. Zanzibar ina Tume inayosimamia utangazaji.

Kazi za TCRA

- Kutoa leseni, kuongeza muda wa leseni na kufuta leseni
- Kuweka viwango kwa bidhaa na huduma zinazosimamiwa
- Kuweka viwango vya kanuni na masharti ya kusambaza bidhaa na huduma zinazosimamiwa
- Kudhibiti viwango na bei
- Kufuatilia utendaji wa sekta ya mawasiliano kuhusiana na viwango vya uwekezaji; upatikanaji wa huduma, ubora na viwango vya huduma; gharama za huduma; ufanisi wa bidhaa na usambazaji wa huduma.
- Kufanikisha utatuzi wa malalamiko na migogoro baina ya watoa huduma na kati ya mtoa huduma na mtumiaji wa huduma.
- Kufanya kazi na kutekeleza majukumu mengine kwa mujibu wa sheria husika
- Kusambaza taarifa kuhusu mambo ambayo ni muhimu kwa ajili ya shughuli za Mamlaka.

TCRA na ustawi wa Watanzania

Katika kufanya kazi zake, Mamlaka inajitahidi kuendeleza ustawi wa jamii ya Tanzania kwa:-

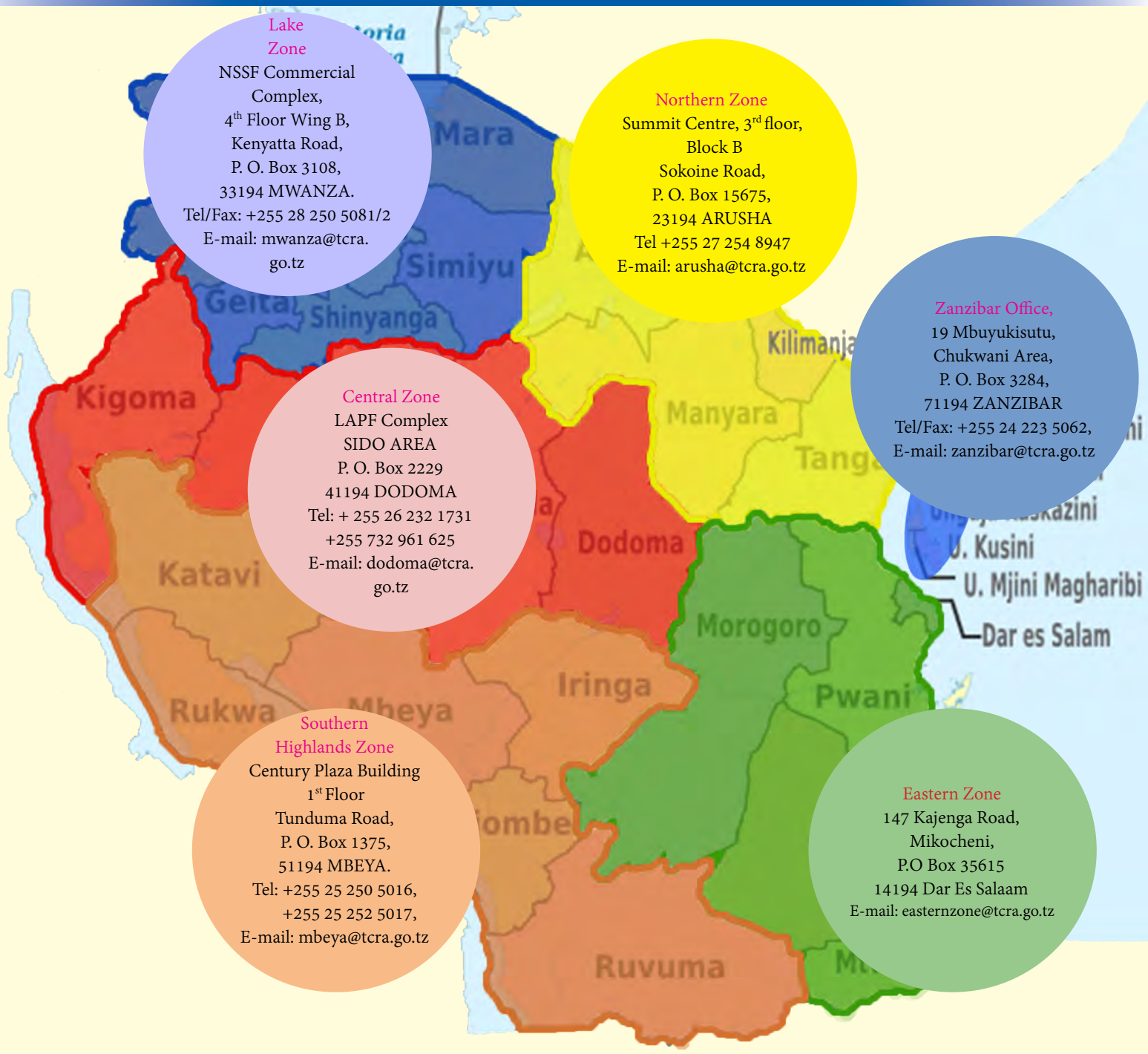
- Kukuza ushindani unaofaa na ufanisi wa uchumi
- Kuendeleza upatikanaji wa huduma zilizodhibitiwa kwa watumiaji wote ikiwa ni pamoja na wenye kipato kidogo waliopo vijijini na wateja walio katika mazingira magumu.
- Kulinda maslahi ya watumiaji
- Kuendeleza elimu kwa wananchi kuhusu utambuzi na uelewa wa sekta zilizodhibitiwa ikiwa ni pamoja na haki na wajibu wa watumiaji;namna ambavyo malalamiko yanaweza kuwasilishwa na kutatuliwa na kuhusu majukumu, kazi na shughuli za Mamlaka.



Tanzania Communications Regulatory Authority

ISO 9001:2015 CERTIFIED

ZONAL OFFICES



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