

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2016 No. 70.

**THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA (AUTHENTICATION OF INFORMATION TECHNOLOGY
TRAINING) REGULATIONS, 2016.**

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S T A T U T O R Y I N S T R U M E N T S

2016 No. 70.

The National Information Technology Authority, Uganda (Authentication Of Information Technology Training) Regulations, 2016.

(Under sections 5(j), 6(d),(e) and 39 of the National Information Technology Authority, Uganda Act, 2009, Act No. 4 of 2009)

IN EXERCISE of the powers conferred upon the Minister responsible for information technology by sections 5(j) 6(d),(e) and 39 of the National Information Technology Authority, Uganda Act, 2009, these Regulations are made this 7th day of October, 2016.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the National Information Technology Authority, Uganda (Authentication of Information Technology Training) Regulations, 2016.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the National Information Technology Authority, Uganda Act, 2009;

“authenticated person” means a person authenticated in accordance with these Regulations and who holds a certificate of authentication;

“authentication” means a formal certification procedure by which the Authority assesses, verifies and attests that information technology training offered by a person meets the requirements and standards prescribed under these Regulations and includes the authentication of information technology training institutions;

“Authority” means the National Information Technology Authority, Uganda established by the Act;

“Executive Director” means the chief executive of the Authority appointed under section 16 of the Act;

“information technology training” means training relating to application, design, development, implementation, support or management of computer-based information systems;

“information technology” means the science of collecting and using information by means of computer systems and refers to computers, ancillary or peripheral equipment such as printers and scanners, software and firmware services including support services, and related resources and used in the acquisition, storage, manipulation or processing, management, movement, control, display reception of data or information; includes any equipment or interconnected systems that are used in the acquisition, storage, manipulation or processing, management, movement, control, display, transmission or reception of data or information;

“information technology training institution” means an institution conducting information technology training;

“recognised certification body” means a body which the Authority has authorised, in writing, to conduct authentication on its behalf in accordance with these Regulations.

PART II—AUTHENTICATION OF INFORMATION TECHNOLOGY TRAINING

3. Authentication required to conduct information technology training

(1) A person shall not conduct information technology training unless that person is authenticated in accordance with the Act and these Regulations.

(2) A person who conducts information technology training in contravention of subregulation (1) commits an offence and is liable, on conviction—

- (a) to a penalty of a fine not exceeding forty-eight currency points or imprisonment not exceeding two years imprisonment or both;
- (b) in the case of a second or subsequent offence, to a fine not exceeding seventy-two currency points or imprisonment not exceeding three years or both;
- (c) in the case of a continuing offence, to an additional fine not exceeding ten currency points for each day on which the offence continues.

4. Authority to authenticate information technology training.

(1) The Authority shall, in conjunction with the ministry responsible for education, be the authentication center for information technology training.

(2) For the purposes of performing its mandate under subregulation (1), the Authority may retain the services of a recognised certification body to authenticate information technology training.

5. Authority to consult Ministry responsible for education before authentication

The Authority shall, in consultation with the Ministry responsible for education, authenticate information technology training under these Regulations.

6. Designation of registrar for information technology training

(1) The Executive Director shall be the registrar of information technology training for the purposes of the Act and these Regulations.

(2) The registrar shall be responsible for—

- (a) receiving and processing applications for authentication of information technology training;
- (b) registering authenticated information technology training institutions;
- (c) implementing the decisions of the Authority regarding the authentication of information technology training and information technology training institutions.

(3) The registrar shall establish and maintain a register of authenticated persons.

PART III—APPLICATION FOR AUTHENTICATION OF INFORMATION
TECHNOLOGY TRAINING

7. Application for authentication of information technology training

(1) A person who intends to conduct information technology training shall apply to the registrar for authentication in Form 1 in Schedule 1.

(2) An application under subregulation (1) shall be accompanied with the fee prescribed in Schedule 3.

(3) Without prejudice to subregulation (1), an application for authentication of information technology training shall state precisely the purpose for which the authentication is sought.

(4) The Authority shall authenticate information technology training using the classification criteria specified in Schedule 2.

(5) For the avoidance of doubt, a pre-primary, primary and general secondary institution shall not be required to pay fees for authentication under these Regulations.

Special provisions for authenticating information technology training institutions

8. Authentication of information technology training institutions

(1) The Authority shall, before authenticating an institution conducting information technology training under regulation 7, ascertain that the institution meets the requirements specified in Schedule 2.

(2) Without limiting the general effect of subregulation (1), an institution shall—

- (a) be registered in accordance with the law, where applicable;
- (b) abide by the standards for the provision of information technology training;
- (c) demonstrate financial viability, where necessary;
- (d) put in place and maintain a sound quality management system in relation to information technology training;
- (e) have in place policies and procedures to govern the information training institution;
- (f) employ competent and qualified staff to provide, implement and deliver information technology training;
- (g) provide appropriate infrastructure and equipment required for information technology training.

9. Assessment of application

(1) The Authority shall assess every application to ensure that the applicant meets the criteria in respect of an application for information technology training, inspect the premises of the applicant to evaluate whether the applicant satisfies the requirements for conducting information technology training in accordance with the Act and these Regulations.

(2) Where the Authority retains the services of a recognised certification body under regulation 4(2) the certification body shall assess the application for authentication and make a recommendations to the Authority.

(3) The Authority may, where the information provided by the applicant is insufficient to enable the Authority make a decision on the application, require the applicant to provide further information for the purposes of this regulation to enable the Authority make a decision.

(4) For the avoidance of doubt, the Authority shall assess every application to ascertain that the application—

- (a) complies with applicable administrative, legal and technical requirements issued by the Authority;
- (b) demonstrates experience of the applicant in specific information technology training;
- (c) complies with applicable standards.

Grant, renewal and suspension of authentication

10. Grant or refusal of certificate of authentication

(1) The Authority shall within forty-five days after the receipt of an application grant or refuse authentication for information technology training.

(2) Where the Authority authenticates an applicant, the Authority shall issue the applicant a certificate of authentication in Form 2 in Schedule 1.

(3) A certificate shall be valid for three years from the date of issue or such other period the Authority may prescribe subject to the Act and these Regulations.

(4) Where the Authority rejects or refuses an application for authentication, the Authority shall give reasons and the registrar shall notify the applicant of the rejection or refusal within thirty days after the decision.

11. Certificate to be displayed in conspicuous place

A person that has been granted a certificate of authentication shall display the certificate in a conspicuous place in the premises of the person.

12. Suspension or revocation of a certificate

(1) The Authority may suspend or revoke the authentication to conduct information technology training where the Authority is satisfied that—

- (a) the person is operating in contravention of the Act or these Regulations;
- (b) the capacity of the person has diminished in a manner that affects the information technology training.

(2) Before suspending or revoking authentication under these Regulations, the Authority shall give notice to the person to show cause, within thirty days, why the authentication should not be suspended or revoked.

(3) Where authentication is suspended or revoked, the Authority shall give the reasons for the suspension or revocation.

(4) Where a person's authentication—

- (a) is revoked the registrar shall remove that person from the register of authenticated persons;
- (b) is suspended the registrar make an entry in the register to indicate that the authentication of the person has been suspended.

(5) Where a person surrenders his or her authentication, the registrar shall remove that person from the register.

13. Re-instatement of authentication

(1) The Authority may reinstate the authentication of a person whose authentication is suspended where the Authority is satisfied that the authenticated person has addressed the reason for the suspension and after payment of the fee prescribed in Schedule 3.

(2) A person whose authentication is revoked may make a new application which shall be assessed in accordance with regulation 9.

14. Surrender of certificate

(1) A person conducting information technology training may surrender the certificate of authentication to the Authority.

(2) A person who surrenders the certificate under subregulation (1) shall immediately cease to provide information technology training subject to the directions of the Authority.

15. Renewal of authentication

(1) A holder of a certificate of authentication shall apply for renewal of the authentication six months before the expiry of the authentication.

(2) The authentication shall only be renewed where the Authority is satisfied that the holder of the certificate meets the requirements for authentication.

(3) An application for renewal shall be accompanied by the fee prescribed in Schedule 3.

PART IV—GENERAL PROVISIONS

16. Power to inspect

(1) The Authority may in the manner specified in the Act and these Regulations, inspect and monitor an authenticated person to ensure compliance with the Act and these Regulations.

(2) For purposes of subregulation (1), an authenticated person shall be inspected on a preliminary basis not less than six months after the grant of the certificate.

(3) A full inspection shall be carried out not less than one year after the grant of the certificate, and thereafter the Authority shall inspect the certified person every year during the validity of the certification.

(4) Notwithstanding subregulations (1) and (2), the Authority may conduct impromptu inspections of authenticated persons.

(5) The Authority shall prepare a report of any inspection of every authenticated person.

(6) Where the report indicates that the authenticated person is in breach of the terms and conditions on which the authentication was granted or is in breach of the provisions of the Act or these Regulations, the Authority may require the authenticated person to fulfill the terms and conditions of the authentication or adhere to the provisions of the Act or these Regulations within a period stated by the Authority.

(7) Where an authenticated person does not comply with sub regulation (6), the Authority may suspend or revoke the authentication of the person.

(8) Every authenticated person shall pay an annual inspection fee prescribed in Schedule 3.

17. Reviews and appeals

(1) A person who is dissatisfied with the decision of the Authority under these Regulations may apply to the Authority for the review of the decision within thirty days of receipt of the decision.

(2) The application shall be in Form 3 in Schedule 1 and shall be accompanied by the fee prescribed in Schedule 3.

(3) The application for review shall be in writing and include the reasons for the review in a precise and concise manner.

(4) The Authority shall consider the review and confirm or vary the earlier decision or make such other decisions as may be necessary within thirty days of receipt of the request for review.

(5) The Authority shall give reasons for its decision.

(6) A person dissatisfied with a decision of the Authority under these Regulations may, in Form 4 in Schedule 1, appeal to the Minister within fifteen days of receipt of the decision.

(7) The appeal shall state the reasons for the appeal in a precise and concise manner.

18. Penalty for breach of Regulations

A person who contravenes these Regulations commits an offence and is liable on conviction—

- (a) to a penalty of a fine not exceeding forty eight currency points or imprisonment not exceeding two years imprisonment or both;
- (b) in the case of a second or subsequent offence, to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both;
- (c) in the case of a continuing offence, to an additional fine not exceeding ten currency points for each day on which the offence continues.

PART V—TRANSITIONAL PROVISIONS

19. Persons conducting information technology training prior to coming into force of these Regulations

(1) A person conducting information technology training immediately before the coming into force of these Regulations shall apply for authentication in accordance with the Act and these Regulations.

(2) The application under subregulation (1) shall be made within ninety working days after the coming into force of these Regulations.

(3) For the avoidance of doubt, the provisions in these Regulations relating to application for authentication shall, with the necessary modifications, apply to an application made under this regulation.

SCHEDULE 1

Regulation 7(1)

FORM 1

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA ACT, 2009

Application for authentication of information technology training

TO: The National Information Technology Authority, Uganda

**APPLICATION FOR AUTHENTICATION OF INFORMATION
TECHNOLOGY TRAINING**

1. NAME OF APPLICANT *(including a trading name, if different from registered name)*

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

2. ADDRESS

(a) Registered physical address.....
.....

(b) Postal address:
.....
.....
.....

(c) Fax number:.....

(d) E-mail address:.....

(e) Website address:.....

(f) Telephone: Fixed Mobile:

3. LOCATION

State the premises of the of information technology training institution (*if different from registered physical address*)

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

4. INFRASTRUCTURE TO SUPPORT THE DELIVERY OF INFORMATION TECHNOLOGY TRAINING

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

5. EXPERTISE/ STAFF AND QUALIFICATIONS

(a) How many academic/training staff does the institution have or propose to have?

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

(b) Please give the name of each of the proposed academic/training staff employed by the applicant (*attach a separate sheet*). Please indicate the academic qualifications of each member of staff.

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

(c) Indicate the qualifications in information technology of the staff as follows—

(i) Ph. D. holders

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

(ii) Masters

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

(iii) Bachelors

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

(iv) Diploma

.....
.....

(v) Certificate

.....
.....

(vi) Other Professional Qualifications:

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

6. AUTHENTICATION REQUIREMENTS FOR SPECIFIC INFORMATION TECHNOLOGY TRAINING (*specified by the Authority*) (see whether it satisfies the matter of scope of authentication)

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

7. FINANCES AND MANAGEMENT

(a) What is the annual budget or proposed budget of the information technology training?

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

(b) How much of the budget is given to-

(i) Infrastructure development

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

(ii) Research and development

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

(iii) Computer hardware and software

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

(iv) Human resource development

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

8. DETAILS OF PREVIOUS CERTIFICATIONS, IF ANY *(include details of certification standard, certification body, date of grant of certificate and period for which the certificate was granted)*

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

9. DETAILS OF APPLICANT’S EXPERIENCE IN CONDUCTING INFORMATION TECHNOLOGY TRAINING

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

10. DETAILS OF TAX REGISTRATION AND CLEARANCE

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

11. SIGNATURES OF THE OFFICERS OF THE INFORMATION TECHNOLOGY TRAINING

(i) NAME SIGNATURE

(ii) NAME SIGNATURE

(iii) NAME SIGNATURE

DECLARATION

We swear that all information submitted in this form is true to the best of our knowledge.

(Fill all items on this form and append attachments wherever necessary. Print or use capital letters.)

FORM 2

CERTIFICATE

Regulation 10(2)

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA ACT, 2009

CERTIFICATE OF AUTHENTICATION

.....(*insert name*) is
certified to conduct information technology training under the Act

Dated this day of 20...

.....
Executive Director
National Information Technology Authority, Uganda

FORM 3

APPLICATION FOR REVIEW

Regulation 17(3)

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA ACT, 2009

**TO: The National Information Technology Authority,
Uganda**

APPLICATION FOR REVIEW

I/We.....(*insert name*)
being dissatisfied with the decision of the Authority made on theday of
..... 20..... in respect of(*attach*
copy of the decision) hereby apply to the Authority to review the decision.

The reasons for application for review are as follows:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated this day of20...

.....
Name of applicant

.....
Signature of applicant

FORM 4

APPEAL

Regulation 17(7)

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY,
UGANDA ACT, 2009

**TO: The National Information Technology Authority,
Uganda**

APPEAL

..... *(insert name)*
being dissatisfied with the decision of the Authority made on the day of
..... 20..... in respect of
(attach copy of the decision) hereby appeal to the Minister against the decision
of the Authority.

The reasons for appeal are as follows:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated this day of20.....

.....
Name of Applicant

.....
Signature of Applicant

SCHEDULE 2

]Regulations 7(3), 8(1)

CRITERIA FOR AUTHENTICATION OF INFORMATION TECHNOLOGY TRAINING

PART I – GENERAL REQUIREMENTS FOR AUTHENTICATION OF INFORMATION TECHNOLOGY TRAINING

1. A person seeking authentication to conduct information technology training shall fulfill the criteria specified in this Schedule.
2. Without prejudice to paragraph (1), a person seeking authentication shall –
 - (a) be a legally registered business in Uganda or outside Uganda;
 - (b) have sound organisational, financial and planning systems to ensure stability in the provision of information technology training;
 - (c) have facilities and equipment to ensure conducive to conduct the information technology training;
 - (d) have satisfactory past work performance, track record of credibility, and experience in a given industrial activity for which the authentication is sought;
 - (e) have experienced information technology professionals required to conduct the information technology training for which the authentication is sought;
 - (f) identify the site to be covered under the scope of proposed authentication which shall generally be a location at which the person carries out operations;
 - (g) clearly specify the scope of information technology training to be included under the authentication sought;
 - (h) abide by the standards for the provision of information technology training.

PART II – CATEGORIES OF INFORMATION TECHNOLOGY TRAINING

1. The classification criteria set out in this Schedule applies to the following information technology training.
 - (a) Primary
 - (b) General Secondary Education
 - (c) Technical and Vocational
 - (d) Tertiary Institutions
 - (e) Universities

2. The scope of training for the categories of information technology training specified in paragraph 1 shall accord with the categories and sub-categories of the Skills Framework for the Information Age or SFIA classification set out below.

| Category | Sub-Category | Code |
|---------------------------|---------------------------------|-------------|
| Strategy and Architecture | Information Strategy | SAIS |
| | Advice and Guidance | SAAG |
| | Business Strategy and Planning | SABP |
| | Technical Strategy and Planning | SATP |
| Business Change | Business Change Implementation | BCCI |
| | Business Change Management | BCCM |
| | Relationship Management | BCRM |
| | Skills Management | BCSM |

| | | |
|---|------------------------------|------|
| Solution Development and Implementation | Systems Development | SDSD |
| | Human Factors | SDHF |
| | Installation and Integration | SDII |
| Service Management | Service Strategy | SMSS |
| | Service Design | SMSD |
| | Service Transition | SMST |
| | Service Operation | SMSO |
| Procurement and Management Support | Supply Management | PMSM |
| | Quality and Conformance | PMQC |
| Client interface | Sales and Marketing | CISM |
| | Client Support | CICS |

SCHEDULE 3

Fees

The fees specified in this Schedule shall be payable to the Authority and the authentication body in respect of the matters to which they relate under the Act and these Regulations.

PART A

AUTHENTICATION OF PERSONS PROVIDING INFORMATION TECHNOLOGY TRAINING WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. THREE BILLION AND FIVE HUNDRED MILLION

Note: This Part applies to legal persons providing information technology training and not to natural persons

| | <i>Description of fee</i> | <i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i> | <i>Fee in UGX Shilling payable to the certification body (unless stated otherwise)</i> |
|----|--|---|--|
| 1. | Application for certification (regulation 7) | 72, 450 | 277, 550 |
| 2. | Authentication (regulation 10(2)) Note: Pre-primary, primary and general secondary institution are exempt from this fee | 2,070,000 | 7,930,00 |
| 3. | Re - instatement of certification (regulation 13(1)) | 414, 000 | 1,586,000 |
| 4. | Application for renewal of certification (regulation 15(3)) | 2,070,000 | 7,930,000 |
| 5. | Annual inspection (regulation 16(8)) | 414, 000 | 1, 586, 000 |
| 6. | Application for review of decision of the Authority in respect of application for certification (regulation 17) | 144, 900 | Nil |

PART B

AUTHENTICATION OF PERSONS PROVIDING INFORMATION TECHNOLOGY WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. ONE BILLION BUT LESS THAN THREE BILLION FIVE HUNDRED MILLION

Note: This Part applies to legal persons providing information technology training and not to natural persons

| | <i>Description of fee</i> | <i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i> | <i>Fee in UGX Shilling payable to the certification body(unless stated otherwise)</i> |
|----|--|---|---|
| 1. | Application for certification (regulation 7) | 43, 470 | 166,530 |
| 2. | Authentication (regulation 10(2)) Note: Pre-primary, primary and general secondary institution are exempt from this fee | 1,242,000 | 4,758,000 |
| 3. | Re - instatement of certification (regulation 13(1)) | 248, 400 | 951,600 |
| 4. | Application for renewal of certification (regulation 15(3)) | 1,242,000 | 4,758,000 |
| 5. | Annual inspection (regulation 16(8)) | 248, 400 | 951,600 |
| 6. | Application for review of decision of the Authority in respect of application for certification (regulation 17)) | 86, 940 | Nil |

PART C

AUTHENTICATION OF PERSONS PROVIDING INFORMATION
TECHNOLOGY TRAINING WHOSE ANNUAL GROSS REVENUE
DOES NOT EXCEED UG. SHS. ONE BILLION

Note: This Part applies to legal persons providing information technology training and not to natural persons

| | <i>Description of fee</i> | <i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i> | <i>Fee in UGX Shilling payable to the certification body (unless stated otherwise)</i> |
|----|--|---|--|
| 1. | Application for certification (regulation 7) | 14, 490 | 55, 510 |
| 2. | Authentication (regulation 10(2)) Note: Pre-primary, primary and general secondary institution are exempt from this fee | 414,000 | 1,586,000 |
| 3. | Re - instatement of certification (regulation 13(1)) | 82,800 | 317,200 |
| 4. | Application for renewal of certification (regulation 15(3)) | 414,000 | 1,586,000 |
| 5. | Annual inspection (regulation 16(8)) | 82, 800 | 317,200 |
| 6. | Application for review of decision of the Authority in respect of application for certification (regulation 17) | 86, 940 | Nil |

PART D

AUTHENTICATION OF PERSONS PROVIDING INFORMATION
TECHNOLOGY TRAINING IN RESPECT OF INDIVIDUALS

Note: This Part applies to natural persons providing information technology training

| | <i>Description of fee</i> | <i>Fee in UGX Shilling payable to the Authority (unless stated otherwise)</i> | <i>Fee in UGX Shilling payable to the certification body(unless stated otherwise)</i> |
|----|---|---|---|
| 1. | Application for certification (regulation 7) | 28, 980 | 111,020 |
| 2. | Authentication (regulation 10(2)) | 207, 000 | 793,000 |
| 3. | Re - instatement of certification (regulation 13(1)) | 57,960 | 220, 040 |
| 4. | Application for renewal of certification (regulation 15(3)) | 207, 000 | 793,000 |
| 5. | Annual inspection (regulation 16(8)) | 414, 000 | 1, 586, 000 |
| 6. | Application for review of decision of the Authority in respect of application for certification (regulation 17) | 57,960 | Nil |

FRANK TUMWEBAZE (MP)
*Minister of Information and Communications
Technology and National Guidance*