



**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
THE ZANZIBAR e-GOVERNMENT AGENCY
AND RELATED MATTERS THERETO**

ARRANGEMENT OF SECTIONS

SECTIONS

TITLE

**PART ONE
PRELIMINARY PROVISIONS**

1. Short title and Commencement.
2. Application.
3. Interpretation.

**PART TWO
ESTABLISHMENT OF THE AGENCY**

4. Establishment of the Agency.
5. Objectives of the Agency.
6. Functions of the Agency.
7. Powers of the Agency.

**PART THREE
MANAGEMENT OF THE AGENCY**

8. Advisory Board.
9. Qualifications of the Chairperson.
10. Vice Chairperson.
11. Secretary of the Board.
12. Functions of the Board.
13. Tunure of the Board.



14. Meetings of the Board.
15. Decision of the Board.
16. Committees of the Board.
17. Resignation of Chairperson or Member.
18. Vacancy of a Member.
19. Allowances for Members.
20. Appointment of Executive Director.
21. Functions of the Executive Director.
22. Departments and units of the Agency.
23. Other staff of the Agency.

PART FOUR FINANCIAL PROVISIONS

24. Funds and resources of the Agency.
25. Budget.
26. Opening Bank Account.
27. Accounts and Audit.
28. Annual Report.

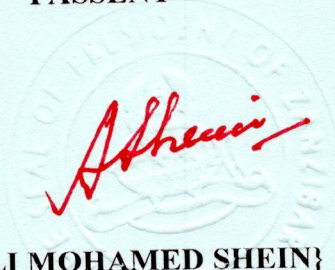
PART FIVE MISCELLANEOUS PROVISIONS

29. Power of the Agency to call information.
30. Immunity.
31. Vesting of assets and liabilities.
32. Regulations.
33. Repealing and Saving of sections 96 and 97 of the Public Service Act.



ACT NO. 12 OF 2019

I ASSENT



{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

31st December
....., 2019

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
ZANZIBAR e-GOVERNMENT AGENCY AND
RELATED MATTERS THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

- Short title and Commencement. 1. This Act may be cited as the Zanzibar e-Government Agency Act, 2019 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.
- Application. 2. This Act shall apply to all public institutions and public servants in matters related to application of electronic services rendered by the Government.
- Interpretation 3. In this Act, unless the context otherwise requires:
- “Agency” means the Zanzibar e -Government Agency established under section 4 of this Act;
- “Board” means the Advisory Board of the Agency established under section 8(1) of this Act;



“Chairperson” means the Chairperson of the Board appointed under section 8(1) (a) of this Act and includes any other person appointed to perform the functions of the Chairperson;

“e-Government” means the utilization of Information and Communication Technology in the government administration and public services delivery;

“Executive Director” means the Executive Director of the Agency appointed under section 20 (1) of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“Infrastructure” means the fundamental facilities and systems enabling government institutions, businesses and public at large to access e-Government services;

“ICT” means Information Communication Technology which includes diverse set of technological tools and resources used to create, process, store, communicate, disseminate and access information in the public service;

“Member” means a member of the Board appointed under section 8 of this Act;

“Minister” means the Minister responsible for e-Government services;

“Open data” means data that is freely available to public to use and republish as they wish, without restrictions from copyright, patents or other control mechanisms in accordance with the laws;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

PART TWO ESTABLISHMENT OF THE AGENCY

Establishment
of the Agency.

4.-(1) There is hereby established an Agency to be known as the Zanzibar e-Government Agency.

(2) The Agency shall, subject to the approval of the Minister, have power to:

- (a) acquire, hold, purchase or dispose any movable and immovable property;
- (b) enter into any contracts or transactions subject to the laws;



- (c) borrow any such sum of money from financial institutions subject to the Public Finance Management Act; and
- (d) perform or do any act or thing which an Agency of its nature may by law, be entitled to perform or do.

(3) The Agency shall have its common seal, logo and acronym as determined by the Board.

(4) The application of the seal and logo of the Agency on any document shall be authenticated by the signature of the Executive Director or any other officer authorized by the Executive Director.

(5) Every document purporting to be an instrument issued by the Agency shall be sealed with the seal of the Agency and authenticated in accordance with subsection (4) of this section.

Objectives
of the Agency.

5. The objectives of the Agency shall be:

- (a) to coordinate automation of e-Government administration processes and the provision of Government services through the utilisation of ICT;
- (b) to ensure that shared ICT systems are installed, secured and maintained in adherence to a common set of policies and standards leading to better information sharing, cost optimisation and streamlining of government operations;
- (c) to ensure accessibility of the government services countrywide in an affordable, effective and efficient manner through the appropriate use of ICT;
- (d) to promote the use of ICT in the public services; and
- (e) to be a centre of excellence in the preparation and promotion of policies, standards and other practices to improve ICT usage in Zanzibar public service.

Functions of
the Agency.

6. The functions of the Agency shall be to:

- (a) develop and administer the implementation of ICT policies, rules and guidelines in the public services;



- (b) regulate development and application of ICT in the public services;
- (c) give effect to policy directives and other decisions made by the Government in relation to ICT in the public service;
- (d) establish frameworks to facilitate and co-ordinate accessibility of e-Government services;
- (e) advise relevant authority and any public institution on the appropriate utilization of ICT in the administration and public services delivery;
- (f) establish, manage and maintain shared and central e-Government systems and services;
- (g) establish and maintain the open data system for public use;
- (h) harmonize and coordinate e-Government interventions, developments and systems in the public service;
- (i) establish and maintain registers of e-Government systems and services;
- (j) establish and maintain records of ICT experts, recommend benefits, and coordinate their allocation in the public service;
- (k) supervise e-Government projects performed by public institutions;
- (l) establish monitoring and evaluation system for assessing performance of the e-Government;
- (m) certify the compliance of information systems with the requirements for interoperability, safety and security;
- (n) exercise powers under the convention and treaties adopted by the Government on matters relating to e-Government;
- (o) conduct research and development activities on matters pertaining to e-Government; and
- (p) perform any other function that may be necessary for the better carrying out of its objectives under this Act.



Powers of the Agency.

7. The powers of the Agency shall be to:

- (a) require a public institution to provide with such information as it may require in the performance of its functions relating to mandate of the Agency;
- (b) give directives to a public institution on the implementation of e-Government policies;
- (c) approve the establishment and operationalisation of e-services and systems in the public services;
- (d) inspect e-Government services in the public service institutions; and
- (e) approve sector strategies of electronic government development and monitor the implementation of e-Government plans.

PART THREE MANAGEMENT OF THE AGENCY

Advisory Board.

8.-(1) There shall be an Advisory Board of the Agency which shall be composed of the following members:

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Director of the Agency;
- (c) Director responsible for public service management;
- (d) Director responsible for ICT infrastructure;
- (e) Director responsible for Local Governments;
- (f) one ICT expert from public higher learning institution in Zanzibar;
- (g) one senior ICT expert in public service; and
- (h) one expert from the Planning Commission.



(2) Save for the Chairperson and ex-officio members, other members shall be appointed by the Minister, in consultation with relevant institution based on experience, integrity, skills and gender.

(3) A member so appointed by the Minister under paragraphs (f), (g) and (h) of subsection (1) of this section, shall cease to be a member of the Board once qualifications of his appointment cease.

Qualifications
of the
Chairperson.

9. A person shall qualify for appointment as the Chairperson, if that person:

- (a) is a Zanzibari;
- (b) holds at least first degree in ICT, law, economics, finance, management, public service or any other related field from recognized institution;
- (c) has enough working experience in the fields prescribed under paragraph (b) of this section; and
- (d) has sound integrity.

Vice
Chairperson.

10. The Board members shall elect one among the members to be a Vice Chairperson of the Board during the first meeting.

Secretary of
the Board.

11.-(1) There shall be a Secretary to the Board to be appointed by the Board.

(2) A person shall be eligible to be appointed as a Secretary to the Board if that person possesses at least first degree of law and be a staff of the Agency.

Functions of
the Board.

12.-(1) The functions of the Board shall be to:

- (a) advise on the oversight of the operation of the Agency;
- (b) advise the Minister on the development of policies and strategic issues relating to e-Government;
- (c) review and advise on business and operating plans, budgets, reports and audit financial statements of the Agency;
- (d) advise on setting up of goals, targets and performance measures of the Agency;
- (e) recommend the organizational structure of the Agency in accordance with the Public Service Act;



- (f) advise on terms and conditions of service of employees of the Agency subject to the provisions of the Public Service Act;
- (g) advise on disciplinary measures against staff of the Agency;
- (h) recommend on the budget of the Agency; and
- (i) perform any other function conferred by this Act or which may be necessary for achieving the purposes for which the Agency is established.

(2) In the performance of its functions, the Board shall submit quarterly report to the Minister.

Tenure of the Board.

13.-(1) The Chairperson shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment for another term.

(2) Save for ex-officio members, other members of the Board shall hold office for a term of three years and may be eligible for re-appointment for another term.

Meetings of the Board.

14.-(1) The Board shall meet ordinarily once in every three months.

(2) The Board may meet extra ordinary at any time when the need arises for the discharge of its business.

(3) The notice in writing of meeting of the Board shall be issued by the Secretary at least seven days before the date of the meeting.

(4) All meetings of the Board shall be convened by the Chairperson or in his absence, by the Vice Chairperson.

(5) The quorum of the meeting shall be half of the total number of members of the Board.

(6) In the absence of both Chairperson and Vice Chairperson, the members present shall elect one among the members to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson for that meeting.

Decision of the Board.

15.-(1) The Board shall make its decision by consensus and in the event of disagreement, the decision shall be made by voting and in case of an equality in votes, the Chairperson shall have a casting vote.



(2) The Board may invite any person who is not a member to attend any deliberations of the meeting of the Board, but such person so invited shall not have a right to vote.

(3) Subject to other provisions of this Act, the Board shall regulate its own proceedings including the establishment of the committees of the Board.

Committees
of the Board.

16. The Board may, for the purpose of facilitating the performance of its functions, establish such number of Committees to perform its functions as the Board may determine.

Resignation
of
Chairperson
or a Member.

17.-(1) The Chairperson or any member of the Board may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the appointing authority, such person shall cease to be a member.

(2) Where the person ceases to be the Chairperson or member of the Board, as the case may be, for any reason before the expiration of the term of office the appointing authority shall appoint another person in such place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

(3) Where the member appointed by the Minister becomes absent from three consecutive meetings of the Board without reasonable excuse, the Chairperson shall report to the Minister of the fact and the Minister shall terminate the appointment of the member and appoint another member and the person so appointed shall hold office for the remaining terms of office of his predecessor.

Vacancy of
the Member.

18.-(1) The office of the member of the Board shall become vacant, if the member:

- (a) completes term of the office;
- (b) without reasonable excuse, fails to attend three consecutive meetings of the Board;
- (c) resigns or becomes in any manner, disqualified from membership of the Board;
- (d) becomes incapacitated by reasons of physical or mental health to perform his duties; or
- (e) dies.



(2) Subject to the provisions of this Act relating to quorum, the proceedings of the Board shall not be invalid by reason of vacancy or absence of any member of the Board.

Allowances
for Members.

19. The Chairperson and other members of the Board shall be entitled to be paid such allowances in accordance with the Public Service Act, Regulations and guidelines.

Appointment
of Executive
Director.

20.-(1) There shall be an Executive Director of the Agency who shall be appointed by the President.

(2) A person shall qualify to be appointed as the Executive Director, if that person:

- (a) is a Zanzibari;
- (b) holds at least first degree in computer science, information technology or any related fields from a recognized institution;
- (c) has working experience of at least ten years in the fields under the paragraph (b) of this section;
- (d) is respectable; and
- (e) has higher level of integrity.

Functions of
the Executive
Director.

21.-(1) The Executive Director shall be the Chief Executive Officer of the Agency and shall be responsible for the day-to-day operations, performance and management of the Agency.

(2) Without prejudice to the provisions of subsection (1) of this section, the Executive Director shall be responsible for:

- (a) the implementation of the policies and programmes of the Agency;
- (b) presenting the views of the Agency to the Government and to the public in general;
- (c) proper management of the funds and properties of the Agency;
- (d) proposing and implementing the strategic, business and operational plans of the Agency;



- (e) ensuring the effective use of staff and other resources;
- (f) ensuring high standards of propriety amongst the staff;
- (g) managing the affairs of the Agency in an efficient and effective quality services delivery;
- (h) taking the disciplinary measures against the staff of the Agency;
- (i) ensuring the objects of the Agency are achieved; and
- (j) performing any other functions necessary for the implementation of the provisions of this Act as may be assigned to him by the Board.

Departments
and units of
the Agency.

22.-(1) The Agency may establish departments and units in such numbers and manners as it deems necessary for proper performance of its functions upon the approval of the Public Service Commission.

(2) All heads of departments of the Agency shall be appointed by the Minister after recommendation of the Board and heads of units shall be appointed by the Executive Director in consultation with the Board.

(3) In performing the functions of the Agency, all heads of departments and units shall be accountable to the Executive Director.

Other staff of
the Agency.

23. There shall be other staff of the Agency to be employed upon such terms and conditions in accordance with the provisions of the Public Service Act and its Regulations.

PART FOUR FINANCIAL PROVISIONS

Funds and
resources of
the Agency.

24. The funds and resources of the Agency shall include:

- (a) moneys as may be appropriated by the House of Representatives in the form of subvention;
- (b) such lawful donations, grants, bequests or loans as may be received from any person or organization; and
- (c) any other moneys as may be legally acquired by the Agency.



- Budget.** **25.**-(1) The Agency shall, before the beginning of the new financial year, prepare an annual budget and submit to the Minister for consideration and approval in accordance with the provisions of the Public Finance Management Act.
- (2) The Minister shall submit the annual budget of the Agency to the House of Representatives in the form and manner as prescribed in the Public Finance Management Act.
- Opening Bank Account.** **26.** The Agency shall open bank account in accordance with the Public Finance Management Act, and deposit its moneys for the performance of its functions.
- Accounts and Audit.** **27.**-(1) The Agency shall keep and properly maintain books of accounts which include all financial records and transactions for each financial year.
- (2) The Executive Director shall, at the end of each financial year, prepare or cause to be prepared:
- (a) a statement of income and expenditure during such financial year;
- (b) a statement of the assets and liabilities of the Agency on the last day of that financial year to be submitted and audited by the Controller and Auditor General or any other auditor appointed by the Controller and Auditor General; and
- (c) any other financial report as may be required by any written law.
- Annual Report.** **28.**-(1) The Agency shall, in accordance with the Public Finance Management Act, submit to the Minister an annual report in respect of that year containing:
- (a) a copy of the audited accounts of the Agency together with the auditor's report on those accounts;
- (b) a report on performance against key targets and any other related information;
- (c) a report on the operations of the Agency during that financial year; and
- (d) such other information on the activities of the Agency as the Minister may require.
- (2) The Minister shall, upon receipt of the report referred under subsection (1) of this section, submit such annual report to the House of Representatives.



PART FIVE MISCELLANEOUS PROVISIONS

Power of
the Agency
to call
information.

29.-(1) The Agency may, in carrying out its functions, call for in writing, any person or body of persons in whose custody has any information which may be relevant to the work of the Agency and it shall be the duty of the custodian of such information to avail it to the Agency unless otherwise lawfully prevented to do so.

(2) In exercising its mandate under subsection (1) of this section, the Agency shall have power to summon any person or body of persons to give information relevant to the work of the Agency.

(3) Every person or body of persons which is required to furnish information under subsection (1) of this section, shall be required to comply with that requirement.

(4) Any person or body of persons which fails or refuses to comply with that requirements, commits an offence and if found guilty shall be liable to pay a fine of not less than One Million Shillings or imprisonment for a term of not less than six months or both such fine and imprisonment.

Immunity.

30. A member of the Board or staff of the Agency shall not be personally liable for any matter or thing done, if such matter or thing is done in good faith for executing the functions or powers of the Agency under this Act or directives of the Minister.

Vesting of
assets and
liabilities.

31.-(1) All properties of every kind whatsoever, including things in action, vested in the Information Communication Technology Department within the Ministry responsible for public service before the commencement of this Act, shall be deemed to have been vested in the Agency.

(2) All rights, privileges, advantages, liabilities and obligations conferred to the Information Communication Technology Department within the Ministry responsible for public service before the commencement of this Act, shall be deemed to have been conferred to the Agency.

Regulations.

32.-(1) The Minister may make Regulations for better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the provisions under subsection (1) of the section, the Minister may make regulations specifically on:



- (a) electronic communication in public service;
- (b) use of electronic signature in public service;
- (c) establishment and deployment of ICT systems in the public service;
and
- (d) protection of information, and ICT systems and services in public services.

Repealing
and Saving of
sections 96
and 97 of
the Public
Service Act.

33.-(1) Sections 96 and 97 of the Public Service Act, No. 2 of 2011 are hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done by the Information Communication Technology Department under the provisions of the Public Service Act or any other law before the commencement of this Act, shall continue and be deemed to have been done under the provisions of this Act.

(3) The existing staff of the Information and Communication Technology Department in the Ministry responsible for public service shall continue to work and be deemed to be the staff of the Agency immediately after this Act coming into operation.

PASSED by the House of Representatives of Zanzibar on 4th December, 2019.

.....
(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.