

REPUBLIC OF RWANDA



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BOARD DECISION No15/ICT.APPL-RURA/2009 OF 6TH NOVEMBER 2009 ESTABLISHING REGULATORY FRAMEWORK GOVERNING THE OPERATIONS OF INTERNET CAFE IN RWANDA

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PREAMBLE

GIVEN the Law n° 39/2001 of 13 September 2001 establishing the Rwanda Utilities Regulatory Agency of certain Public Utilities, especially in its articles 5 and 35;

GIVEN Law n° 44/2001 of 30 November 2001 governing telecommunications, especially in its article 45;

GIVEN Presidential Order n° 04/01 of 15/03/2004 determining specific duties of the Regulatory Board in telecommunication matters, especially in its article ...

CONSIDERING the need to improve in Quality of Service and to respond to the need of statistics, enhance customer satisfaction and prevent Internet crimes;

CONSIDERING the stakeholders meeting held on the 3rd September 2009 at Hotel La Palisse, Nyandungu

AND WHEREAS upon a due consideration and deliberation in its session of 6th November 2009;

ORDERS:

CHAPTER ONE: GENERAL PROVISIONS

ARTICLE 1: PURPOSE

The purpose of this Decision is to provide a framework that governs the establishment, operations and maintenance of internet cafes and other similar establishments.

ARTICLE 2: DEFINITIONS

For the purpose of this Board Decision:

"Internet Café" means a business premise which offers to users paid access to internet or computer services.

"Internet Protocol" means the set of standards responsible for ensuring that data packets transmitted over the Internet are routed to their intended destinations.

ARTICLE 3: SCOPE.

This decision shall cover any business establishment offering for a fee services which require the use of computers to access the internet in the Republic of Rwanda.

CHAPTER 2: AUTHORIZATION REQUIREMENTS FOR OPENING AN INTERNET CAFÉ

ARTICLE 4. APPLICATION FOR AUTHORIZATION

4.1 The operations of Internet Café are subject to prior authorization to be issued by RURA.

4.2 An application for authorization is made by the person wishing to open an internet café, or his/her representative who shall have legal capacity shall provide his full Identifications and present a copy of his/her trade register or any other relevant authorization to carry out business.

4.3 Every applicant must fulfil the following application requirements;

- (a) Fill an application form provided for in appendix 2 of this Decision.
- (b) Mention the Location of business.
- (c) Proof of payment of the required authorization fee.
- (d) If the applicant is not an individual business, must provide Memorandum and Article of Association.

ARTICLE 5: GRANT OF AUTHORIZATION

Authorizations are issued within three days from the submission of a valid and complete application for an authorization. If an authorization is not issued within that time, and the applicant has not received written notice from RURA explaining and justifying the delay, and stating when the authorization will be issued.

ARTICLE 6: REVOCATION OF AUTHORIZATION

Where the Internet Café Service Provider fails to comply with any condition of the authorization issued under this Decision, RURA may revoke the authorization in accordance with the Laws and Regulations in force.

ARTICLE 7: ANNUAL AUTHORIZATIONS FEES

The Internet Café Service Provider authorized under this Board Decision shall pay the annual authorization fee of fifteen thousand (Rwf 15,000) payable on A/C no 120.11.27 of RURA in the National Bank of Rwanda (B.N.R).

CHAPTER 3: SPECIFIC RULES GOVERNING INTERNET CAFE OPERATION

ARTICLE 8: PERSONAL IDENTIFICATION:

8.1 Every user/customer to an Internet Café may be required to produce any authentic ID card like National ID, Passport, college ID, school ID, Motor Driving Licence, Office Identity Card, etc.

8.2 Regular users may be assigned membership and membership fee can be obtained by the Internet Café. The details of the membership holders should be maintained by the Internet Café.

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8.3 Children without photo-ID cards should be accompanied by an adult.

8.4 Every authorized Internet Café is required to maintain a log of users to be filled in by the user itself as stated in the Appendix 1.

ARTICLE 9: PHYSICAL LAYOUT

9.1 Internet Café should not have fully enclosed cubicles which will isolate a Computer user from other Computer users.

9.2 Partition if any installed or built inside the Internet Café shall not exceed four and half feet in height from the ground level.

9.3 A board viewing “Pornography is not allowed” shall be prominently displayed in the Internet Café.

9.4 Internet Café that have cubicles or partitions shall be required to ensure that minors are not allowed to use machines in cubicles or behind partitions.

ARTICLE 10: MINIMUM REQUIREMENTS ON BANDWIDTH

10.1 The bandwidth depends on number of Computers but should not be less than 128kbps for less than 10 computes.

10.2 Between 10 and 19 computers the bandwidth should be 256 kbps.

10.3 For 20 Computers and above the bandwidth should be 512 kbps.

ARTICLE 11: INTERNET PROTOCOL ALLOCATION/ACCESS LOGS

11.1 Internet Café must maintain a list showing which Internet Protocol (I.P.) address is allocated to which machine when a block of Internet Protocol (I.P.) addresses are used directly on different machines.

11.2 Internet Café that is using single or multiple Internet Protocol (I.P.) addresses which is shared amongst different machines must maintain an electronic log which shall enable the owners of the Internet Café to tell the authorities, on demand, which machine was allocated with which internal LAN Internet Protocol (I.P.) address at any specified time.

11.3 Log records of the users must be maintained by Internet Café for at least one year and shall be produced before Regulatory Authority or before the Police for investigation purpose on demand.

ARTICLE 12: NETWORK SAFETY AND SECURITY:

12.1 An Internet Café Service Provider and its customers are prohibited from engaging in activities that are detrimental to information network safety, for such as intentional production and dissemination of a computer virus or other destructive

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programs, and unlawful invasion into a computer information system and destruction of a computer information system's functionality, data, and application program.

12.2 An Internet Café Service Provider and its customers cannot use the Internet Café to produce, download, duplicate, review, disseminate or otherwise use prohibited information, the scope of which in general conforms to the scope of the information that is prohibited from being produced, duplicated, publicized or disseminated through the telecommunications network.

12.3 Internet Cafes must post a sign board stating that "Cyber Crimes (Hacking, Virus Distribution, Port scanning and etc.) and acts against Rwanda culture are prohibited"

12.4 An Internet Café Service Provider must obtain an Internet connection from licensed Internet connection service providers (ISPs). The computers provided for customer use must be connected to the Internet via a local network only, not directly linked to the Internet.

12.5 Internet Café Service Provider should procure licensed Anti-Virus package for all the machines installed in the Café. All the computers should be installed with the licensed Anti-Virus package that should be updated every day. All the computers should be fully scanned everyday through the Anti-Virus package installed in it.

12.6 Internet Café Service Provider should use UPS for power backups to all computers connected to his Local Area Network in order to protect data for customers when electricity goes off.

ARTICLE 13: INTELLECTUAL PROPERTY

All the software installed in the computers in the Internet Cafe are expected to have proper license. Otherwise only open source software should be installed for the use by customers.

ARTICLE 14: BILLING

Internet Cafés are required to set the price for their customers based on their connection speed, facilities in the café etc. The billing should be appropriate for the services provided by Cyber Café and should be displayed at the entrance. The price set should be transparent for different time periods starting from minimum (eg: 10 Minutes).

CHAPTER IV: PROVISIONS ON REPORTING AND ENFORCEMENT

ARTICLE 15: REPORTING

Any Internet Café authorized under this Decision shall provide statistics information on quarterly basis pursuant to the format to be provided by RURA.

ARTICLE 16: ENFORCEMENT

16.1 In the case the Internet café does not comply with the condition set out in this decision or in its authorization, RURA may issue an enforcement notice requiring that Internet Café to remedy the failure within a specified period of time.

16.2 Failure to comply with this Article is an offence punishable in accordance with Article 17 of this Decision.

ARTICLE 17: PENALTIES.

17.1 Every authorized Internet Café, must abide by the provisions of this Board Decision.

17.2 Any Internet Café operating without a valid authorization shall be liable to a fine of between Rwf 50,000 and Rwf 100,000.

17.3 Contravention of the provisions of this decision, will lead to the penalties here below:

- a. Fine ranging from 50,000 to 500,000 Rwf payable on RURA's account n° **120.11.27** in the National Bank of Rwanda;
- b. Suspension of the license for a period of three (3) months;
- c. Revocation of the authorization.

17.4 The penalties here above shall be applied concurrently with other penalties provided for in other laws and regulations.

CHAPTER V: FINAL AND TRANSITIONAL PROVISIONS

ARTICLE 18: DEADLINE TO COMPLY WITH THIS DECISION

The existing Internet Café at the date of publication of this decision shall have a period of three (3) months to comply with the provisions of this decision.

ARTICLE 19: REPEALING PROVISION

All previous provisions contrary to this Decision are hereby repealed.

ARTICLE 20: ENTRY INTO FORCE

This Decision shall come into force and become effective from the date of its publication.

Done at Kigali, on 06/11/2009

Signed

**MUKASINE Marie Claire
Chairperson – Regulatory Board**