

STATUTORY INSTRUMENTS

2018 No....

THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY, UGANDA
(CERTIFICATION OF PROVIDERS OF INFORMATION TECHNOLOGY
PRODUCTS AND SERVICES) (AMENDMENT) REGULATIONS, 2018
*(Under sections 5(c), (d), (f), (h), (q), 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(c), (d), (f), (h), (q), and 39 of the National Information Technology Authority, Uganda Act, 2009, these Regulations are made this day of.....2018.

1. Title

These Regulations may be cited as the National Information Technology Authority, Uganda (Certification of Providers of Information Technology Products and Services) (Amendment) Regulations, 2018.

2. Amendment of regulation 9 of SI No. 69 of 2016

Regulation 9 of the National Information Technology Authority, Uganda (Certification of Providers of Information Technology Products and Services) Regulations, 2016, SI No. 69 of 2016, in these Regulations referred to as the “principal Regulations”, is amended by substituting for subregulation (3) the following-

“(3) A certificate shall be valid for one year from the date of issue and may be renewed every year subject to the Act and these Regulations.”

3. Amendment of Schedule 2 of SI No. 69 of 2016

Schedule 2 of the principal Regulations is amended by substituting for Part I the following-

“PART I - REQUIREMENTS FOR CERTIFICATION OF PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS OR SERVICES

Part IA - CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. THREE BILLION AND ONE

Under this Part, a person seeking certification to provide information technology products or services shall -

- (a) be a registered business in Uganda or outside Uganda;
- (b) be registered for tax purposes and provide proof of registration (Tax Identification Number, where applicable);
- (c) have sound organisational, financial and planning systems to ensure stability in the provision of information technology services or products;
- (d) have technical and quality systems and procedures in place;
- (e) have office locations, facilities and equipment conducive for the provision of information technology products or services for the given industrial activity for which the certification is sought;
- (f) demonstrate satisfactory past work performance, track record of credibility, and experience in a given industrial activity for which the certification is sought;
- (g) have experienced information technology professionals required for the provision of information technology products or services for which the certification is sought;
- (h) identify the site to be covered under the scope of proposed certification which shall generally be a location at which the person carries out operations;
- (i) clearly specify the scope of information technology products or services to be included under the certification sought;
- (j) comply with applicable standards relating to the provision of information technology products or services.

Part IB - CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. FIVE HUNDRED MILLION AND ONE BUT LESS THAN THREE BILLION

Under this Part, a person seeking certification to provide information technology products or services shall-

- (a) be registered as a business in Uganda or outside Uganda;
- (b) be registered for tax purposes and provide proof of registration (Tax Identification Number, where applicable or an equivalent);
- (c) have sound organizational, financial and planning systems to ensure stability in the provision of information technology services or products;
- (d) have technical and quality systems and procedures in place;
- (e) have office locations, facilities and equipment conducive for the provision of information technology products or services for the given industrial activity for which the certification is sought;
- (f) have satisfactory past work performance, track record of credibility, and experience in a given industrial activity for which the certification is sought;
- (g) have experienced information technology professionals required for the provision of information technology products or services for which the certification is sought;
- (h) identify the site to be covered under the scope of proposed certification which shall generally be a location at which the person carries out operations;
- (i) clearly specify the scope of information technology products or services to be included under the certification sought

Part IC - CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE OF TWO HUNDRED FIFTY MILLION BUT DOES NOT EXCEED UG. SHS. FIVE HUNDRED MILLION

Under this Part, a person seeking certification to provide information technology products or services shall-

- (a) be a registered business in Uganda or outside Uganda;
- (b) be registered for tax purposes and provide proof of registration (Tax Identification Number, where applicable or an equivalent);
- (c) have sound organizational, financial and planning systems to ensure stability in the provision of information technology services or products;
- (d) have office locations, facilities and equipment conducive for the provision of information technology products or services for the given industrial activity for which the certification is sought;
- (e) have satisfactory past work performance, track record of credibility, and experience in a given industrial activity for which the certification is sought;
- (f) have experienced information technology professionals required for the provision of information technology products or services for which the certification is sought;
- (g) identify the site to be covered under the scope of proposed certification which shall generally be a location at which the person carries out operations;
- (h) clearly specify the scope of information technology products or services to be included under the certification sought

Part ID - CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE DOES NOT EXCEED TWO HUNDRED AND FIFTY MILLION

Under this Part, a person seeking certification to provide information technology products or services shall fulfill the following criteria-

- (a) be a registered business in Uganda or outside Uganda;
- (b) be registered for tax purposes and provide proof of registration (Tax Identification Number, where applicable or an equivalent);

(c) clearly specify the scope of information technology products or services to be included under the certification sought

Part IE - CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES IN RESPECT OF INDIVIDUALS

Under this Part, a person seeking certification to provide information technology products or services shall fulfill the following criteria-

- (a) be a registered business individual (business name) in Uganda or outside Uganda;
- (b) be a registered citizen or alien in Uganda or outside Uganda and provide proof of registration (National Identification Number – NIN or Alien Identification Number – AIN if applicable);
- (c) be registered for tax purposes and provide proof of registration (Tax Identification Number, where applicable or an equivalent);
- (d) be a qualified IT professional or possess relevant IT experience demonstrated through degrees, diplomas, certifications, or minimum level of education and professional experience of provision of IT services or certifications, registrations from recognized bodies such as the Uganda Institution of Professional Engineers (UIPE);
- (e) clearly specify the scope of information technology products or services to be included under the certification sought;

4. Replacement of Schedule 3 of SI No. 69 of 2016

For Schedule 3 of the principal Regulations, there is substituted the following-

“SCHEDULE 3

Regulations 6(2), 9(2), 12(1), 14(3), 15(8) and 16(2)

Fees

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

PART A

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. THREE BILLION AND ONE

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	Description of fee	Fee in UGX Shilling payable to the Authority (unless stated otherwise)
1.	Application for certification	350,000
2.	Fee for Certification (regulation 9(2))	3,333,333
3.	Fee for reinstatement of certification (regulation 12(1))	350,000
4.	Fee for application for renewal of certification (regulation 14(3))	3,333,333
5.	Annual inspection fee (regulation 16(8))	Nil
6.	Application for review of decision of the Authority in respect of application for certification (regulation 17(2))	116, 667

PART B

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE EXCEEDS UG. SHS. FIVE HUNDRED MILLION AND ONE BUT LESS THAN THREE BILLION

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	Description of fee	Fee in UGX Shilling payable to the Authority (unless stated otherwise)
1.	Application for certification	210,000
2.	Certification (regulation 9(2))	2,000,000
3.	Re - instatement of certification (regulation 12(1))	210,000
4.	Application for renewal of certification (regulation 14(3))	2,000,000
5.	Annual inspection (regulation 16(8))	Nil
6.	Application for review of decision of the Authority in respect of application for certification (regulation 17(2))	70,000

PART C

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE OF TWO HUNDRED FIFTY MILLION BUT DOES NOT EXCEED UG. SHS. FIVE HUNDRED MILLION

Note: In this Part providers of information technology products and services applies to legal entities and not to natural persons

	Description of fee	Fee in UGX Shilling payable to the Authority (unless
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		stated otherwise)
1.	Application for certification	70,000
2.	Certification (regulation 9(2))	312,000
3.	Re-instatement of certification (regulation 12(1))	70,000
4.	Application for renewal of certification (regulation 14(3))	312,000
5.	Annual inspection (regulation 16(8))	Nil
6.	Application for review of decision of the Authority in respect of application for certification (regulation 17(2))	23,333

PART D

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF PRODUCTS AND SERVICES WHOSE ANNUAL GROSS REVENUE DOES NOT EXCEED TWO HUNDRED AND FIFTY MILLION

1. In this Part providers of information technology products and services applies to legal entities and not to natural persons including start-ups, freelancers and innovators.
2. For purposes of paragraph (1)-
 - (a) “start-up” means an entity incorporated or registered in Uganda whose business includes innovation, development, deployment, or commercialisation of new information technology products, processes or services and has been in existence for less than five years since incorporation or registration and whose turnover does not exceed two hundred and fifty million shillings for any given year;
 - (b) “freelancer” means a registered business individual whose business includes innovation, development, deployment, or commercialisation of

new information technology products, processes or services and who is self-employed;

(c) “innovator” means a registered business individual which has been in existence for not more than three years whose business includes information technology innovation, development, deployment, or commercialisation of new information technology products, processes or services;

(d) “innovation hub” means a business registered in Uganda as a not-for-profit social community or work space or research centre that provides start-ups and innovators with expertise on technology trends, knowledge and strategic innovation management, entrepreneurship skills, access to funding, access to markets and industry-specific insights, with a turnover not exceeding two hundred and fifty million shillings in any given financial

	Description of fee	Fee in UGX Shilling payable to the Authority (unless stated otherwise)
1.	Application for certification	70,000
2.	Certification (regulation 9(2))	Nil
3.	Re-instatement of certification (regulation 12(1))	70,000
4.	Application for renewal of certification (regulation 14(3))	70,000
5.	Annual inspection (regulation 16(8))	Nil
6.	Application for review of decision of the Authority in respect of application for certification (regulation 17(2))	23,333

PART E

CERTIFICATION OF INFORMATION TECHNOLOGY PROVIDERS OF
PRODUCTS AND SERVICES IN RESPECT OF INDIVIDUALS

Note: In this Part providers of information technology products and services applies to natural persons

	Description of fee	Fee in UGX Shilling payable to the Authority (unless stated otherwise)
1.	Application for certification	140,000
2.	Certification (regulation 9(2))	333,333
3.	Re - instatement of certification (regulation 12(1))	140,000
4.	Application for renewal of certification (regulation 14(3))	333,333
5.	Annual inspection (regulation 16(8))	Nil
6.	Application for review of decision of the Authority in respect of application for certification (regulation 17(2))	46,667

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