

# Information and Communication Technologies Act 2001, amended December 2018

## Mauritius

E-Trade Facilitation

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### Definitions of Data:

### Main Focus of Document:

Legislation for monitoring and regulating the ICT industry

### Target Beneficiaries or Sectors:

### Key Elements:

The Act makes provision for the establishment of an ICT Authority as well as an ICT Board, responsible for the administration and management of the Authority. The Act specifies the objects of the ICT Authority to democratise access to information, create a level playing field for all operators, license and regulate information and communication services, ensure information and communication services are reasonably accessible at affordable cost nationwide and supplied efficiently and economically and to required performance standards, encourage the optimum use of ICT, promote the efficiency and international competitiveness of Mauritius' information and communication sector, further the advancement of technology and R&D relating to ICT, and advise the Minister on matters relating to ICT. The functions of the Authority, as specified by the Act, are to implement government policy, provide economic and technical monitoring of the information and communication industry, promote and maintain effective competition, advise and assist in the formulation of national policies, act internationally as the national regulatory body of Mauritius, exercise licensing and regulatory functions, establish performance and linkage standards for public operators, regulate the security of data, regulate harmful and illegal content on the internet, ensure the safety and quality of information and communication services, entertain complaints from consumers, allocate frequencies and manage, review or reorganise the frequency spectrum, set up a radio frequency management unit, monitor access or internet connection agreements and assist in resolving disputes, monitor the use of information and communication services on any ship or aircraft, control the importation of equipment capable of being used to intercept a message, regulate the conduct of examinations for and the issue of certificates of competency to persons wishing to operate any apparatus for the purposes of information and communication services, manage the Universal Service Fund, authorise or regulate the registration, administration and management of domain names for Mauritius, and be the Controller of Certification Authorities.

The Act also gives powers to the Minister, after consultation with the ICT Board, to appoint an Internet Management Committee comprising representatives from the public and private sectors, NGOs and academia. The Act outlines the functions of the Internet Management Committee, which are to advise the ICT Authority in internet and related policies; provide a forum for stakeholders to discuss issues relating to the administration of the internet, administer domain names, and make recommendations to the ICT Board on any matter relating to the internet.

The Act also provides for the establishment of a General Fund and Universal Service Fund; and establishes conditions and requirements for licensing, interconnection agreements, access agreements, market definition and determination of significant market power, and tariff setting. Further provision is made for the establishment of an ICT Advisory Council to advise the Minister on matters relating to the promotion of interests of consumers, purchasers and other users; promotion of research into, and the development and use of, new information and communication techniques; and improvement of information and communication services. The Act also provides for the establishment of an ICT Appeal Tribunal to hear and dispose of any appeal against a decision of the ICT Authority regarding ICT.

Competition Data Interconnection Internet Licensing Private sector Research and development (R&D) Spectrum

### Policy/regulation mirrored:

### Countries:

### Zambia