



BILLS

SUPPLEMENT No. 16

18th July, 2022

BILLS SUPPLEMENT

to The Uganda Gazette No. 43, Volume CXV, dated 18th July, 2022

Printed by UPPC, Entebbe, by Order of the Government.

Bill No. 16

Computer Misuse (Amendment) Bill

2022

THE COMPUTER MISUSE (AMENDMENT) BILL, 2022

MEMORANDUM

1. Object of the Bill

The object of the Bill is to amend the Computer Misuse Act, 2011 to enhance the provisions on unauthorised access to information or data; to prohibit the sharing of any information relating to a child without authorisation from a parent or guardian; to prohibit the sending or sharing of information that promotes hate speech; to provide for the prohibition of sending or sharing false, malicious and unsolicited information; to restrict persons convicted of any offence under the Computer Misuse Act, 2011 from holding public office for a period of ten years; and for related matters.

2. Defects in the existing law

Since the enactment of the Computer Misuse Act in 2011, the world has continued to experience rapid advancement in computer-generated technology. This has led to the adoption of numerous online and social media platforms as a means of communication and interaction.

Whereas the advancement in computer-generated technology through the use of internet has brought huge economic, social and educational benefits, the technology has also provided avenues for the abuse of rights and freedoms of others, especially, the right to privacy.

Article 27(2) of the Constitution protects and preserves the right to privacy by prohibiting the interference with the privacy of a person's

correspondence or communication, among others. The Constitution further safeguards a person's right to privacy under Article 41 of the Constitution, by prohibiting the release of the information which is likely to interfere with the right to the privacy of any other person.

The enjoyment of the right to privacy is being affected by the abuse of online and social media platforms through the sharing of unsolicited, false, malicious, hateful and unwarranted information. Regrettably, some of these abuses have also stretched to children where information about or that relates to them is shared on social media platforms without their parents' or guardians' consent. However, the current law does not address these abuses and as a result, there is need to amend the Computer Misuse Act, 2011 to enhance the protection of the right to privacy by deterring the misuse of online and social media platforms.

3. Remedies proposed by the Bill

The Computer Misuse (Amendment) Bill seeks to address the gaps that have been identified in the current law by—

- (a) enhancing the provisions on unauthorised access to any information or data;
- (b) prohibiting the sharing of any information relating to a child without authorisation from a parent, guardian or any other person having authority to make decisions on behalf of a child;
- (c) prohibiting the sending or sharing of information that promotes hate speech, or sending or sharing false, malicious and unsolicited information;
- (d) restricting persons convicted of any offence under the Computer Misuse Act from holding public office for a period of ten years; and
- (e) revising certain offences and penalties to make them stringent.

HON. NSEREKO MOHAMMAD,
Kampala Central

THE COMPUTER MISUSE (AMENDMENT) BILL, 2022

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of Computer Misuse Act, 2011
2. Amendment of section 12 of principal Act
3. Insertion of section 22A in principal Act
4. Insertion of section 23A in principal Act
5. Insertion of section 24A in principal Act
6. Insertion of section 26A in principal Act
7. Insertion of section 27A in principal Act

A BILL for an ACT

ENTITLED

THE COMPUTER MISUSE (AMENDMENT) ACT, 2022

An Act to amend the Computer Misuse Act, 2011 to enhance the provisions on unauthorised access to information or data; to prohibit the sharing of any information relating to a child without authorisation from a parent or guardian; to prohibit the sending or sharing of information that promotes hate speech; to provide for the prohibition of sending or sharing false, malicious and unsolicited information; to restrict persons convicted of any offence under the Computer Misuse Act, 2011 from holding public office for a period of ten years; and for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of Computer Misuse Act, 2011

The Computer Misuse Act, 2011, in this Act referred to as the principal Act, is amended in section 2 by inserting immediately after the definition of the word “intercept”, the following—

““leader” has the meaning assigned to it under the Leadership Code Act, 2002;”

2. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended—

(a) by substituting for subsection (1), the following—

“(1) A person who, without authorisation,—

- (a) accesses or intercepts any program or another person’s data or information;
- (b) voice or video records another person; or
- (c) shares any information about or that relates to another person,
commits an offence.”; and

(b) by substituting for subsection (7), the following—

“(7) A person who commits an offence under this section is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or imprisonment not exceeding ten years, or both.”

3. Insertion of section 22A in principal Act

The principal Act is amended by inserting immediately after section 22, the following—

“22A. Unauthorised sharing of information about children.

(1) A person shall not send, share or transmit any information about or relating to a child through a computer unless the person obtains consent of the child’s parent, guardian, or any other person having authority to make decisions on behalf of the child.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or imprisonment not exceeding seven years, or both.”

4. Insertion of section 23A in principal Act

The principal Act is amended by inserting immediately after section 23, the following—

“23A. Hate speech.

(1) A person shall not write, send or share any information through a computer, which is likely to—

- (a) ridicule, degrade or demean another person, group of persons, a tribe, an ethnicity, a religion or gender;
- (b) create divisions among persons, a tribe, an ethnicity, a religion or gender; or
- (c) promote hostility against a person, group of persons, a tribe, an ethnicity, a religion or gender.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or imprisonment not exceeding seven years, or both.”

5. Insertion of section 24A in principal Act

The principal Act is amended by inserting immediately after section 24, the following—

“24A. Unsolicited information.

(1) A person shall not send to or share with another person unsolicited information through a computer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or imprisonment not exceeding seven years, or both.”

6. Insertion of section 26A in principal Act

The principal Act is amended by inserting immediately after section 26, the following—

“26A. Misleading or malicious information.

(1) A person shall not send, share or transmit any misleading or malicious information about or relating to any person through a computer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points or imprisonment not exceeding seven years, or both.”

7. Insertion of section 27A in principal Act

The principal Act is amended by inserting immediately after section 27, the following—

“27A. Restriction on holding office.

(1) A person who is convicted under this Act shall not be eligible to hold a public office for a period of ten years.

(2) Where a person convicted under this Act is a leader or public officer, the person shall, in addition to the prescribed punishment, be dismissed from office or vacate his or her office.