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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(ONLINE CONTENT) (AMENDMENT) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

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CONTENT) (AMENDMENT) REGULATIONS, 2021

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|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation | 1. These Regulations may be cited as the Electronic and Postal Communications (Online Content) (Amendment) Regulations, 2021 and shall be read as one with the Electronic and Postal Communications (Online Content) Regulations, 2020, hereinafter referred to as the “principal Regulations”. |
| GN No.134 of 2018 | |
| Amendment of Regulation 2 | 2. The principal regulations are amended in regulation 2 by deleting the words “internet service providers” appearing between the word “providers” and “application”. |
| Amendment of Regulation 3 | 3. The principal regulations are amended in regulation 3 by- |
| | (a) adding in its appropriate alphabetical order the following new definitions- |
| | “ <i>online media content services</i> ” means online content services provided for the purpose of news and current affairs in a manner similar to, or in a manner that resembles services providers licensed under the Act; |
| | “online content aggregator” means licensed content service provider who collects content from different sources and packs into specific baskets of channels for a purpose of being accessed by users upon payment of a prescribed fee; |
| | (b) deleting the definition of the following words and substituting with the following- |
| | (i) “online content service” means online content |

broadcasting to the public through television, radio, blogs, weblog, instant messaging tools, social platform and aggregator by subscription.

- (ii) “weblog” means a website containing an online media services offered in text, still or moving images, audio or a combination of them and contains links to other online media websites.

(c) deleting the following words-

“internet café”
“online platform”
“mainstream media”
“news related content”

Amendment of regulation 5

4. The principal regulations are amended by deleting regulation 5 and substituting it with the following:

5. Online content service licence shall be categorized as follows-

“Categories of licence

- a) Online Content Service Licence Category A which includes online media content services and online content aggregator by subscription; and
- b) Online Content Service Licence Category B which includes simulcasting radio and television.”

Amendment of Regulation 6

6. The principal regulations are amended by deleting regulation 6 and substituting it with the following;

“Application for licence

6.-(1) A person who intends to provide online content services shall apply to the Authority by filling an application form prescribed in the First Schedule and paying fees as set out in the Second Schedule to these Regulations.

(2) The application form for;

(a) Online Content Service Licence Category A shall be accompanied by:

- i) certified copy of certificate of incorporation or certificate of registration;
- ii) certified copy of Tax Identification Number Certificate;
- iii) certified copy of Tax Clearance Certificate for companies or non-governmental organizations;
- iv) certified copy of National Identity Card of shareholders;

- v) list of owner and management team;
- vi) curriculum vitae of the staff;
- vii) editorial policy guidelines for news and current affairs licence category;
- viii) any other documents as the Authority may require; and

b) Online Content Service Licence Category B shall be accompanied by a certified copy of valid content service license.”

Amendment of Regulation 7

7. The principal Regulations are amended in Regulation 7 by adding after sub regulation 2 the following-

“(3) The licence shall be valid for a period of three years and may be renewed.”

Amendment of Regulation 9

8. The Principal Regulations are amended in regulation 9 by deleting paragraphs (c), and (d) and renumbering paragraph (e), (f), (g), (h), (i), (j), (k) and (l) as paragraph (c), (d), (e), (f), (g), (h), (i), and (j) accordingly.

Amendment of Regulation 10

9. The principal regulations are amended by deleting regulation 10.

Amendment of Regulation 12

10. The principal regulations are amended by deleting regulation 12 and substituting it with the following:
“12. An Online Content Services Licence Category A shall comply with the following conditions-

- (a) For online content services-
 - (i) adhere to journalism ethics and professionalism
 - (ii) for a licensee who provides radio and television content shall adhere to local content requirements as prescribed by the Authority;
- (b) For online content aggregator by subscription-
 - (i) Observe copyright requirements including obtaining right clearance from relevant content owners;
 - (ii) Provide electronic guide support;
 - (iii) Provide customer care support;
 - (iv) Provide complaints’ handling procedures;
 - (v) Provide information in writing type of product, bouquet and services offered; and
 - (vi) Provide cost structure for products and services.

Amendment of Regulation 13

11. The principal regulations are amended by deleting regulation 13.

Amendment of Regulation 18

12. The principal regulations are amended by deleting regulation 18 and substituting it with the following-

“Children Protection

18. An online content provider, host and user shall take measures to ensure children are protected against access to any content that is harmful to the children wellbeing.”

Amendment of Regulation 20

13. The principal regulations are amended in regulation 20 by deleting sub regulation (3) and substituting it with the following:

“(3) complaint handling procedures shall be according to rules as may be prescribed by the Authority.”

Renumbering

14. The Principal Regulations are amended by renumbering Regulation 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as Regulation 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 accordingly.

Amendment of First Schedule

15. The Principal Regulations are amended by deleting the First Schedule and substituting it with the following-

“FIRST SCHEDULE

(Made under regulation 6(1))

TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
ISO 9001:2015 CERTIFIED



APPLICATION FOR LICENCE TO PROVIDE ONLINE CONTENT SERVICES

A: Category of licence applied for (Please tick)

1. Category A - (online media content services)
- (online content aggregator by subscription)
2. Category B

B: Name of online radio/ television/ blog/ forum/aggregator by subscription and other online services

with respective link to access online services

.....
.....

C: Particulars of Applicant

1. Name(s) of applicant:.....
Telephone
National ID No.
E-mail:
Physical address.....
Town/City..... StreetPlot No.....
Post Code.....

2. Name(s) of shareholders and their shares (For Category A):
.....
.....
.....
.....

3. Citizenship of applicant's shareholders/directors (With passport numbers and National ID numbers, For Category A)
.....
.....
.....

4. TIN and Tax Clearance Certificates (For Category A)
.....

5. Staff establishment and qualification (For Category A)
.....

6. Expected date of commencement of operations
.....

7. Any other relevant information
.....

8. **Declaration:**

I/ We declare that the contents of this application and any enclosures are true and correct.

Signature of authorized person.

Name
Signature.....
Position.....
Date.....

Amendment
of Second

16. The Principal Regulations are amended by deleting the
Second Schedule and substituting it with the following-

Schedule

SECOND SCHEDULE

(Made under regulation 6(1))

ONLINE CONTENT SERVICES FEES

| S/N | TYPE OF LICENCE | | APPLICATION FEES (TZS) | INITIAL LICENCE FEES (TZS) | ANNUAL LICENCE FEES (TZS) | RENEWAL FEES (TZS) | DURATION OF LICENCE |
|-----|-------------------------------------------------------------------------------|-------------------------------------------|------------------------|----------------------------|---------------------------|--------------------|---------------------|
| 1. | Online Content Service Licence Category A | Online Media Content Services | 50,000 | 500,000 | 500,000 | 100,000 | 3 years |
| | | Online Content aggregator by subscription | 100,000 | 1,000,000 | 1,000,000 | 100,000 | 3 years |
| 2. | Online Content Service Licence Category B (Simulcasting radio and television) | | Exempted | Exempted | Exempted | Exempted | 3 years |

Amendment of the Third Schedule

17. The Principal Regulations are amended in the third schedule by

- a) deleting paragraph 4 (d); and
- b) renumbering item (e) and (f) as item (d) and (e) accordingly

Dodoma,
....., 2021

INNOCENT L. BASHUNGWA,
Minister for Information, Culture, Arts and Sports