



Legal aspects of e-governance

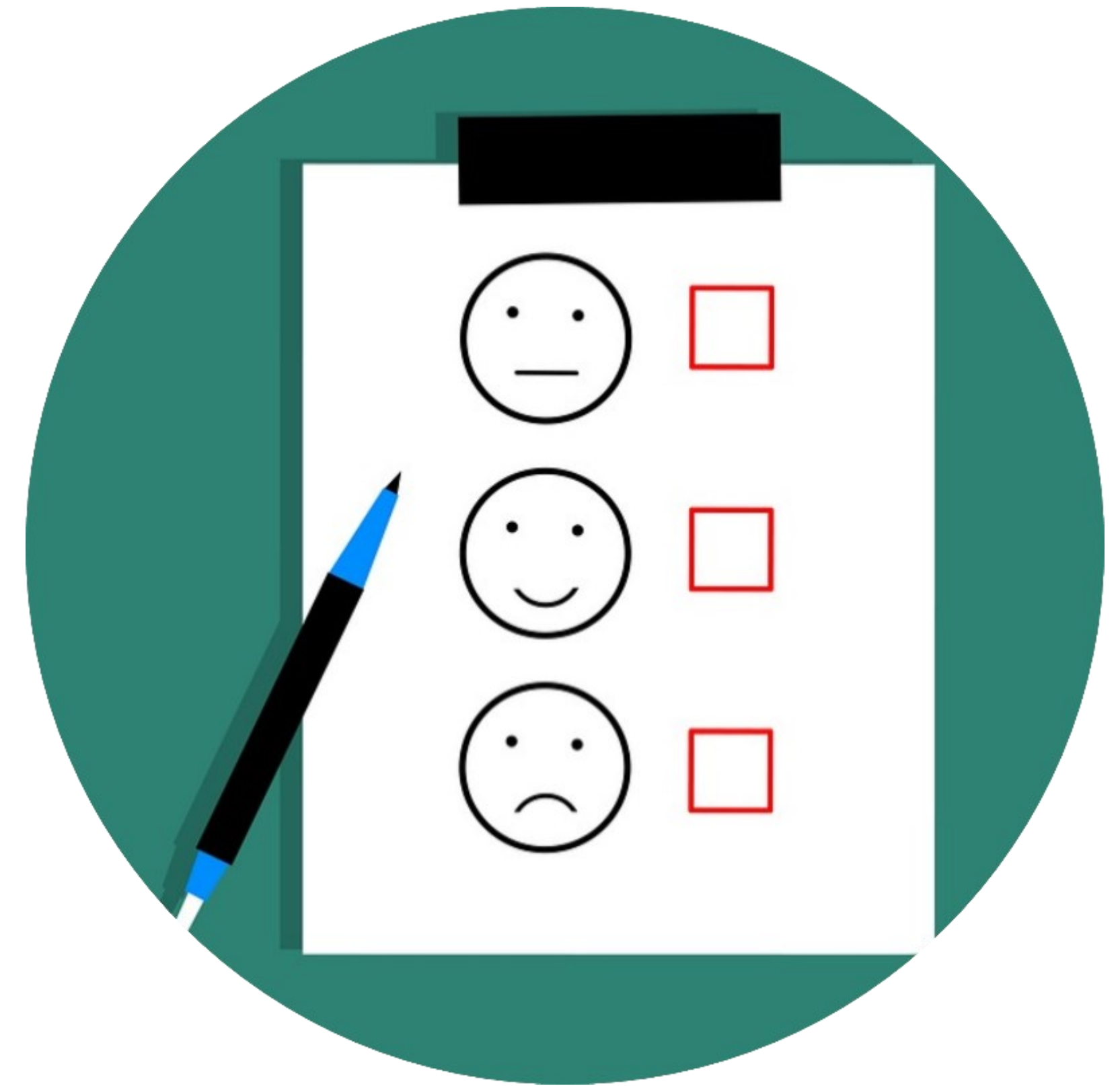
General questions and the situation in Uganda

Dr. Katrin Nyman-Metcalf

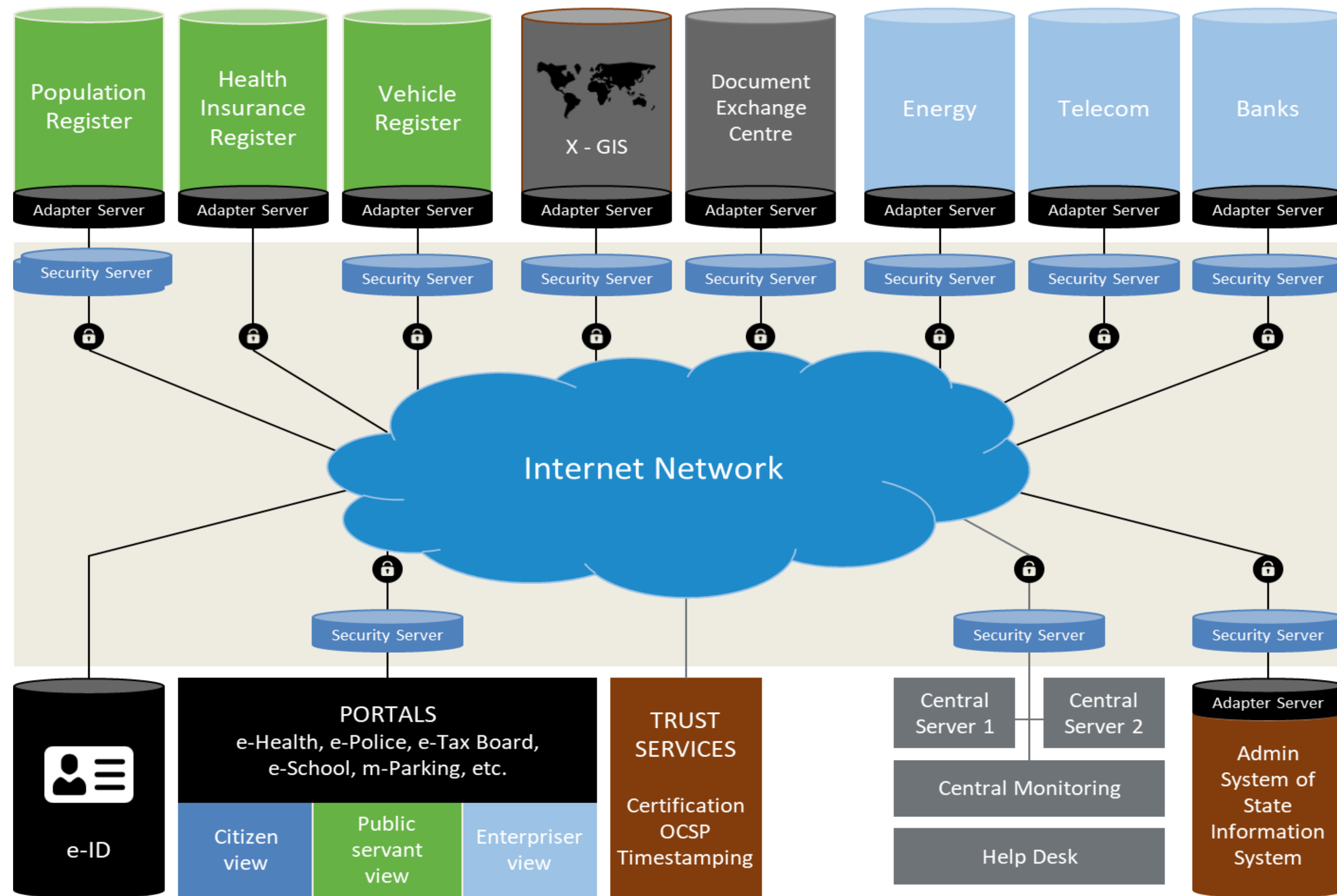
Senior Legal Expert

The key legal message

- There should not be too many specialised laws
- Laws should be technology neutral
- The legal issues are largely horizontal (identification, data protection, payments, access to internet)
- Digital data must be accepted in all contexts (until as evidence in court)
- Move away from concepts like original and copy – the data and not its representation holds the value



- Not one centralised database
- Sufficient rules for interoperability of databases
- Not greater access to data than what is needed – strict requirements for access (“footprint”)
- Once Only principle
- Conditions for joining (agreements)



So not much work for lawyers...?

- Analysis of existing legislation: are there any obstacles?
Requirements of form, obstacles to interoperability etc.

Uganda

Electronic Transactions Act 2011

National Databank Regulations 2019

E-Government Regulations 2015

Electronic Transactions Regulations 2013

National Payment Systems Act 2020

- Organisational issues: legal competence

Uganda

The National Information Technology
Authority-Uganda (NITA-U) Act 2009



One of the key legal issues,
a prerequisite for e-governance

Digital identity/ signature

Uganda

Electronic Signatures Act 2011

(Registration of Persons Act 2015)

What is the (legal) role of a
signature (identification)?

Legal certainty on types of
signatures

What are the key elements that
need to be created?

Ensure that the person is
who he/she claims

Possibility to identify one
individual (only)

Durability of identification

Ease of use

Data protection

- The digital society must not undermine people's sense of security
- The law should focus on content of data rather than its form. Many issues are the same regardless of traditional or electronic form.
- There are some different risks of electronic data as well as ways to use technology for better protection.
- Importance of implementing structures (Data Protection Authority or similar).
- **Uganda**

Data Protection and Privacy Act 2019

Internet Access

- Access means that people (consumers, businesses, citizens) must have real access to the internet
- The economic, educational, geographic situation of the country must be considered
- Affordable price must be affordable in the country concerned
- To ensure this is a practical as well as regulatory/legal question – *this is the technical side, what about digital literacy?*
- **Uganda**
Communications Act 2013
Regulations, licences