MOTION SEEKING LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED “THE COMPUTER MISUSE (AMENDMENT) BILL”

(Moved under Rules 56, 121 and 122 of the Rules of Procedure of Parliament)

WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter for the peace, order, development and good governance of Uganda;

AND WHEREAS clause 4 (b) of Article 94 of the Constitution and Rule 121 (1) of the Rules of Procedure permit a Member of Parliament to introduce a Private Member’s Bill;

AWARE THAT 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;

FURTHER AWARE THAT despite the Constitution of the Republic of Uganda under Article 41 providing for the right of access to information, it however, prohibits the release of the information which is likely to interfere with the right to the privacy of any other person;

APPRECIATING THAT over time, the advancement in technology especially the computer-generated technology has improved communication through the introduction of electronic devices and the various social media platforms or sites which enable users to create and share information in real time or to participate in social
networking irrespective of the geographical boundaries and distance that separates them;

**CONCERNED THAT** despite the benefits of the computer-generated technology, the technology has been grossly abused leading to the deprivation of the right to privacy through **wilful sending and sharing of negative, false, malicious, hateful, unwarranted pictures, insulting or even threatening information**;

**FURTHER CONCERNED THAT** the abuse of the technology has regrettably stretched to children where information about children, including children’s pictures, voice or videos are shared casually on social media platforms or sites without consent of their parents or guardians;

**REALISING THAT** the abuse of the technology and the medium through which it is used have negatively impacted on children and individuals on whom the misuse relates or is targeted through **emotional and psychological torture, sometimes leading to loss of family, jobs and respect in society**;

**RECOGNIZING THAT** despite the existence of laws regulating the misuse of computers, the interception of communication and protection of data, the laws do not specifically address regulation of information sharing on social media platforms, information relating to underage persons and the penalties prescribed under the law are not adequate to deter the vice;

**COGNISANT THAT** without strengthening the existing legislation with stringent measures to address the gaps, the technological abuse with its grave impact on health, human relations and society at large will continue to escalate the violation of the right to privacy;
CONVINCED THAT the amendment of the Computer Misuse Act, is requisite to require every person, especially a public officer or leader, to be more responsible and circumspect in creating, distributing or sharing any type of information for public consumption while at same time enjoying their right to freedom of speech.

NOW, THEREFORE, be it resolved by Parliament that:

Parliament grants me leave to introduce a private Member's Bill entitled "The Computer Misuse (Amendment) Bill" a draft of which is attached hereto;

AND do order the publication of the said Bill in preparation for its FIRST READING.

I beg to move.

MOVER: Muhammad Nserekho (MP)
KAMPALA CENTRAL

SECONDER: Geoffrey Macho (MP)
BUSIA MUNICIPALITY
THE COMPUTER MISUSE (AMENDMENT) BILL

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of section 2 of the Computer Misuse Act, No. 2 of 2011
2. Substitution of section 12 of principal Act
3. Insertion of new section 22A in principal Act
4. Insertion of new section 24A in principal Act
5. Insertion of new section 26A in principal Act
6. Insertion of new section 27A in principal Act
A BILL for an ACT

ENTITLED

THE COMPUTER MISUSE (AMENDMENT) ACT

An Act to amend the Computer Misuse Act, 2011 to prohibit the sharing of any information relating to a child without authorisation from a parent or guardian; to enhance the provisions on unauthorised access to information or data; to provide for the prohibition of sending or sharing false, malicious and unsolicited information; and for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 2 of the Computer Misuse Act, No. 2 of 2011
   The Computer Misuse Act, in this Act referred to as the principal Act, is amended in section 2 by inserting a new definition as follows—
   ""leader" has the meaning assigned to it under the Leadership Code Act, 2002;"

2. Substitution of section 12 of principal Act
   The principal Act is amended by substituting for section 12, the following—

   "12. Unauthorised access
   A person who, without authorisation,—
   (a) accesses or intercepts another person's data or information; or
   (b) voice or video records another person;"
(c) shares any information about or that relates to another person,
commits an offence and 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 new 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 new 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."

5. Insertion of new 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."

6. Insertion of new 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, he or she shall, in addition to the prescribed punishment, be dismissed from or vacate office."