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South Africa

Disaster Management Act, 2002

Directions to facilitate the availability and use of digital technologies to combat the spread of COVID-19

Government Notice 417 of 2020

Legislation as at 6 April 2020

FRBR URI: /akn/za/act/gn/2020/417/eng@2020-04-06

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PDF created on 25 April 2024 at 23:16.

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Directions to facilitate the availability and use of digital technologies to combat the spread of COVID-19

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South Africa

Disaster Management Act, 2002

Directions to facilitate the availability and use of digital technologies to combat the spread of COVID-19

Government Notice 417 of 2020

Published in Government Gazette 43164 on 26 March 2020

Commenced on 26 March 2020

[This is the version of this document as it was from 6 April 2020 to 7 May 2020.]

[Amended by Directions to facilitate the availabilty and use of digital technologies to combat the spread of COVID-19: Amendment (Government Notice 451 of 2020) on 6 April 2020]

I, Stella Ndabeni-Abrahams, Minister of Communications and Digital Technologies, do hereby, under regulation 10(8) of the Regulations made under the Disaster Management Act, 2002 (Act No. 57 of 2002) (Government Notice No. 318 published in Government Gazette No. 43101 of 18 March 2020), issue the directions in the Schedule.

1. Interpretation

In these directions, a word or expression bears the meaning assigned to it in the Broadband Infraco Act, 2007 (Act No. 33 of 2007), the Electronic Communications Act, 2005 (Act No. 36 of 2005), the Postal Services Act, 1998 (Act No. 124 of 1998), the Broadcasting Act, 1999 (Act No. 4 of 1999) and regulations published on 18 March 2020 by the Minister of Cooperative Governments and Traditional Affairs in terms section 27(2) of the Disaster Management Act, 2002 (Disaster Management Regulations, 2020), unless the context otherwise indicates, and—

"**Eskom**" means Eskom as defined in section 2 of the Eskom Act No. 40 of 1987;

"**fake news**" means statements with the intention to deceive as contemplated in Disaster Management Regulations, 2020;

"**SASSA**" means SASSA as defined in the South African Social Security Agency Act, 2004 (Act No. 09 of 2004);

"**SANRAL**" means SANRAL as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);

"**Sentech**" means Sentech as defined in the Sentech Act, 1996 (Act No. 63 of 1996);

"**SITA**" means SITA as defined in the State Information Technology Agency Act, 1998 (Act No. 88 and 1998);

"**Transnet**" mean Transnet as established in terms of section 22 of the Legal Succession to the South African Transport Services Act, 2008 (Act No. 38 of 2008);

"**.ZADNA**" means .za Domain Name Authority as defined in the Electronic Communications and Transaction Act, 2002 (Act No. 25 of 2002).

2. Scope

These Directions must be read with the laws referred to in paragraph 1 above and seek to provide for the availability and use of technologies to combat COVID-19 in the following areas:

2.1 Dissemination of real time public information;

2.2 Access to communications infrastructure and digital services;

2.3 Provision of essential postal services;

2.4 Tracking and tracing of persons;

2.5 Support to the following key sectors:

2.5.1 Education

2.5.2 Health

2.5.3 Local Government.

3. Application

3.1 These Directions apply where necessary to the following categories:

3.1.1 Electronic Communications Service Licensees;

3.1.2 Electronic Communications Network Service Licensees;

3.1.3 Broadcasting Service Licensees;

3.1.4 Community broadcasting service Licensees;

3.1.5 Internet Service Providers (ISPs);

3.1.6 Over the Top players (OTTs);

3.1.7 Postal Service Licensees; and

3.1.8 Land holders including all spheres of government and the private sector.

3.2 These Directions are issued pursuant to regulation 10(8) of the Disaster Management Regulations, 2020 to provide for measures necessary to manage COVID-19, and are valid for the duration of the declared national state of disaster.

4. Purpose

The purpose of these Directions is to facilitate the availability and use of digital technologies to combat the spread of COVID-19 in South Africa, through:

4.1 ensuring the smooth operations of the electronic communications industry (telecommunications infrastructure and services) as essential services during the disaster period;

4.2 imposing social compact obligations on individual and class broadcasting service licensees to broadcast public service announcements related to the national effort to combat the spread of COVID-19 and its impact;

4.3 enabling electronic communications service licensees and other service providers to rapidly deploy networks and facilities as contemplated in the Electronic Communications Act, thus increasing the demand and usage of electronic communications services;

4.4 removing obstacles associated with the rapid deployment of electronic communications services; and

4.5 establishing a coordinating mechanism, as may be required, through which licensed and non-licensed industry service providers can facilitate the provisioning of the services outlined in these Directions.

5. Interventions

5.1 Dissemination of information

5.1.1 Class and Individual Broadcasting Service Licensees are required to receive and disseminate public information related to the national effort to combat the spread of COVID-19 in all local languages including sign language;

5.1.2 All Electronic Communications Service Licensees and Electronic Communications Network Service Licensees with access to the radio frequency spectrum are required to make available their platforms for the streaming of public announcements to their customers or subscribers;

5.1.3 Electronic Communications Services Licensees, OTTs and ISPs that provide linear and non-linear services bears the responsibility to remove fake news related to COVID-19 from their platforms immediately after identified as such.

5.1.4 All Internet sites operating within .zaDNA top level domain name must have a landing page with a visible link to www.sacoronavirus.co.za.

6. Availability of communications and digital services

6.1 All service providers of electronic communications networks and services (telecommunications infrastructure and services) must ensure continued service provision.

6.2 A service provider of electronic communications networks or services must, when requested to do so, rapidly deploy temporary electronic communications networks and services in areas identified after consulting with the relevant Ministers.

6.3 For the purposes of easing network upgrades related to the COVID-19 disaster, a licensed entity may seek approval to deploy infrastructure without delay, in which case the Minister will engage with the affected Ministers to secure concurrence to allow industry to deploy without delay.

6.4 Ministerial interventions in this regard may include temporary deferment of wayleaves and the payment of fees following agreement between relevant parties.

6.5 No access fee may be charged by property owners to electronic communications network service licensees for deploying electronic communications networks or facilities in cases where the electronic communications networks or facilities are not intrusive, such as buried or overhead cabling, that does not constitute a cost to the property owner, or deprive the property owner of its own use of the land.

6.6 Reasonable access fees may be charged in cases where more intrusive electronic communications networks or facilities, such as masts, are erected on property. In such cases any access fee must be reasonable in proportion to the disadvantage suffered and must not enrich the property owner or exploit the electronic communications network service licensee.

6.7 All licensees will be required to submit reports during the period of the disaster of new infrastructure and network facilities to be installed in response to the COVID-19 disaster to the Authority.

6.8 The Authority must keep a register of all infrastructure and network facilities contemplated in paragraph 6.7 above.

6.9 For the duration of the COVID-19 national disaster, the Authority must prioritise the regulatory framework applicable to the management and licensing of radio frequency spectrum that would enable implementation of this direction on an urgent basis.

6.10 To the extent possible, the Authority must relax spectrum regulations to enable the temporary licensing of all available spectrum bands including the unassigned high demand spectrum for duration of the COVID-19 national disaster.

6.11 The temporary assignment of the unassigned high demand frequency spectrum must be focused on those licensees that would be able to implement and use assigned frequency spectrum for duration of the COVID-19 national disaster on an expeditious basis. Frequency coordination and planning will be necessary to effect this assignment.

7. Type approval

7.1 The automatic type approval of network equipment and handset devices based on the applicants meeting predetermined criteria including:

7.1.1 prior approvals in South Africa and other recognised jurisdictions;

7.1.2 submission of a safety certification and

7.1.3 online real time approvals for equipment already approved in the other jurisdictions in Region 1.

7.2 The Authority must keep a register of all approvals granted during the state of national disaster.

8. Individual track and trace

8.1 The Electronic Communication Network Service (ENCS) and Electronic Communication Service Licensees, internet and digital sector in general, must provide location-based services in collaboration with the relevant authorities identified to support designated departments to assist and combat the spread of COVID-19.

8.2 The South African Post Office must make available its national address system and any applicable database to assist the relevant authorities identified to track and trace individuals that have been infected and such other persons that may have been in direct contact with such infected persons. A database may be correlated with other sources from government and private sector.

9. Support to education sector

9.1 Electronic Communications Service Licensees must provide zero-rated access to local educational content websites.

9.2 Audio visual services especially the broadcasting services licensees must increase their educational programmes to support awareness of COVID-19.

9.3 The Electronic Communications Service Licensees and Electronic Communications Network Service Licensees with access to high demand spectrum must make available connectivity to 152 district virtual classroom platforms with minimum speeds of 10Mbs to support virtual teaching during the COVID-19 national disaster.

[paragraph 9.3 substituted by section 1 of Government Notice 451 of 2020]

10. Support to health sector

10.1 All audio-visual services particularly broadcasting service licensees must support the health sector with programming and public announcements related to the COVID-19 disaster.

10.2 Electronic Communications Service Licensees must zero-rate all COVID-19 sites as identified by the Department of Health and must zero rate all calls to the national number for COVID-19 as published by the Department of Health.

[paragraph 10.2 substituted by section 2(a) of Government Notice 451 of 2020]

10.3 112 Emergency Centres are directed to ensure that in the case of calls about COVID-19, the caller is connected to the national number as published by the Department of Health, if requested.

[paragraph 10.3 inserted by section 2(b) of Government Notice 451 of 2020]

10.4 All Emergency Centres are directed to display the national number for COVID-19 as published by the Department of Health.

[paragraph 10.4 inserted by section 2(b) of Government Notice 451 of 2020]

11. Roles of state-owned entities

11.1 **Broadband Infraco, Sentech, Transnet, Eskom, Prasa and Sanral**

All fibre-owning state owned companies must make their excess capacities available for the connection of key government installations including essential services in local government and SMMEs to ensure business continuity during COVID-19 disaster.

11.2 **Universal Service and Access Agency and the Universal Service and Access Fund**

All funds earmarked for the provision of broadband must support the district and local municipalities to improve their broadband and digital government capabilities to mitigate the negative impact of COVID-19 on the provision of services to the citizens.

11.3 **State Information Technology Agency**

SITA must ensure that government departments are able to function remotely.

11.4 **South African Post Office and South African Postbank**

The South African Post Office and South African Postbank must support the efforts of the Minister of Social Development and SASSA in the implementation of measures to combat the spread of COVID-19, in so far as payment of social grants is concerned.

12. Prohibition on price increment and mobile number prtability

All licensed entities must not effect any price increases and not perform mobile number portability for duration of the COVID-19 national disaster.

13. Commencement

These Directions will come into operation on the date of publication in the Government Gazette.