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## **GENERAL NOTICE**

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### **THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**NOTICE \_\_\_\_\_ OF 2018**



### **INQUIRY INTO THE ROLE AND RESPONSIBILITIES OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA IN CYBERSECURITY**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of its intention to conduct an inquiry in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act no. 13 of 2000), as amended ("ICASA Act").
2. The Authority is empowered in terms of the ICASA Act and the Electronic Communications Act No.36 of 2005 ("the ECA"), to make regulations to perform its functions. Section 4 of the ICASA Act provides that:

"(3)(j) The Authority may make regulations on any matter consistent with the objects of this Act and the underlying statutes or that are incidental or necessary for the performance of the functions of the Authority".

3. The ECA seeks to establish a regulatory framework, in line with technological and economic developments, to promote convergence in the broadcasting, broadcasting signal distribution and telecommunications sectors.
  - 3.1. Section 2(n) states that ICASA must promote the interests of consumers with regard to the price, quality and the variety of the electronic communications services;
  - 3.2. Section 2(q) of the ECA states as one of the mandate of ICASA to "ensure information security and network reliability";
  - 3.3. Section 36 (1) of the ECA states that "the Authority must prescribe standards for the performance and operation of any equipment or electronic communication facility, including radio apparatus."; and
  - 3.4. Section 36 (2) further states that "such standards must be aimed at protecting the integrity of the electronic communications network."
4. The purpose of this the Inquiry is to determine the role and responsibilities that the Authority should play in relation to cybersecurity guided by the enabling legislation.
5. Following this notice, the Authority will follow the steps outlined below in the process of completing the inquiry:
  - 5.1. The Authority publishes this Discussion Document to solicit comments from stakeholders on their views on the role and responsibilities that the Authority should play in relation to cybersecurity;
  - 5.2. The Authority invites written submissions on the Discussion Document from interested parties. The closing date for submissions is 30 November 2018 at 16h00 at the Authority's Head Office at Block D, Pinmill Farm, 164 Katherine Street, Sandton. Submissions may be made by post, hand delivery, facsimile transmission or email. Submissions received after the submission deadline may be disregarded

5.3. The Authority may hold oral representation upon request by stakeholders in their written representatives.

5.4. All written submissions, and related correspondence on the Discussion Document, must be directed to:

**The Independent Communications Authority of South Africa (ICASA)**

**FOR ATTENTION:**

**Ms. Violet Letsiri**

**Senior Manager: Social Policy for ICT services**

**Tel: (011) 566 3715**

**[VLetsiri@icasa.org.za](mailto:VLetsiri@icasa.org.za)**

6. A copy of the Discussion Document will be made available on the Authority's website at <http://www.icasa.org.za> and in the Authority's Library at 164 Katherine Street, Pinmill Farm, at Block D, Sandton between 09h00 and 16h00, Monday to Friday.
7. Written representation(s) received by the Authority pursuant to this notice will be made available for inspection by interested persons at the Authority's library and website. Copies will be obtainable upon payment of the prescribed fee.
8. At the request of any person who submits written representations pursuant to this Notice, the Authority may determine that such representations or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. The party requesting confidentiality must provide the Authority with a public version of its submission in addition to the confidential version.
9. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or portion(s) thereof.
10. Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations should the Authority decides to hold public hearings.
11. General Enquiries

Contact Violet Letsiri on 011 566 3715 or e-mail on [vletsiri@icasa.org.za](mailto:vletsiri@icasa.org.za) for general enquiries in respect of this notice.

12. Media Queries

Contact Mr Paseka Maleka on 011 566 3455 or e-mail at [pmaleka@icasa.org.za](mailto:pmaleka@icasa.org.za) in respect of media queries.



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**Rubben Mohlaloga**

**CHAIRPERSON**

**DATE:**

26/09/2018