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New Online Content Regulations published

- Introduce categories of Online Content Licence
- Incorporate requirements for the application of Online Content Licences
- Elaborates prohibited content

The Electronic and Postal Communications Act (EPOCA), No. 3 of 2010 allows the portfolio Minister to make and issue Regulations to govern online content, among others. In a bid to ensure proper regulation and monitoring of online content services in Tanzania, the Minister for Works, Transport and Communications has revoked the Electronic and Postal Communications (Online Content) Regulations, GN. No. 133 published on 16 March 2018 and replaced them with Electronic and Postal Communications (Online Content) Regulations 2020. The new Regulations came into force on 17 July 2020.

To an extent, the 2020 Regulations retain the provisions of the revoked Regulations. Like the predecessor Regulations, the 2020 Regulations apply to all contents broadcasted to the public through internet websites, application software, forums, blogs, weblogs, microblogs, public account, instant messaging tools like WhatsApp, online live streaming, aggregators, and other related platforms like YouTube. They also retain obligations of online content service providers and related users and penalty for non-compliance, i.e. a fine of not less than TZS 5M or imprisonment for a term of twelve months or to both.

The 2020 Regulations introduce new categories for Online Content Licences such as Online Content Licence for News Content, Educational Content, Religious Content, and Entertainment Content. This entails that Applicants for online content services licences will now have to specify a category of licence one applies for depending on the orientation of the content to be offered.

Unlike the 2018 Regulations, the 2020 Regulations incorporate a list of requirements (e.g. CV, TIN, National ID, and editorial policy), which an applicant for Online Content Services Licence will have to furnish in support of his licence application and it is to be seen how strongly these will be scrutinised. The licence so issued shall be valid for 3 years and may be renewed upon expiration.

Lastly, the 2020 Regulations incorporates a third schedule on 'prohibited content'. The schedule was not part of the revoked Regulations, but rather prohibited contents were provided for under Regulation 12 of the revoked Regulations. Prohibited contents under the Third Schedule are more elaborate than under the 2018 Regulations.

Readers should note that apart from the legal standards laid down under EPOCA and the 2020 Regulations, other laws that have a direct bearing on online content regulation include the Constitution of the United Republic of Tanzania, Universal Communications Service Access Act, Cybercrimes Act, Electronic Transactions Act, Evidence Act, Access to Information Act, and Penal Code.

To read the 2020 Regulations [click here](#)

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