

# NATIONAL COMPUTER BOARD ACT

Act 43 of 1988 – 11 January 1989

## ARRANGEMENT OF SECTIONS

|      |                                   |
|------|-----------------------------------|
| 1.   | Short title                       |
| 2.   | Interpretation                    |
| 3.   | Establishment of Board            |
| 4.   | Objects of Board                  |
| 5.   | Membership of Board               |
| 6.   | Meetings of Board                 |
| 7.   | Disclosure of interest by members |
| 8.   | Committees                        |
| 9.   | Delegation of powers              |
| 10.  | Executive Director                |
| 11.  | Appointment of officers           |
| 12.  | Conditions of service of officers |
| 13.  | Secrecy                           |
| 14.  | Protection from liability         |
| 15.  | Powers of Minister                |
| 16.  | Funds of Board                    |
| 17.  | Estimates                         |
| 18.  | Donations                         |
| 19.  | Exemption                         |
| 20.  | Regulations                       |
| 21.  | —                                 |
| 21A. | —                                 |
| 22.  | —                                 |
|      | First Schedule                    |
|      | Second Schedule                   |

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## NATIONAL COMPUTER BOARD ACT

### 1. Short title

This Act may be cited as the National Computer Board Act.

### 2. Interpretation

In this Act—

“Board” means the National Computer Board established under section 3;

“Executive Director” means the person appointed as such under section 10;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of information technology is assigned;

“officer”—

(a) means an employee of the Board and includes the Executive Director;

(b) does not include a manual worker.

[S. 2 amended by Act 18 of 1998; s.64 (3) (a) of Act 13 of 2004 w.e.f. 16 February 2009; s. 16 of Act 1 of 2009 w.e.f. 22 May 2009.]

### **3. Establishment of Board**

- (1) There is established for the purposes of this Act the National Computer Board.
- (2) The Board shall be a body corporate.

### **4. Objects of Board**

The objects of the Board shall be to—

- (a) foster the development and growth of information technology, information systems and computer related services in Mauritius;
- (b) advise Government on the formulation of national policies in respect of the promotion, development and control of information technology and its applications;
- (c) assist in the framing of appropriate national education, training and research plans in the field of information technology in order to build the necessary expertise base for consolidating the information technology industry in Mauritius; and
- (d) —

[S. 4 amended by Act 18 of 1998; s.64 (3) (b) of Act 13 of 2004 w.e.f. 16 February 2009.]

### **5. Membership of Board**

(1) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for the subject of finance and economic development;
- (d) a representative of the Ministry responsible for the subject of information technology;
- (e) a representative of the Ministry responsible for the subject of education;
- (f) a representative of the Ministry responsible for the subject of civil service affairs;
- (g) not more than 5 other members appointed by the Minister from among persons with adequate knowledge and experience in the field of information technology, commerce, industry, services and education.

(2) Every appointed member shall hold office on such terms and conditions as the Minister may determine.

(3) Every member shall be paid by the Board such remuneration or allowance as the Board may, with the approval of the Minister, determine.

[S. 5 amended by s. 3 of Act 20 of 2006.]

### **6. Meetings of Board**

(1) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Board shall meet at the request of the Chairperson or of not less than 3 members and at such time and place as may be determined by the Chairperson.

(3) Four members shall constitute a quorum.

### **7. Disclosure of interest by members**

Every member shall, in relation to any matter before the Board in which he has a pecuniary interest, disclose at or before the meeting convened to discuss that matter the nature of his interest and refrain from taking part in any deliberation of the Board relating to that matter.

## **8. Committees**

(1) The Board may appoint such committees to assist it in carrying out its functions as it thinks fit.

(2) Any committee set up pursuant to subsection (1) may consist of members or such other persons as the Board may, without prejudice to the rule of confidentiality, think fit to designate.

## **9. Delegation of powers**

Subject to such instructions and rules of a general nature as it may give or make, the Board may delegate to the Chairperson or to the Executive Director such of its powers under this Act as may be necessary for the effective management of the Board, other than the power to borrow money.

## **10. Executive Director**

(1) There shall be a chief executive officer of the Board who shall—

- (a) be known as the Executive Director; and
- (b) be appointed by the Board with the approval of the Minister.

(2) The Executive Director shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Board.

(3) In the exercise of his functions, the Executive Director shall act in accordance with such directions as he may receive from the Board.

(4) The Executive Director may, with the approval of the Board, delegate his functions or any power delegated to him under section 9 to an officer.

## **11. Appointment of officers**

(1) Subject to subsection (3), the Board may employ, on such terms and conditions as it thinks fit, such officers as may be necessary for the proper discharge of its functions.

(2) Every officer shall be under the administrative control of the Executive Director.

(3) No person shall be eligible for employment or, if already employed, continue in employment, where he has an interest in any contract with the Board.

## **12. Conditions of service of officers**

The Board may make provision, in such form as it may determine, to govern the conditions of service of officers and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, officers;
- (b) appeals by officers against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits recoverable from, those schemes.

## **13. Secrecy**

(1) Every member and officer shall—

- (a) before he begins to perform his duties, take an oath of secrecy in the form specified in the Second Schedule;
- (b) maintain and aid in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties; and
- (c) refrain from revealing to any unauthorised person any matter referred to in paragraph (b).

(2) Any member or officer who, without lawful cause or reasonable excuse, contravenes subsection (1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 13 amended by Act 18 of 1999.]

#### **14. Protection from liability**

No liability, civil or criminal, shall attach to any member or officer or to the Board in respect of any loss arising from the exercise in good faith by a member or an officer or the Board of his or its functions under this Act.

#### **15. Powers of Minister**

(1) The Minister may, in relation to the exercise by the Board of its powers under this Act, give such directions of a general character to the Board, after consultation with the Board, as he considers necessary in the public interest, and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to its activities as the Minister may require.

#### **16. Funds of Board**

The Board shall derive its funds from—

- (a) the Consolidated Fund;
- (b) any dues or fees levied by the Board; and
- (c) any other source approved by the Minister.

#### **17. Estimates**

(1) The Board shall, not less than 3 months before the commencement of every financial year, submit to the Minister an estimate of the income and expenditure of the Board.

(2) Subsection (1) shall not apply to the first financial year of the Board.

#### **18. Donations**

Article 910 of the Code Civil Mauricien shall not apply to the Board.

#### **19. Exemption**

Notwithstanding any other enactment, the Board shall be exempt from the repayment of any rate or charge leviable on immovable property or any tax leviable on income.

#### **20. Regulations**

(1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

- (2) Any regulations made under subsection (1) may—
- (a) amend the Schedules;

(b) provide for the taking of fees and the levying of charges.

[S. 20 amended by Act 18 of 1998.]

21. —

21A. —

[S. 21A repealed by s. 49 (b) of Act 44 of 2001 w.e.f. 1 June 2002.]

22. —

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**First Schedule**

[Section 2]

**CODE OF PRACTICE**

1. Information to be contained in personal data shall be obtained and be pro-cessed, fairly and lawfully. For the purpose of this paragraph—

- (a) data shall be deemed to have been fairly obtained where prior to obtaining the data from the data subject, the data user shall have informed the data subject of the identity of the data user, the intended use of data and the persons to whom data would be disclosed; and
- (b) data shall be deemed to have been fairly processed where the data shall not have been used contrary to any written personal instruction sent directly to the data user, or via a lawful intermediary, by the data subject.

2. Personal data shall be held for one or more specified and lawful purposes. Personal data held shall only be used for the specified purpose or purposes for which they were collected.

3. Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with the purpose or purpose for which they were collected.

4. Personal data will be held that are adequate, relevant and not excessive in relation to the purpose or purposes. This implies that the data user should not record personal data merely because there is a possibility that extra information will be useful in the future.

5. Personal data held will be accurate and, where necessary, be kept up to date. This implies that data held by that user will reflect the true state of fact about the data subject.

6. Personal data shall not be kept for longer than is necessary. This implies that data should be destroyed when the specified purpose or purposes for which they were collected has been achieved.

[First Sch. added by Act 18 of 1998.]

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**Second Schedule**

[Section 13]

**OATH OF SECRECY**

I ..... hereby make oath/solemn affirmation as a ..... and declare that in the discharge of my duties under the National Computer Board Act, I will deal with and regard all documents and information relating to the operations of the Board and to which I have access as SECRET AND CONFIDENTIAL and refrain from disclosing any such documents and information to any unauthorised person.

Sworn/solemnly affirmed by the deponent in Chambers.

This.....20.....

Before me,

District Magistrate for.....

[Second Sch. amended by Act 18 of 1998.]

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