

The Telecommunications Regulatory Authority's Board of Directors

Resolution No. (12) of 2016

Promulgating the Internet Safety Regulation

The Telecommunications Regulatory Authority Board of Directors:

Having considered:

Legislative Decree No. 47 of 2002 with respect to Regulation of Press, Printing and Publications;

The Telecommunications Law promulgated by Legislative Decree No. 48 of 2002, particularly Article (3), (35) and (78) thereof;

Resolution No. (9) of the year 2009 Promulgating a Regulation requiring Licensees to implement Lawful Access; and

After consulting with interested parties;

On the basis of the proposal submitted by the Authority's General Director; and

Following the approval of the Authority's Board of Directors,

Has resolved as follows:

Article 1

The Internet Safety Regulation attached herewith is hereby being approved and adopted.

Article 2

The official Arabic version of this Resolution and the Regulation attached herewith shall be published in the Official Gazette and shall come into force on the day following the date of publication.

Chairman of the Authority's Board of Directors

Dr. Mohamed Ahmed Al Amer

Issued on: 28 Shawwal 1437

Corresponding to: 2 August 2016

Article 1

Definitions

For the purposes of this Regulation, any word or expression shall have the meaning given to it in Article (1) of the Telecommunications Law, and the following terms and expressions shall have the following meanings, unless the context otherwise requires:

Authority: means the Telecommunications Regulatory Authority.

Central Management System: means the system upon which the Prohibited Material List is updated from time to time.

Internet Access Services: means the provision of services, which consist of interaction with the internet, or the transmission of information to or over the internet.

ISP: means a holder of an Internet Services Provider Class License or any Licensee that provides Internet Access Services either directly or indirectly in the Kingdom.

ISP System: means all equipment, hardware and technology maintained and operated by the ISP and continuously connected to the Central Management System as part of the Unified Technical Solution.

Prohibited Material List: means the list of Websites recorded on the Central Management System whose content is deemed illegal and/or prohibited in the Kingdom of Bahrain by the Relevant Public Authority, and which access to by any User, Subscriber or any other Person is prevented on a permanent basis.

Relevant Public Authority: means the authority responsible for assessing Website content.

Unified Technical Solution: means the technical solution chosen by the Authority from time to time having consulted with ISPs to be implemented to achieve the objectives of this Regulation to include the Central Management System, the ISP System and the Unified Technical Solution Software in order to automatically prevent access to all Websites (or other content) recorded on the Prohibited Material List.

Unified Technical Solution Software Costs: means the cost of the software licence granted by the Unified Technical Solution Software Provider to be borne by the ISPs in accordance with the terms of Article 5 of this Regulation.

Unified Technical Solution Software Provider: means the provider selected by the Authority from time to time having consulted with selected ISPs to provide the software licence(s) necessary to operate the Unified Technical Solution.

Unified Technical Solution Software: means the software provided by the Unified Technical Solution Software Provider.

Website: means any collection of material placed in a computer server-based file archive so that it is accessible, over the internet, using hypertext transfer protocol (or any successor protocol or analogous system) or any network port, application or protocol used to transmit data over an internet connection.

Website Compliance Request: means a communication sent in exceptional circumstances, in electronic format by the Authority to an ISP identifying a Website (or Websites) that the ISP must prevent access to by any User, Subscriber or any other Person on a permanent basis or until otherwise directed by the Authority.

Article 2

Objectives of this Regulation

The objectives of this Regulation are to require ISPs to:

- 1- Implement, operate and maintain the ISP System as part of the Unified Technical Solution selected and enforced by the Authority, in accordance with the terms of this Regulation.
- 2- Comply with any Website Compliance Request within 24 hours of receipt of such a request.
- 3- Meet the costs of implementing the Unified Technical Solution as described in Article 5 of this Regulation.

Article 3

The Authority's Obligations

For the purpose of implementing the provisions of this Regulation, the Authority shall:

- 1- Select the Unified Technical Solution Software Provider; and

- 2- Monitor the extent compliance of ISPs with the terms of this Regulation in order to ensure that the Unified Technical Solution is implemented, maintained and operated in accordance with the terms of this Regulation at all times.

Article 4

ISP Obligations

(a) The ISP shall ensure that:

- 1- it complies with the obligations of Article (2) of this Regulation.
- 2- the ISP System is continuously connected to the Central Management System.
- 3- the ISP System is capable of acting as part of the Unified Technical Solution.
- 4- It complies with all Website Compliance Requests issued by the Authority in accordance with the terms of this Regulation within 24 hours of receipt of such a request.
- 5- notify the Authority of any failure affecting the ISP System within 12 hours of the ISP becoming aware of the same and rectify the failure within the period specified to it by the Authority.
- 6- provide the Authority with all information that it may require to effect the implementation of the objectives of this Regulation within the time limits required by the Authority from time to time.
- 7- it liaise solely with the Authority in relation to all matters relevant to the outcomes and objectives of this Regulation unless otherwise directed by the Authority.

(b) The ISP shall not perform any action in relation to the ISP System which may negatively affect the ability of the Unified Technical Solution to meet the objectives of this Regulation (including any planned or emergency events that might be faced by the ISP) without obtaining the Authority's written approval in relation to such.

Article 5

Financing of the Unified Technical Solution

(a) The ISP shall pay:

- 1- the Unified Technical Solution Software Costs;
- 2- the ongoing costs of purchasing, maintaining and operating the ISP System; and

- 3- the cost of connecting the ISP System to the Central Management System as part of the Unified Technical Solution.
- (b) The Authority shall from time to time determine the Unified Technical Solution Software Costs payable by each ISP. In determining such costs, the Authority shall be guided by the principles of proportionality and cost-effectiveness taking into account the objectives and the requirements of this Regulation.
- (c) The ISP shall pay the Unified Technical Solution Software Costs in accordance with the standard payment terms of the Unified Technical Software Provider or in accordance with such other terms as may be agreed by the Authority.

Article 6

Enforcement

- (a) The breach of any provisions of this Regulation by the ISP shall also be deemed to constitute a material breach of its Licenses and the provisions of the Telecommunications Law.
- (b) Without prejudice to the Authority's powers provided for in the Telecommunications Law including Article 35 thereof, in the event that an ISP fails to abide by any of the terms of this Regulation (or undertakes any measures to circumvent either the ISP's obligations or the Regulation's objective) the Authority may issue an emergency order requiring the ISP to rectify the breach of this Regulation identified in a time limit to be determined by the Authority.