



هيئة الاتصالات والفضاء والتقنية
Communications, Space &
Technology Commission

Telecom Act Violations Committee Bylaws

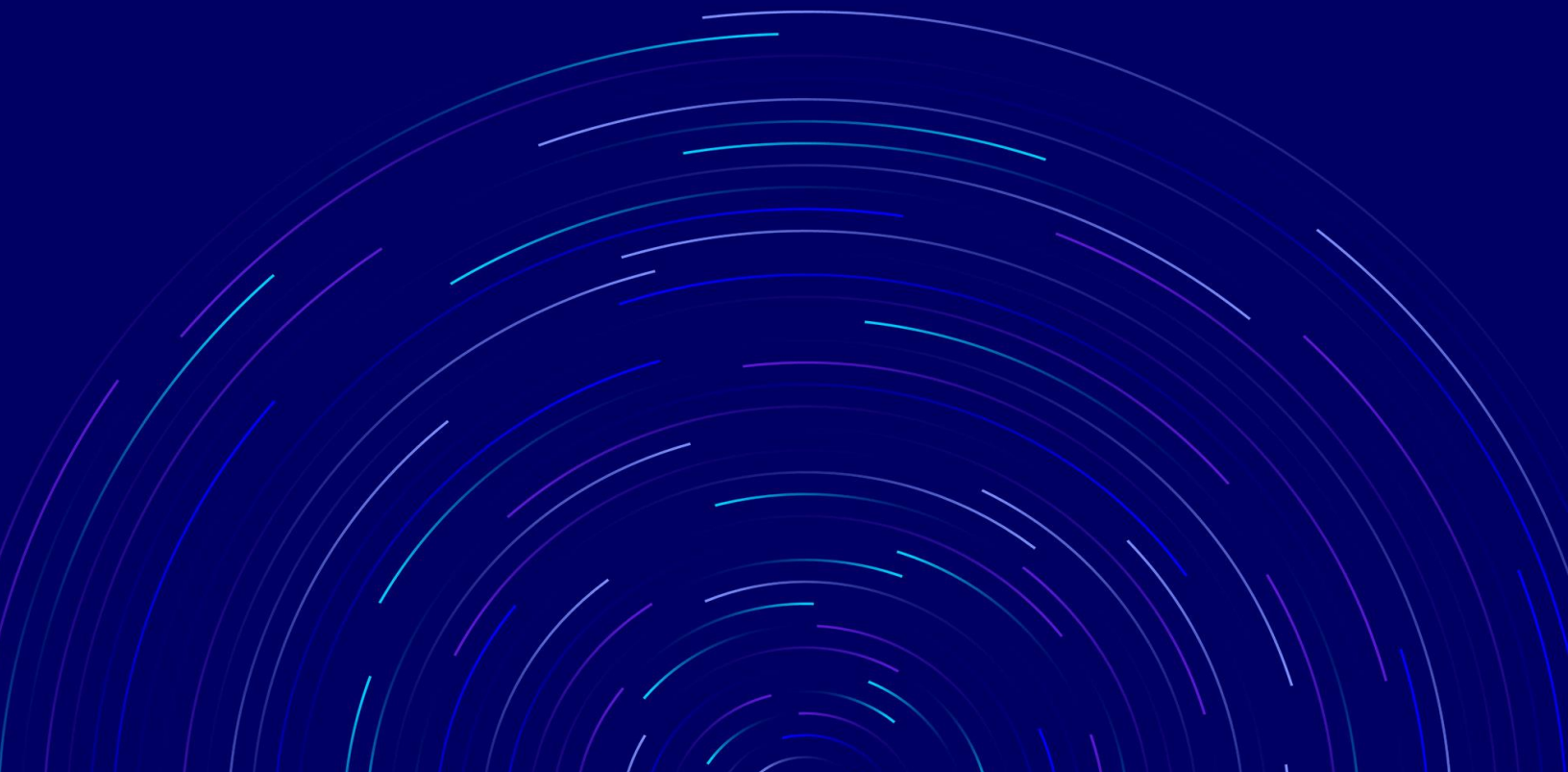
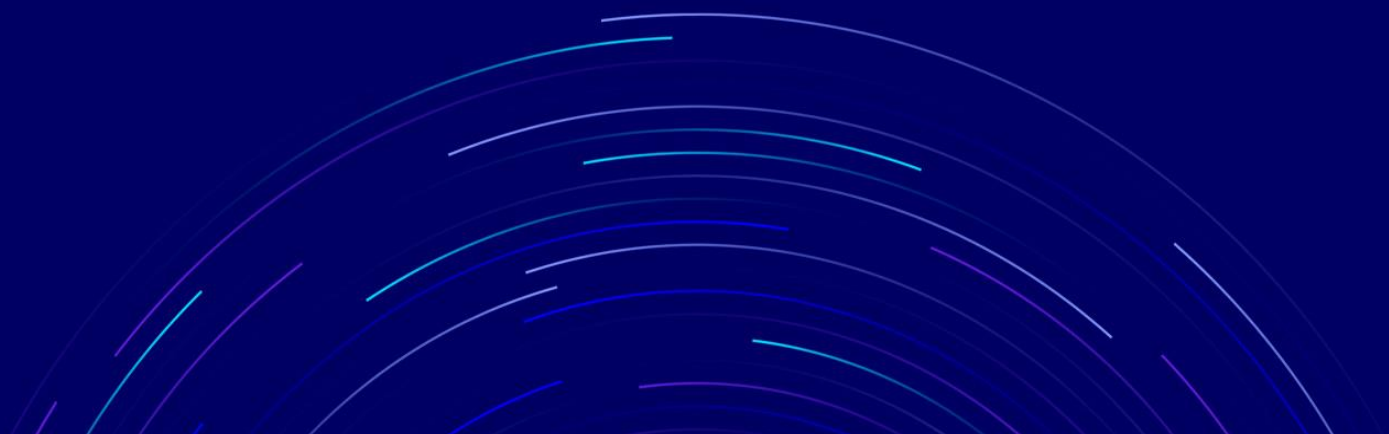


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Article One:

Definitions:

The following terms and expressions, whenever used in this Bylaw, shall have the following meanings assigned thereto respectively, unless the context otherwise requires:

Act	Telecom Act.
Executive Regulations	The Executive Regulations of the Telecom Act.
Bylaw :	Bylaw of the Telecom Act Violations Committee.
CITC	Communication & Information Technology Commission.
Board	CITC Board of Directors.
Governor	CITC Governor.
Committee	Telecom Act Violations Committee.
Secretariat	Secretariat of the Committee.
Secretary	Secretary of the Committee.

Article Two:

Formation of the Committee:

- 1- Pursuant to Article 38 of the Telecom Act, the Committee shall be formed of five members from CITC or otherwise. Committee members must have experience and knowledge and include a regular advisor. Committee members shall be nominated by a resolution to be issued by the Board based on a recommendation from the Governor. This resolution shall specify the Committee Chairman and his deputy. The deputy shall have the Chairman's authority in his absence.
- 2- The Committee shall act independently and shall administratively report to the Board.
- 3- No Committee member may have any interest with any person who commits a violation to CITC regulations. Otherwise, such member must step down and not participate with the Committee in discussing that matter.
- 4- Based on a recommendation from the Governor, the Board may appoint alternative members to act on behalf of any absent member or when a member resigns until a replacement member is appointed to complete his/her tenure.
- 5- The resolution concerning formation of the Committee shall provide for its tenure. The Committee may be terminated prematurely and reformed by a resolution issued by the Board.
- 6- The Board shall determine the remuneration of the Committee members who are not holding a position in CITC.

Article Three:

Terms of Reference of the Committee:

The Committee shall be competent to consider violations to the provisions of the Act and impose the penalties provided for in the Act. If the violation presented to the Committee does not fall under its competency, the Committee shall issue a decision of lack of jurisdiction. If, during considering a violation, the Committee discovered another violation which is punishable under other laws, the Committee may report such violation to competent body.

Article Four:

Competence of the Committee Chairman:

The Committee Chairman shall be competent to manage the Committee's business, and shall specifically be responsible for:

1. Managing the Committee sessions and meetings;
2. Approaching the CITC and competent authorities and all relevant bodies;

3. Communicating the Committee's decisions to CITC and all related parties;
4. Appointing the Committee's representatives before courts in defending the cases that are filed against the Committee with respect to its decisions; and
5. Approving the annual report on the Committee business and submitting the same to the Board.

The Committee Chairman may delegate some of his authorities to any Committee member or the Secretary.

Article Five

Secretariat:

1. The Committee shall be supported by a department called (the Secretariat of the Telecom Act Violations Committee "the Secretariat"). The Secretary assumes the task of managing the Secretariat, and it administratively reports to the CITC Governor under the supervision of the Committee Chairman. The Secretariat shall support the Committee in its duties and responsibilities, especially in the following:
 - A. To undertake the necessary arrangements for the Committee's meetings.
 - B. To record the minutes of the Committee's meetings.
 - C. To review the statements of violation claims referred to the Committee, and notify the claimant if there is missing information or data to complete.
 - D. To review the memoranda, pleadings and similar notes regarding the alleged violation.
 - E. To receive and prepare responses to the communications addressed to the Committee, and present them to the Committee Chairman.
 - F. To index and keep the Committee's decisions, and related cases and judgments, and coordinate with CITC the publishing of the decisions.
 - G. To prepare the annual report on the Committee business and submit it to the Chairman.
2. Managing the content of the Committee's webpage.

Article Six

Statements of Claims for Violations of the Telecom Act:

- 1- CITC shall refer the statements of alleging violations of the Telecom Act to the Secretariat. These statements must be addressed to the Committee Chairman under the approved mechanism, taking into account the speed and ease of the submission, tracking and inquiry about it. CITC may reassess the allegation position before the Committee issues a decision.
- 2- The Secretariat makes preparations and developments to consider the violations to be presented to the Committee as it determines in this regard.

Article Seven

Committee Meetings:

1. The Committee holds its meetings at the premises designated for the same at CITC headquarters. The meetings may also be held outside the premises, as appropriate.
2. The Committee may hold its meetings in the manner it deems appropriate and that enable it to perform its responsibilities including the use of modern e-means of communication.
3. The Committee's meetings and deliberations are confidential and no one other than its members and the Secretary is permitted to attend them, unless otherwise approved by the Committee.

4. The Committee considers the statements of allegations of violations of the Act presented by the Secretariat.
5. The Committee meetings and decisions taken are recorded in special minutes, in which the date and time of the meeting and the attendants are recorded. The meeting shall not be validly held except by the presence of the majority of the Committee members, provided that one of the attendants is the Chairman or its deputy.
6. The Committee addresses the party to whom the violation is attributed in presence, in writing, or by any e-means, at its discretion.
7. Notifications are sent and responses to the same and correspondence are received including the notification of the decision by any means of communication that the Committee deems appropriate, including (electronic messaging, emails, and e-applications). The Committee may summon the party to whom the violation is attributed to hear its statements and establish the same in a record signed by the attendees.
8. The Committee may issue its decision if the party to whom the violation is attributed has not replied to the notification served to it on that violation.
9. The Committee may hear statements or request a testimony from whomever it deems appropriate when it considers a violation, and it may summon such party.
10. The Committee may request the opinion of an expert or whoever it deems necessary when it considers a violation.
11. The Committee may review all information pertaining to the violation, including confidential information.
12. The Committee may conduct investigations, hear statements and receive testimonies that it deems necessary for the consideration of the violation, and it may conduct an inspection by all its members or delegate whomever it deems fit to conduct the same. The Committee may also return the violation to the prosecution to finalize the investigation and evidence gathering procedures.
13. Each party to whom a violation is attributed and all relevant persons must fully cooperate with the Committee to reveal any information or data the Committee requests.
14. The Committee is entitled to accept any means of proof it deems appropriate in a violation it considers.
15. The Committee must take into account the urgency in considering violations involving detainees or prisoners, or the violations that have an impact on the communications and IT sector.
16. The Committee decisions are issued by the majority of votes. In case of a tied vote, the Chairman shall have the casting vote, and the opinion opposing the issued decision is recorded in the minutes of the Committee meeting.

Article Eight:

Decisions of the Committee:

1. The Committee must issue a decision on all claims presented to it.
2. Committee decisions must include a number and date for the decision, as well as a description and terms of the committed violation and affective defenses made by the violator and response to them. When the violator is found convicted, the decision shall include the reasons and imposed fine accordingly.
3. Committee decisions shall be effective vis-à-vis the convicted violator. Violator may appeal against the Committee decisions before the Bureau of Grievances within (30) thirty days from the date the decision became known to the violator.
4. Upon conviction, the Committee decision shall provide for the publishing of the penalty on the CITC's official website or a local newspaper at the expense of the violator, including the name of violator and committed violation.
5. The Committee shall observe the final court judgments related to its decisions.
6. All by itself or at the request of any concerned person, the Committee shall correct any material mistakes on its decision. If there is any vague or ambiguity in the decision, any of the concerned parties may request a clarification from the Committee.

Article Nine:

Fines:

1. Upon considering the violations, the Committee shall look into every violation in all aspects and determine the appropriate fine and issue a single decision on a number of violations.
2. As per the Telecom Act, the fine imposed by the Committee shall not exceed twenty five (25) million Saudi Riyals. The fine shall individually be determined according to the violating act and its severance.
3. If the Committee decision includes a timeframe for ceasing or remedying the respective violation and the violator failed to cease or remedy the violation within such timeframe, the CITC may claim before the Committee to consider punishing the violator with the same penalty.
4. The Committee may review the previous violations of the same violator and take this into consideration when assessing the fine.

Article Ten:

General Provisions:

1. This Bylaw shall be effective from the date of website publishing, after being approved by the Minister of Communications and Information Technology. This Bylaw supersedes all provisions or resolutions that conflict with it.
2. This Bylaw shall be reviewed and any proposals or amendments shall be submitted to the CITC Board of Directors for approval, in preparation for final approval by the Minister of Communications and Information Technology.

