



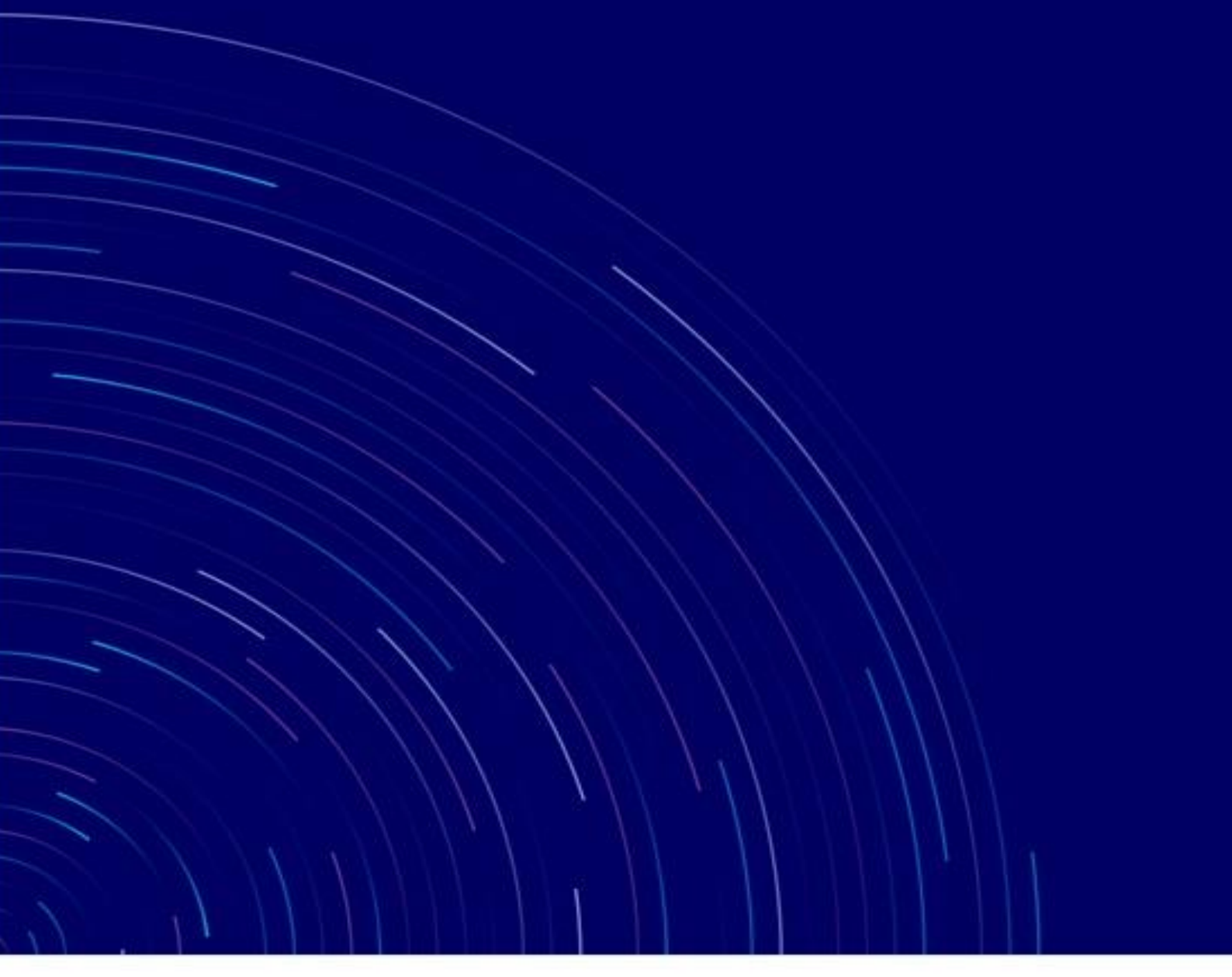
هيئة الاتصالات والفضاء والتقنية
Communications, Space &
Technology Commission

Rules and Procedures of the Committees for Reviewing Violations of the Telecommunication and Information Technology Act



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Article One: Definitions

The following words and terms, wherever mentioned in these Rules, shall have the meanings ascribed thereto, unless the context requires otherwise:

Act	The Telecommunications and Information Technology Act.
Implementing Regulations	Implementing Regulations of the Act.
Rules and Procedures	Rules and Procedures of the Committees for Reviewing Violations of the Telecommunication and Information Technology Act.
Board	The Board of Directors of the Communications, Space and Technology Commission.
CST	The Communications, Space and Technology Commission.
Minister	The Minister of Communications and Information Technology.
Governor	CST Governor.
Committee(s)	The Committees for the Consideration of Violations of the Act.
Specialized Committee	The committee to which a violation is referred by the Secretariat for a decision.
Secretariat	Secretariats of the Committees.
Prosecuting Party	Authorities that file claims against violations before the Committees.
Accused Party	Natural or legal person against whom a claim is filed before the Committees, for his violation of the provisions of the Act.

Article Two: Formation of the Committee

1. The Board shall assign one or more committees to consider violations of the Act, its Implementing Regulations, and CST regulatory decisions. Such Committees shall be responsible for imposing penalties prescribed in the Act.
2. The Committee shall consist of three members with legal and technical competency in the field of communications and information technology, provided that the Chairman of each Committee has a legal capacity. The Deputy Chairman shall have the Chairman's authority in his absence, and each Committee shall have a replacement member. The Board shall issue a decision to specify the Committee Chairman and members based on the Governor's nomination. Such a decision shall determine the remuneration of all members. The term of membership of the Committee shall be (4) four years, subject to renewal.
3. The Committees shall act independently and shall administratively report to the Board.
4. The Committees members shall not have any direct interest with the Accused Party. Otherwise, such a member must step down and not participate with the Specialized Committee in the resolution of that matter.
5. The Committee shall be terminated upon expiry of its tenure or upon issuance of a decision by the Board explaining the reason for termination.

Article Three: Terms of Reference of the Committee

1. All violations of the Act, its Implementing Regulations, or CST regulatory decisions shall be reviewed by the Committee. The Committee shall impose penalties provided for in the Act. If the violation does not go under the Committee's jurisdiction, the Committee shall issue the decision.
2. The Committee Chairman shall be competent to manage the Committee's business, and shall specifically be responsible for:
 - a) Managing the Committee sessions and meetings;
 - b) Inviting the replacement member to attend the Committee's sessions and meetings;
 - c) Corresponding CST, competent authorities and all relevant bodies;

- d) Informing the Committee's decisions to CST and all related parties;
 - e) Appointing representatives to defend the Committee's decision upon the Board of Grievances;
 - f) Approving the Annual Report of the Committees and reported to the Board.
3. The Committee Chairman may delegate some of his authorities to any Committee member or the Secretary.

Article Four: Secretariat of the Committee

Each Committee shall have a Secretariat to assist the Committee in carrying out its duties and responsibilities, especially in the following:

1. To undertake the necessary arrangements for the Committees' meetings.
2. To draft the minutes of the Committee's meetings.
3. To review the violations-related statements of claim referred to the Committee, and notify the Prosecuting Party if there is missing information or data to complete within ten (10) business days from date of referral of such statements of claim.
4. To present defenses and claims to the Committee.
5. To prepare responses to correspondence received by the Committee, and present such responses to the Committee Chairman for approval.
6. To index and keep the Committee's decisions, and related cases and judgments.
7. To coordinate with CST the publishing of such decisions.
8. To prepare the annual report on the Committee business and submit it to the Chairman.
9. To manage the content of the Committee's webpage.
10. The Committee Secretariat shall administratively report to the Governor, and the Secretary shall be subject to his supervision.
11. The Committees Secretariat shall consist of a Secretary and an Assistant Secretary(s), supported by specialized scholars and administrative assistants to accomplish tasks with the required quality and manner.

Article Five: Claims of Violations

1. CST shall have oversight over claims against violations of the Act, its Implementing Regulations, and CST regulatory decisions, under statements of claim submitted to the Secretariat. Such statements shall addressed to the Chairman of the Specialized Committee, taking into account that submission shall encounter no delay, while accuracy of data contained therein shall be ensured. CST may reassess the statements of claim at any stage before the Committee issues a decision.
2. Statements of Claim provided shall fulfill the following requirements:
 - a) Full name of the Prosecuting Party, or whoever acts on its behalf.
 - b) Full name, ID, address, and communication mean (if any) of the Accused Party (or the entity acts on its behalf, for legal persons).
 - c) Date where violation committed and/or reported.
 - d) Alleged violations, legal documents, and evidence for each violation.
 - e) Requests of the Prosecuting Party.
 - f) Claims on violations shall be filed before the Specialized Committee within a period not exceeding one hundred and twenty (120) days from the date where violation become known, unless there an excuse submitted, and accepted by the Committee.
 - g) Statements of claim shall be submitted by CST and maintained at the Committee Secretariat through the designated channels. Such statements may be submitted in paper or electronic form.

Article Six: Procedures for Considering Violations Submitted to the Specialized Committee

1. The Committee shall communicate the Accused Party in person, in writing, or by any e-means, at its discretion. The Committee shall receive response of the Accused Party through the same means, the Committee decides otherwise.
2. Notifications may be sent and responses to the same and correspondence may be received including the notification of the decision by any means of communication that the Committees deems appropriate, including (electronic messaging, emails, and e-applications). The Committees may summon the Accused Party to hear its statements and establish the same in a record signed by the attendees.
3. The Specialized Committees may accept any means of proof it deems appropriate in violation considered thereby, without contradicting with Law of Procedure before the Board of Grievances, the Law of Evidence and related laws. In this context, the Specialized Committees may rely on electronic data issued by devices, smart applications or websites, phone recordings, paper or electronic correspondence, and others.
4. The Specialized Committees may issue its decision if the Accused Party has not replied to the notification within the specified period.
5. The Specialized Committees' decisions shall be issued by the majority of votes. Any opinion opposing the issued decision shall be recorded in the minutes of the meeting.
6. The Committees may review all information pertaining to the violation, including confidential information.
7. Each Accused Party and all relevant persons must fully cooperate with the Committee to reveal any information or data requested by the Committee.
8. The Specialized Committees may return violation to the Prosecuting Party, to complete investigation and inference procedures, or to fulfill claim-filing requirements.

Article Seven: Means of Notification and Reporting to the Specialized Committee:

1. Notification shall be deemed legally effective if made through any of the following means:
 - a) Mail or fax.
 - b) E-mail.
 - c) Text messages sent via the registered mobile number, or any of the accounts registered in any of the government e-systems.
 - d) Phone call, in which the minutes of notification are recorded.
 - e) Notice or notification through the e-platform.
2. The Accused Party shall be notified via its registered addresses (whichever available) including:
 - a) National address.
 - b) Address registered with CST for any of the persons and entities (or legal representatives thereof) subject to CST supervision.
 - c) The registered address of the Accused Party with any of the persons and entities (or legal representatives thereof) subject to CST supervision.
 - d) The address recorded in the Commercial Register of companies and establishments.
 - e) The address registered with the Committee Secretariat.
 - f) The address specified by the foreigner in the Kingdom.

Article Eight: Committees Meetings

1. The Committees shall hold its meetings at CST headquarters. Meetings may also be held outside the premises or electronically, as appropriate.

2. The Committees' meetings and deliberations shall be deemed confidential and no one other than its members and the Secretary may attend them, unless otherwise approved by the Committee.
3. The Committees' meetings and decisions taken shall be recorded in special minutes, in which the date and time of the meeting and attendants are recorded. The meeting shall not be validly held except by the presence of the majority of the Committee members.

Article Nine: Assignment & Experts

1. The Specialized Committee may seek assistance of experts and specialists in the ICT sector – or other sectors and specializations – to express opinion on issues related to allegations considered. Tasks of the expert and deadline for report submission shall be specified, and the expert shall fully adhere to the same.
2. The expert must file the report within the specified period. In case of failure to file the report within the specified date, the expert must submit a report on reasons behind such delay, and the Specialized Committee may extend the deadline for such report at its discretion.
3. The expert should maintain confidentiality of information and data presented thereto, and shall not disclose any information or statements, even after the end of assignment.
4. When necessary, the Specialized Committee may conduct inspection, or assign whomever it deems appropriate of its members.
5. In cases of assignment or expert assistance, the Specialized Committee may request CST to bear expenses and costs necessary for such purposes.

Article Ten: Committee Decisions

1. The Committees' decisions must include a number and date for the decision, as well as a description of the committed violation and affective defenses made by the Accused Party and response thereto. When the Accused Party is found guilty, the decision shall include reasons and imposed penalties.
2. The Committees must take necessary procedures to issue its decisions within 90 days from date of fulfillment of claim requirements, unless justification for the delay is provided. The Committee shall take high priority for urgent nature violations, such as those involving detainees or prisoners.
3. Committee decisions must be notified to the Accused Party, within a period not exceeding thirty (30) days from the date of their issuance. The Committee may extend such period when necessary.
4. Decisions issued by the Committee shall be deemed enforceable. The Accused Party may appeal against the Committee's decisions before the Administrative Court within thirty (30) days from the notification date of the decision.
5. All by itself or at the request of any concerned person, the Committee shall correct any material mistakes on its decision. In case of any vague or ambiguity in the decision, any of the concerned parties may request a clarification from the Committees issuing such decision.

Article Eleven: Penalties

1. The Specialized Committees must study each claim and determine the appropriate penalty in case the violation is proven, as per the provisions of Article (27) of the Act. The Specialized Committee shall issue a separate decision regarding each claim. In case of several violations in one claim, the Specialized Committee shall determine a penalty for each violation separately.
2. Subject to the provisions of Article (107) of the Implementing Regulations, whoever commits, attempts to commit, or assists in committing any of the violations stipulated in Article (26) of the Act, shall be punished with one or more of the following penalties:
 - a) A fine not exceeding (SAR 25,000,000) twenty five million riyals.
 - b) Suspend service subject of violation, in whole or in part.
 - c) Deprive the Accused Party, for a specified period, of obtaining/renewing a license to provide telecommunications or information technology services.

- d) Block the digital content platform in whole or in part.
3. In its decision, the Specialized Committees shall determine the period for the Accused Party to cease, correct, or eliminate violation according to the nature of each violation. CST may request the Committee to punish the Accused Party with one or more of the penalties stipulated in Paragraph (1) of Article (27) of the Act, in case the Accused Party does not cease, correct, or eliminate such violation act within the period specified by the Committee.
4. Upon the irrevocable conviction of the Accused Party, the Committee decision shall provide for publishing of the penalty on CST official website, or a local newspaper at the expense of the Accused Party.
5. When a violation is proven by a decision of the Specialized Committee, the Accused Party must, after the Committee decision is immunized, supply the revenues realized as a result of such violation to CST, after returning the remaining sums to the user(s).
6. Penalties shall commensurate with the size, nature, impact of violation, as well as recurrence of violation by the Accused Party, and mitigating and aggravating circumstances.

Article Twelve: Final Provisions

1. These Rules and Procedures shall supersede Telecom Act Violations Committee Implementing Regulations, and all provisions conflict therewith.
2. These Rules and Procedures shall enter into force from date of its publication on CST website, after being approved by the Board.