

TO BE PUBLISHED IN THE OFFICIAL GAZETTE

**GOVERNMENT OF PAKISTAN
(INFORMATION TECHNOLOGY AND TELECOMMUNICATION DIVISION)
MINISTRY OF INFORMATION TECHNOLOGY AND TELECOMMUNICATION

Islamabad, the 21 January, 2020.

NOTIFICATION

S.R.O. (1)/2019. - In exercise of the powers conferred under clause (c) of sub-section (2A) of section 8, sub-section (1) of section 54 and clause (ag) of sub-section (2) of section 57 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996) and the sections 35, 37, 48 and 51 of the Prevention of Electronic Crimes Act, 2016, (XL of 2016) the Federal Government is pleased to make the following rules:-

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These Rules may be called the Citizens Protection (Against Online Harm) Rules, 2020.

(2) They shall come into force at once.

2. Definitions. - (1) In these Rules, unless the context otherwise requires, _

- (a) "Act" means the Prevention of Electronic Crimes Act, 2016 (XL of 2016);
- (b) "Complainant Organization" means a complainant as provided in clause (b) of sub-rule (1) of rule 8;

- (c) "Database Server" means back-end system of a social media application or service or OTT A using client or server architecture, which performs tasks such as data analysis, storage, data manipulation, archiving, and other non-user specific tasks;
- (d) "extremism" means the violent, vocal or active opposition to fundamental values of the state of Pakistan including the security, integrity or defence of Pakistan, public order, decency or morality, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs;
- (e) "Https" means Hyper Text Transfer Protocol Secured used as underlying protocol by the World Wide Web for formatting, transmission and communication of messages on Internet in a secure encrypted form;
- (f) "National Coordinator" means the National Coordinator as designated in rule 3;
- (g) "Online Content" includes photo, image, video, audio, text, infographic, article, sub content and status uploaded or updated on any Online System;
- (h) "Online Systems" means Social Media applications, OTTAs and any cloud based content distribution services;
- (i) "Over The Top Application (OTT A)" means the messaging, voice or video calling application or service provided over the internet which serve as an alternative to text messaging service provided by a mobile network operator, and includes Whatsapp, Facebook Messenger, Viber, WeChat, Skype, Telegram, Line, Imo, Veon, Threema, Signal, QQ, Google Allo and any other such application or service;
- (j) "Social Media" means any social media application or service or communication channel dedicated to community based input, interaction, content, sub content

sharing and collaboration, and includes Facebook, Twitter, Google+, Youtube, Dailymotion, Instagram, Snapchat, Pinterest, LinkedIn, Reddit, TikTok and any other such application and service;

(k) "Social Media Company" means an entity that owns or runs or manages Online Systems;

(1) "terrorism" has the same meaning as is assigned to it in the Anti-Terrorism Act, 1997 (XXVII of 1997).

(2) Unless there is anything repugnant in the subject or context, the terms used herein but not defined shall have the same meaning as assigned to them in the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016).

CHAPTER II

NATIONAL COORDINATOR

3. Establishment of Office of the National Coordinator.- (1) The Minister In Charge of the Division concerned with Information Technology and Telecommunication shall, by notification, designate a National Coordinator within fifteen days of the commencement of these rules. National Coordinator shall be assisted by a committee comprising such stakeholders as notified by the aforesaid Minister.

(2) The National Coordinator shall perform the following functions, namely: -

(a) coordinate efforts of stakeholders for performance of functions related to regulation of Online Systems;

(b) advise the Federal or Provincial Governments, and issue instructions to departments, authorities and agencies, in accordance with

requirements of National Security in relation to management or regulation or functioning of social media companies. The departments, authorities or agencies shall act in compliance of the said instructions. Such instructions may include actions related to blocking of unlawful online content, acquisition of data or information from social media companies, and other such matters;

- (c) engage with the social media companies on behalf of the Federal Government; and
- (d) direct concerned official representatives of any Social Media Company to appear before it in person to discuss any aspect related to operation of Online System.

CHAPTER III

OBLIGATIONS OF SOCIAL MEDIA COMPANY AND SPECIAL MEASURES

4. Obligations on Social Media Company with respect to blocking and removal of unlawful online content.- (1) A Social Media Company shall, upon being intimated about any online content by the Authority, in writing or through email signed with electronic signature, which is in contravention of any provision of the Act, or any other law, rule, regulation for the time being in force or instruction of the National Coordinator, shall act within twenty-four hours to remove, suspend or disable access to such online content;

Provided that in case of emergency, the Social Media Company shall act within six hours to remove, suspend or disable access to such online content;

Explanation. - for the purpose of this rule the National Coordinator shall be the sole authority in determining the situation of emergency.

- (2) The interpretation or permissibility of any online content, by the Authority or the National Coordinator under law, rule, regulation or instruction, shall take precedence over any community standards or rules or community guidelines or policies or any other instruments devised by a Social Media Company.
- (3) A Social Media Company shall take due cognizance of the religious, cultural, ethnic and national security sensitivities of Pakistan.
- (4) A Social Media Company shall deploy proactive mechanisms to ensure prevention of live streaming through Online Systems in Pakistan of any content in violation of any law, rule, regulation for the time being in force or instruction of the National Coordinator particularly regarding online content related to terrorism, extremism, hate speech, defamation, fake news, incitement to violence and national security.

5. Other Obligations of the Social Media Companies.- A Social Media Company Shall;-

- (a) register with the Authority, within three months of the coming into force of these Rules;
- (b) establish a permanent registered office in Pakistan with a physical address located in Islamabad, within three months of the coming into force of these Rules;
- (c) appoint in Pakistan, a focal person based in Pakistan for coordination with the National Coordinator and the Authority within three months of the date of coming into force of these Rules;
- (d) establish one or more database servers in Pakistan by the Social Media Company, within twelve months of the date of publication of these Rules to

record and store data and online content, within the territorial boundaries of Pakistan for citizen data privacy;

- (e) shall remove, suspend or disable access to such account, online content of citizens of Pakistan residing outside its territorial boundaries and posts on online content that are involved in spreading of fake news or defamation and violates or affects the religious, cultural, ethnic, or national security sensitivities of Pakistan.
- (f) if communicated by the Authority that an online content is false, put a note to that effect alongwith the online content.

6. Provision of information by Social Media Company.- The Social Media Company shall provide to the Investigation Agency designated or established under section 29 of the Act, any information or data or content or sub-content contained in any information system owned or managed or run by the respective Social Media Company, in decrypted, readable and comprehensible format or plain version in accordance with the provision of the aforesaid Act.

Explanation.- The information to be provided may include subscriber information, traffic data, content data and any other information or data.

7. Blocking of Online System.- (1) In case a Social Media Company fails to abide by the provision of these Rules, the National Coordinator may issue instructions for blocking of the entire Online System, Social Media Application or services or OTTA owned or managed or run by the said Social Media Company.

(2) The Social Media Company shall have the right to file a representation within two weeks of the date of its blocking before a committee constituted by the Federal Government within fifteen days of the commencement of these Rules, and the Committee after conducting hearing of the representation shall take decision within three months on the submissions made in the representation.

(3) In case a Social Media Company fails to abide by any of these Rules, the National Coordinator may impose a penalty up to five hundred million rupees on it.

CHAPTER IV

FILINGS OF COMPLAINTS AND ITS DISPOSAL ETC

8. Filing of complaints. - (1) A complaint for blocking or removal of unlawful online content may be filed by,-

- (a) any person, natural or juristic, or his guardian, where such person is a minor, aggrieved by unlawful content; or
- (b) a Ministry, Division, attached department, sub-ordinate office, provincial or local department or office, a law enforcement agency or intelligence agency of the Government, or a company owned or controlled by the Government.

(2) The complainant mentioned under clause (a) of sub-rule (1), may file a complaint against any unlawful online content to the Authority in the form Specified in the Schedule:

Provided that where a complainant is unable to file a complaint through web-based system or by approaching an office of the Authority, he may use any other appropriate means in writing to send his complaint to the Authority while making full disclosure of available information regarding the complaint and the complainant.

(3) The Authority may seek an expert opinion from any person including complainant organization wherever it deems appropriate during processing of a complaint against unlawful online content.

(4) The Authority may seek any further information or clarification from the complainant when it deems necessary for an appropriate decision on the complaint.

(5) The Authority shall ensure that contents and identity of the complainant in complaints relating to modesty of a natural person are kept confidential and disclosed only to such person or persons who are directly responsible for receiving and processing of the complaints. For this purpose, the Authority may, in addition to other ordinary modes of filing of a complaint, also provide a separate secure mechanism for filing of a complaint.

(6) The Authority, subject to the provisions of these rules may on its own motion take cognizance of any unlawful online content and may pass appropriate directions including interim orders thereof:

Provided that interim order shall not ordinarily extend beyond seven days which may further be extended for a maximum period of twenty days if the circumstance so demand:

Provided further that after the maximum period of twenty days of interim order, the Authority shall decide the matter and issue final order in this regard.

9. Disposal of complaint. - (1) A Complaint filed under these rules shall be decided by the Authority by a written order within a period of thirty days and may also pass interim order wherever it deems necessary to advance the purposes of the Act:

Provided that an application for removal, destruction of or blocking access of information, to the Authority under sections 21, 22 and 24 of the Act, shall be decided in written order deemed reasonable in the circumstances and the Authority may pass an order for removal, destruction, preventing transmission of or backing access to such Information.

(2) The Authority may, if deem necessary, provide an opportunity of hearing to the complainant and such other person, who in the opinion of the Authority, is likely to

be adversely affected by a decision on the complaint:

Provided that subject to the provisions of these rules where the Authority decides to pass a decision regarding removal or blocking of unlawful online content which is likely to adversely affect a person, an interim order may be passed prior to issuance of notice to that person.

(3) The Authority may, in consultation with the law enforcement agency or investigation agency, defer action on a complaint in the interest of helping criminal investigation of the matter:

Provided that action on a complaint relating to modesty of a natural person shall not be deferred by the Authority without consent of the complainant.

(4) The blocking or removal of any unlawful online content hosted on websites or web servers offering https or similar protocols shall be undertaken on a best effort basis because of technical limitations.

(5) The Authority while issuing directions to service provider or owner of an information system for blocking or removal of unlawful content may direct to secure such information including traffic data, as the case may be, for such reasonable period of time as the Authority may deem appropriate.

10. Complaints by complainant organization.- (1) The complaints by the complainant organization shall be made only by its authorized representative through a web based mechanism developed by the Authority for this purpose allowing the complainant organization to clearly elaborate the unlawful content, its location on the internet and reasons for its blocking or removal.

(2) The Authority shall form its own opinion on the complaint made by a complainant organization and if the Authority so deems fit, for reasons to be recorded

in writing and shared with the complainant organization, may direct removal or blocking of unlawful content or regret an action on any complaint made by a complainant organization.

11. Review.--- (1) Any person aggrieved by any order of the Authority under these rules may file an application for review before the Authority within thirty days from the date of passing of the order:

Provided that the Authority may, for reasons to be recorded in writing, condone the delay considering the facts and circumstances of the matter in question.

- (2) The Authority may on its own motion, review any order passed by it.
- (3) The Authority while reviewing any order may modify, reverse or confirm its order.
- (4) The Authority shall formulate procedure for expeditious disposal of review application filed under these rules (1).
- (5) The Authority shall decide the review application through a written speaking order within sixty working days from the date of receipt of review application.

12. Appeal.- An appeal against the decision of the Authority in review shall lie before the High Court within thirty days of the order of the Authority in review.

13. Facilitation and guidance of the general public.- (1) The Authority shall establish an information desk at each of its zonal and regional offices as well as headquarters and also establish a toll-free telephone helpline for facilitation and guidance of the general public.

(2) The Authority shall also provide guidance for filing of complaints directly to the service providers including social media platforms against any misuse or abuse of such platforms.

(3) The Authority shall designate an officer not below the rank of BS-17 or equivalent at its regional offices as well as headquarters for guiding the general public with respect to the procedure for filling of complaints and receiving the complaints under these rules.

14. Awareness campaigns. - The Authority and complainant organization may run awareness campaign to educate the general public in respect of their rights, responsibilities and remedies available under these rules.

