

[CICT, August 23, 2004]

IMPLEMENTING RULES AND REGULATIONS FOR EXECUTIVE ORDER NO. 269 CREATING THE COMMISSION ON INFORMATION AND COMMUNICATIONS TECHNOLOGY

This implementing rules and regulations is hereby promulgated and issued pursuant to Section 8 of Executive Order No. 269 dated 12 January 2004 mandating the Chairman of the Commission on Information and Communications Technology (CICT) to promulgate and issue rules, regulations and other issuances as maybe necessary to ensure the effective implementation of the provisions of Executive Order No. 269 s. 2004.

Chapter I Policy Framework

The Commission on Information and Communications Technology (CICT) or the Commission shall promote macroeconomic and sector-specific policies that adhere to the principles of competition, standardization, liberalization, and empowerment, including data protection, information and infrastructure security, and other principles espoused by the Constitution in fostering and sustaining an e-enabled information society. In accordance therefore, the Commission shall be guided by the following policies:

1. The provision of strategic, universal, high-speed, reliable, cost-efficient, and equitable access to information and communications technology (ICT) infrastructure, systems, services, and resources as instruments for nation-building and global competitiveness, and for promoting transparency and public accountability in governance shall be ensured;
2. A transparent and non-discriminatory policy and legal environment that will promote e-commerce activities, a level playing field, partnerships between the public and the private sector, small and medium ICT enterprises, strategic alliances with foreign investors, balanced investments between high-growth and economically-depressed areas, and broader private sector participation in ICT developments shall be ensured;
3. The convergence of ICT resources and services, such as, but not limited to the development of shared ICT networks shall be fostered and accelerated;

4. A strong and effective regulatory system that fosters competition and protects intellectual property rights, as well as consumer welfare shall be established;
5. The rights of individuals and business users to privacy, security, and confidentiality of their personal information shall be preserved;
6. The development of ICT expertise in the country's human capital to enable Filipinos to compete in a fast-evolving information and communications age shall be promoted;
7. The growth and global competitiveness of the ICT industries by sustaining a focus on quality and timely awareness of global developments shall be ensured, in coordination with the DTI;
8. The use of ICT in support of efforts for the development and promotion of the country's arts and culture, history, education, public health and safety, and other socio-civic purposes shall be encouraged;
9. The development of a modern nationwide postal system as an integral component of the overall development of ICT-enabled public services in the country shall be sustained;
10. Universal access and high-speed connectivity at fair and reasonable cost shall be ensured;
11. The provision of universal access to information and communications services in areas not adequately served by the private sector shall be ensured;
12. The widespread use and application of emerging ICT shall be fostered;
13. An integrated information database on the ICT sector shall be established and maintained to provide timely facts and data for policy planning and implementation, as well as direct support to the private sector and government agencies; and
14. Supporting policies shall be developed to enhance access to capital and other supporting financial infrastructure for the ICT sector.

Chapter II

Definition of Terms

For purposes of these Rules, these terms shall be understood to have the following meanings:

1. Executive Order - refers to Executive Order No. 269 s. 2004, otherwise known as "Creating the Commission on Information and Communications Technology".
2. Rules - refers to these Implementing Rules and Regulations.
3. CICT - refers to the Commission on Information and Communications Technology.
4. Commission - refers to the Chairman and Commissioners of the CICT.
5. Information and Communications Technology (ICT) - refers to the totality of electronic means to collect, store, process and present information to end-users in support of their activities. It consists, among others, of computer systems, office systems and consumer electronics, as well as networked information infrastructure, the components of which include the telephone system, the Internet, fax machines and computers.
6. ICT Industries - refers to ICT producers, distributors and service providers including but not limited to those engaged in manufacturing, wholesale trade, telecommunications, and other computer-related business activities.
7. E-government Fund - refers to a fund set aside by the government for e-government projects that are in consonance with the e-Government agenda and direction of the CICT.
8. Universal Access - refers to permitting access to a defined minimum service of specified quality to all users everywhere at an affordable price.
9. Convergence - refers to technologies moving together towards a common point and elimination of differences between the provisioning of video, voice and data, using digital and other emerging technologies; the coming together of two or more disparate disciplines or technologies; the ability of different network platforms to carry any kind of service; and the coming together of consumer devices such as, but not limited to, the telephone, television and personal computer.

Chapter III

Composition of the Commission

Section 1. Organization.

- 1.1 Chairman. The CICT shall be headed by a Chairman with a Cabinet Rank.
- 1.2 Commissioners. The Chairman shall be assisted by the Director-General of

the National Computer Center (NCC), and the Chief of the DOTC Telecommunications Office (TELOF) who, in addition to their current responsibilities, shall concurrently serve as CICT Commissioners. Two (2) additional Commissioners shall also assist the Chairman. The Commissioners shall be appointed by the President upon recommendation by the Chairman.

1.3 Transferred Agencies. The transferred agencies include the National Computer Center (NCC), the DOTC Telecommunications Office (TELOF), and all other operating units currently existing in the Department of Transportation and Communications, which directly support Communications, all of which shall form the CICT. The Telecommunications Policy and Planning Office of the DOTC shall be consolidated under the Office of the Chairman.

1.4 Attached Agencies. The following agencies shall be attached to the CICT: National Telecommunications Commission (NTC) and Philippine Postal Corporation (PPC).

Section 2. Powers and Functions of the Commission

The Commission shall be the primary policy, planning, coordinating, implementing, regulating, and administering entity for ICT of the Executive Branch of the Government. Specifically, the Commission shall exercise the following powers and functions:

2.1 Formulate and implement national policies and guidelines that shall promote ICT and the wider use of the internet and other cyberspace infrastructures and exchanges of universal application, in consultation with the business sector, civil society organizations, and other private and public entities, such as educational and training institutions;

2.2 Harmonize, synchronize, and coordinate with appropriate agencies all ICT and e-commerce policies, plans and programs consistent with national policies and goals;

2.3 Establish, administer, and implement comprehensive and integrated ICT programs with due consideration to advances in convergence and other emerging technologies; and, for this purpose, may call on any agency, corporation or organization, whether public or private, whose development programs in ICT are an integral part thereof, to participate and assist in the preparation and implementation of such programs;

2.4 Design, implement, and ensure the protection of an integrated and coordinated government information and communications infrastructure development program, taking into account all the existing plans, programs, proposals, software and hardware inventory, and the installed systems and programs of government agencies;

2.5 Provide an integrating framework and oversee the identification and prioritization of all e-government systems and applications as provided for in the Government Information Systems Plan; and, manage and/or administer the e-Government Fund, which shall be institutionalized and included in the proposed annual national budget of government. The CICT shall likewise promulgate the

guidelines and selection criteria for the review and approval of projects funded under the e-Government Fund;

2.6 Coordinate with concerned agencies to generate resources, governmental and non-governmental, local, national and international, as may be appropriate in and for the development, marketing, growth and competitiveness of the Philippine ICT Industry;

2.7 Develop and implement, in coordination with concerned government agencies, a comprehensive ICT application capability in government and determine the personnel qualifications and other standards essential to the integrated and effective development and operation of a government information and communications infrastructure pursuant to the rules and regulations set by, and in coordination with the Civil Service Commission;

2.8 Encourage and establish guidelines for private sector funding of ICT projects of government agencies to fast-track projects, which provide reasonable cost-recovery mechanisms for the private sector, including but not limited to Build-Operate-Transfer (BOT) mechanisms;

2.9 Coordinate with the Department of Science and Technology (DOST) and other concerned public and private entities for the formulation of strategic directions in government research and development programs in ICT.

2.10 Establish and prescribe rules and regulations for the establishment, operation and maintenance of ICT facilities in areas not adequately served by the private sector, in consultation with the business sector, civil society, and other private and public entities, such as educational and training institutions;

2.11 In coordination with the Philippine Postal Corporation (PPC), establish and prescribe rules and regulations for the operation and maintenance of a nationwide postal system that shall include, but not be limited to, mail processing, delivery services, and money order services;

2.12 Administer and enforce all laws, standards, rules, and regulations governing ICT, and ensure the protection of ICT-related intellectual property rights in coordination with the Intellectual Property Office (IPO) and law enforcement agencies;

2.13 In coordination with concerned agencies, ensure consumer protection and welfare, and protect the rights of consumer and business users to privacy, security and confidentiality. The CICT shall be responsible for conducting systems audit activities, including but not limited to, vulnerability assessments and security monitoring of both government and business ICT infrastructures in government and public service enterprises. It shall coordinate with law enforcement agencies in ensuring the security and confidentiality of information, information systems and networks;

2.14 Assist the Department of Trade and Industry in carrying out its function related to the promotion of trade and investment opportunities in ICT Services and ICT-enabled Services;