



Ref. No. 413/6/8/356

Geneva, 24th October 2016

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the high commissioner of human rights (The Special Rapporteur on the protection of the right to freedom of opinion and expression) , and in reference to note verbal: dated 10 th August 2016, in regard to A/HRC/25/2, and the request of information on the questionnaire to state concerning the study on freedom of expression in the telecommunications and Internet access sector. The Permanent Mission of the Kingdom of Saudi Arabia has the honour to attach a copy of the government of Saudi Arabia's response in regard to the matter.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to office of the high commissioner for human rights (The Special Rapporteur on the protection of the right to freedom of opinion and expression), the assurance of its highest consideration.

Office of the United Nations at Geneva
Palais Wilson, 1211 Geneva
F: 22 9179008





The Kingdom of Saudi Arabia

**Response to the Inquiries of the HRC Special Rapporteur
on the Right to Freedom of Opinion and Expression**

Reference: Human Rights Council Resolution No. (25/2)

QUESTIONNAIRE FOR STATES

The Special Rapporteur calls on States to share information concerning:

1) Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) that may permit authorities to require Telecommunications and Internet Service Providers to:

a) suspend or restrict access to websites or Internet and telecommunications networks.

Blocking or suspending access to websites accessed through the Internet in KSA is done in accordance with specific laws issued by the lawfully authorized authority. The most significant laws regulating this issue are:

- 1- Anti-Cyber Crime Law promulgated by Royal Decree No. (M/17), dated 08/03/1428 AH, approving the Resolution of the Council of Ministers No. (79), dated 07/03/1428 AH.
- 2- Royal Decree No. (20), dated 11/04/1433 AH, approving the Council of Ministers' Resolution No. (97), dated 05/04/1433 AH, involving amendments to certain provisions of the Printed Materials and Publication Law to enable the Committee formed to consider violations to the Law to consider blocking of violating item, be it online newspapers, websites, etc.
- 3- Council of Ministers' Resolution No. (51), dated 06/02/1435 AH, involving assignment of the regulation of all moral and media content, including all visual, audible and written media (both traditional and electronic) and all new types of content delivery media, to the General Commission For Audiovisual Media.
- 4- Related laws of some competent government authorities including the Food and Drug Authority, Capital Market Authority and General Commission for Audiovisual Media.



b) provide or facilitate access to customer data.

Regarding customer data, the laws and regulations in KSA stress the confidentiality of customer data and non-disclosure thereof, in accordance with the provisions of the following laws:

- 1- Saudi Basic Law of Governance promulgated by Royal Decree No. (A/90), dated 27/08/1412 AH. Article 40 states: "Correspondence by telegraph and mail, telephone conversations, and other means of communication shall be protected. They may not be seized, delayed, viewed, or listened to except in cases set forth in the Law."
- 2- Saudi Law of Criminal Procedure promulgated by Royal Decree No. (M/2), dated 22/01/1435 AH. Article 56 states: "Mail, cables, telephone conversations and other means of communication shall be inviolable and, as such, shall not be perused or surveilled except pursuant to an order stating the reasons thereof and for a limited period as herein provided for."
- 3- Anti-Cyber Crime Law promulgated by Royal Decree No. (M/17), dated 08/03/1428 AH. Article 3 states: "Spying on, interception or reception of data transmitted through an information network or a computer without legitimate authorization shall be deemed a cyber crime unless it is under a valid legal justification."
- 4- Saudi Telecommunications Act promulgated by Royal Decree No. (M/12), dated 12/03/1422 AH. Article 9 states: "The privacy and confidentiality of telephone calls and information transmitted or received through public telecommunications networks shall be maintained. Disclosing, listening or recording the same is not permitted, except for the cases stipulated by the relevant Acts."

2) Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) governing/regulating the activities of private entities that provide network components or related technical support, such as network equipment providers, submarine cable providers, and Internet exchange points.

Content blocking procedures are based on explicit legal grounds such as those indicated above, or by a court judgment (such as judgments ruled by competent courts or quasi-judicial committees lawfully authorized to apply the blocking penalty).



Requests for customer data are based on the abovementioned laws which stipulate that no entity is entitled to demand access to customer's data. No Service Provider is permitted to disclose customer data except under strict procedures since priority must be given to the customer's right to privacy over their data. Disclosure is only possible where the request is: -

- 1- Made through a judicial process.
- 2- Legally Justified.
- 3- Ordered by a legally competent authorized person.
- 4- For a specified period.

3) Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) on public disclosure of requests made or actions taken to a) suspend or restrict access to websites or Internet and telecommunications networks; and b) to provide or facilitate access to customer data.

The provision and use of devices within KSA of telecommunications and information technology devices are licensed and approved in accordance with the following laws:

A. The Telecommunications Act promulgated by Royal Decree No. (M/12), dated 12/03/1422 AH, which states:

- 1- Article (31): "The Commission shall undertake all the necessary procedures to ensure the compliance of the terminal equipment and facilities used in the telecommunications network with the identified technical specifications, including the requirements of installation, operation and maintenance processes."
- 2- Article (32): "A license should be obtained from the Commission for the telecommunications equipment to be used in the Kingdom".

B. Bylaw of the Telecommunications Act, promulgated by Resolution No. (11), dated 17/05/1423 AH, , amended by Resolution No. (1), dated 01/01/1435 AH, , which states:

- 1- Article 88.1: No person shall use any telecommunications equipment except under and in accordance with a license issued by the Commission. Telecommunications equipment that is type approved in accordance with this Chapter is licensed for use in the Kingdom.
- 2- Article 88.2: "No person shall manufacture, import, distribute, lease, offer for sale or sell telecommunications equipment unless it has been type approved or it complies with technical standards that have been approved by the Commission in accordance with this Chapter."
- 3- Article 90.1: "The Commission shall prescribe the procedures and requirements applicable to equipment licenses."



5- Article 90.2: "The Commission shall publish a list of telecommunications equipment that is type approved in the Kingdom."

6- Article 91.1: "Any person planning to manufacture, import, distribute, lease or sell telecommunications equipment in the Kingdom may apply to the Commission for type approval of such telecommunications equipment."

C. Saudi standards of Telecommunications and Information Technology Devices issued under the Bylaw of the Telecommunications Act.

4) Remedies available in the event of undue restrictions on Internet and telecommunications access or undue access to customer data.

Blocking is made transparent to users. On attempts to access a blocked website a page is displayed indicating that the website is blocked, and a link is provided to a form through which any user may file an application for unblocking the website. Such applications are processed promptly. In cases where a user is dissatisfied with the reason for blocking, they may escalate their concerns to the competent judicial authority to consider the case.

For remedial action over access to customer data, such matters are subject to the court's jurisdiction under the relevant articles of the Anti-Cyber Crime Law. If the violator is a Service Provider, then the relevant provisions of the Telecommunications Act will apply.

5) Other relevant laws, policies or initiatives to promote or enhance Internet accessibility and connectivity, including measures to promote network neutrality.

The Government of the Kingdom of Saudi Arabia considers access to voice telephony and internet services for all segments of society to be an essential element of its development strategy. The information and communications technologies sector (ICT) is a driving force for the economy as a whole, and contributor to the social, cultural, and national development. To achieve this, the Ministry of Communications and Information Technology approved the Universal Access and Universal Service Policy on 17/06/2006. The Policy sets out the basis, principles and conditions relating to the provision of Universal Access and Universal Service in the Kingdom.

The policy further directs the Communications and Information Technology Commission (CITC) to issue a decision to establish the Universal Service Fund (USF).



Accordingly, the Communications and Information Technology Commission (CITC) Decision 165/1428 was issued on 04/06/2007 to further specifies the legal and procedural nature of the USF and other necessary ancillary matters. The mechanism promote a fair bidding process among invited parties for the corresponding USF Project. The USF focus exclusively on financing new networks and/or services to provide Universal Access and Universal Services to geographic areas that are in the commercially unprofitable underserved zones. The financing of the USF projects have been funded by the government since the beginning of its operation.

Recently, the Kingdom of Saudi Arabia launched its vision 2030 which include initiatives to help improve communication and Internet access, as well as enhancing the network neutrality, KSA's "Vision 2030" nationwide initiative includes a number of steps to address the projected needs from the telecommunications and information technology sector to achieve the targets set under this vision. These include:

- Development of infrastructure of telecommunications and information technology
- Innovation in advanced technologies
- Investment in the digital economy
- Leveraging of e-commerce
- Digital transformation in governance and the further development of E-government.