

**Communication, Space & Technology Commission (CST)**

**Global Digital Content Safe Harbor Law**

Public Consultations

## Global Digital Content Safe Harbor Law

### Article 1: Definitions

The following words and phrases, wherever mentioned herein, shall have the meanings ascribed thereto, unless the context requires otherwise:

**Law:** Global Digital Content Safe Harbor Law

**CST:** Communications, Space and Technology Commission.

**Board:** CST's Board of Directors.

**Minister:** Minister of Communications & Information Technology (MCIT)

**Regulatory decisions:** Decisions issued by CST that include rules, provisions, requirements, stipulations, procedures, controls, or standards, which are issued by the Board or its delegate, or directive decisions or binding orders regarding a dispute, situation, or incident; With the aim of complying with or abstaining from practicing a specific activity, or any regulatory decisions, regulatory policies, or any other regulatory framework issued by CST through rules that have a binding nature; With the aim of organizing a related issue.

**Telecommunication:** Any transmission or reception, between persons or things, of signs, written messages, images, sounds or information of any kind via wired or wireless systems.

**Telecommunication network:** System(s) used to transmit any kind of communications by using electric, magnetic, electromagnetic or other energy. Whether the telecommunication network is public, local or international, to provide general telecommunication and information technology service, or the telecommunication network is private and not linked to a public telecommunication network, to provide communications and information technology service in specific areas.

**Information Technology (IT):** Technologies, software, systems, networks, and related processes used to create, collect, obtain, process, store or analyze data or information, including telecommunications and information technology applications, and does not include data or information per se.

**Data Center:** Any building or place designated for central accommodation, interconnection, and operation of the telecommunications or information technology network or their equipment, including all facilities, infrastructure, and devices necessary for them and necessary for energy distribution and environmental control, in addition to all levels of flexibility and security necessary to provide intermediate services.

**IT Infrastructure:** A physical system (or systems), including a data center, used to provide services related to a telecommunications network, IT, or both.

**Digital content:** Any digital content located, stored or distributed in the telecommunications network or IT infrastructure, in any form or manner, and which can be created, handled or accessed through the same.

**Intermediate service:** Hosting, processing, storing, transferring, or transiting global digital content outside the Kingdom, or enabling access thereto through the telecommunications network or IT infrastructure.

**Intermediary service provider:** Provider of any intermediary service or related service, who is qualified by CST

**Prequalification:** CST verification in advance the availability of specific requirements with the intermediary service provider for the purposes of implementing this Law.

**User:** A person, of a natural or legal capacity, who/which uses any of the intermediary services or services related thereto, including digital content platforms.

**Committee:** Committee for Reviewing Violations of the Law

**Processing:** Any process performed on digital content by any means, whether manual or automated, including: Operations of collection, recording, preservation, indexing, arrangement, coordination, storage, modification, updating, merging, retrieval, use, disclosure, transmission, publication, data sharing or interconnection, blocking, erasure, and destruction.

**Content transfer:** Transferring digital content from one place to another for processing

## **Article 2: Law Objectives**

This Law aims to the following:

1. Support the Kingdom's transformation into a highly competitive digital hub regionally and internationally.
2. Without prejudice to security and sovereignty of the Kingdom and its international relations, determine the legal framework and requirements necessary for exemption from civil or criminal liability in the Kingdom in exchange for providing intermediary services.
3. Ensure an environment conducive to investment by providing intermediary services in the Kingdom.

## **Article 3: Exemption from liability**

1. The intermediary service provider does not incur any civil or penal liability in accordance with what is applicable in the Kingdom's regulations as a result of providing an intermediary service that includes global digital content that violates the Kingdom's laws.
2. Exemption from liability under this Article is only granted to Intermediary Service Providers who have a valid CST certificate proving that they have passed pre-qualification.
3. Exemption from liability specified in this Article shall expire upon the expiration of the pre-qualification certificate, its non-renewal, its suspension, or its cancellation.

## **Article (4) Pre-qualification for liability exemption purposes**

The Board defines the following:

- a. Procedures and requirements necessary to grant the intermediary service provider a pre-qualification certificate.
- b. The validity period of the certificate issued by the CST for pre-qualification purposes.
- c. Requirements necessary to consider renewing the validity of the pre-qualification certificate.
- d. Cases of CST temporarily suspending a pre-qualification certificate.
- e. Any other documents or procedures required by pre-qualification.
- f. CST publishes a list of intermediary service providers on its official websites.

## **Article (5) Intermediary service provider control of global digital content**

1. None of the provisions hereof shall create obligations on intermediary service providers to monitor the global digital content hosted therein.
2. None of the provisions hereof may be interpreted to prejudice the privacy of the hosted data.

## **Article (6) CST Notices**

1. CST may, if it has reasonable grounds to suspect the existence of global digital content that violates the provisions hereof or any of the pre-qualification conditions, notify the intermediary service provider to remove that digital content, restrict access and transit from the Kingdom thereto or take any other action that CST deems appropriate to check the stated.
2. Notice issued pursuant to Paragraph (1) of this Article shall include - at a minimum - the following information:
  - a. Details of any operations to be followed to comply with the notice, including instructions and contact information to inform CST of actions taken to comply with the notice.
  - b. An explanation of the digital content and reasons why it is considered content that violates the Kingdom's laws, which may include a precise mapping of the Uniform Resource Location (URL), or any technical means to uniquely identify the same, in order to allow the intermediary service provider to determine its location, in preparation for removing, or restricting access thereto - as the case may be - if its existence is proven.

- c. Date and time of the notice, and the period specified for implementing its content.
3. CST may include in the notice any additional details it deems necessary to enable the intermediary service provider to comply with its content.
4. The intermediary service provider shall take the action stipulated in the notice within the period specified by CST in accordance with Paragraph (2) of this Article.
5. CST issues the necessary regulatory decisions to determine the period(s) referred to in Paragraph (4) of this Article.
6. The intermediary service provider shall maintain electronic records of all notices received from CST under this article, and regulatory decisions determine the minimum information in those records and the duration of their retention.

#### **Article (7) Digital content filtering**

1. CST, in coordination with the relevant authorities, shall be responsible for restricting access to global digital content that violates the Kingdom's laws, or directing the intermediary service provider to remove the same, and taking necessary measures to filter the digital content in accordance with the provisions of Article (24) of Telecommunication and Information Technology Act.
2. Implementing the provision of Paragraph (1) of this Article shall not prejudice the exemption from liability for the intermediary service provider in accordance with the provisions hereof.

#### **Article (8) Violations**

1. Any of the following is considered a violation of the provisions hereof:
  - a. Failure to comply with CST notices issued pursuant thereto.
  - b. Failure to provide CST with reports or information requested by the same that would enable CST to carry out its tasks in enforcing the provisions hereof.
  - c. Violating the qualification requirements set by the Board.
  - d. Any other action that violates the provisions hereof and the relevant regulatory decisions issued by the Board.
2. CST shall submit violations of the provisions hereof to the committee referred to in Article (10) hereof, to consider and decide on them.

#### **Article (9) Penalties**

1. The intermediary service provider who commits any of the violations stipulated in Article (8) hereof shall be subject to one or more of the following penalties:
  - a. A fine not exceeding (SAR 25,000,000) twenty-five million riyals.
  - b. To be deprived - for a specific period - of obtaining a pre-qualification certificate
  - c. Cancellation of the pre-qualification certificate.
2. The decision imposing the penalty shall be effective from the date of its notification to the violating intermediary service provider.
3. The intermediary service provider shall cease, rectify or eliminate the violation, as the case may be, within the term that the Committee determines. In addition, CST shall be entitled to request the Committee to punish the offender with one or more of the penalties provided for in this Article if the offender does not cease, rectify or eliminate the violation within the term determined by the Committee.
4. When imposing a penalty, such penalty shall be in proportion to the violation's volume, nature, effect and reiteration by the offender.
5. The Committee shall be entitled to provide for in its decision regarding the penalty publishing the operative part thereof electronically or in a local newspaper or any other method, provided

that the operative part is published after the decision becomes conclusive and at the offender's expense.

**Article (10): Violation Committee**

1. The Board shall form a committee or more to consider violations of the provisions of the law and regulatory decisions, and impose the penalties stipulated in Article (9).
2. The Committee shall be formed of three members, one of them is Committee's Chairman and an alternate member to be named by the Board's resolution based on CST Governor's nomination. In addition, Committee's membership shall be for (four) renewable years, and the decision determines their rewards.
3. The Committee shall consider the violations according to rules and procedures that the Board determines, and its decision shall be subject to grievance before the administrative court within (thirty) days as of the date in which the violating intermediary service provider is served.

**Article (11) Closing Provisions**

1. The Board issues the necessary regulatory decisions to implement this law.
2. The persons against whom decisions are passed by CST shall be entitled to file a grievance to the Minister according to the legal procedures adopted for objection to the administrative decision.
3. This law shall apply after ninety (90) days from the date of its publication in the Official Gazette.