

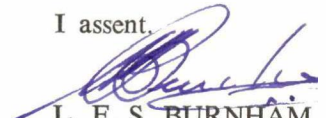


GUYANA

ACT No. 9 of 1983

NATIONAL DATA MANAGEMENT AUTHORITY ACT 1983

I assent,


L. F. S. BURNHAM,
President.
1983-05-18

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment and incorporation of Authority.

4. Powers of Authority.
5. Functions of Authority.
6. Fees.
7. Submission of information or statistics by data processing centres.
8. Systems audit.
9. Duty of Public Sector to comply.
10. Disclosure of interest.
11. Preservation of secrecy.
12. Protection of persons acting under this Act.
13. Remuneration of members of Authority.
14. Establishment and powers of Executive Committee.
15. Establishment and composition of Data Centre.
16. Functions of Data Centre.
17. Technical and Training Advisory Panel.
18. Power to amend Schedules.
19. Appointment of employees of Authority.
20. Secondment or transfer of officers to Authority.
21. Funds and resources of Authority.
22. Application of revenue.
23. Authorised investments.
24. Borrowing powers of Authority.
25. Guarantee by Minister responsible for finance of borrowing by Authority and repayment of sums paid to meet guarantees.
26. Accounts and audit.
27. Limitation provisions excluded.
28. Recovery of moneys due to Authority.
29. Exemption from taxation.
30. Power of Minister to give directions to Authority.
31. Annual Report.
32. Regulations.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

AN ACT to establish an Authority responsible for data processing and information systems in the Public Sector.

A.D. 1983 Enacted by the Parliament of Guyana:—

1. This Act may be cited as the National Data Management Authority Act 1983. Short title.

2. In this Act —

Interpre-
tation.

“Authority” means the National Data Management Authority established by section 3;

“Chairman” means the Chairman of the Authority appointed under section 15(2);

“Data Centre” means the Data Centre of the Authority established by section 15;

“EDP” means Electronic Data Processing;

“Executive Committee” means the Executive Committee of the Authority established by section 14(1);

“General Manager” means the General Manager of the Data Centre appointed under section 15(3);

“Public Sector” includes —

- (i) any Ministry, department or office of the Government and any public corporation or other corporate body in which the controlling interest vests in the State or in any agency on behalf of the State;
- (ii) all local democratic organs;
- (iii) the University of Guyana and all educational institutions managed by any corporate body referred to in paragraph (i) or by a local democratic organ;
- (iv) co-operative societies registered under the Co-operative Societies Act; and
- (v) any other body, establishment or undertaking specified by the Minister by order having regard to the nature of the undertaking or the service it renders.

Cap. 88:01

3. (1) There is hereby established a body corporate to be known as the National Data Management Authority.

Establish-
ment and
incorporation
of
Authority

(2) The provisions of the First Schedule shall have effect as to the constitution and proceedings of the Authority and otherwise in relation thereto.

4. (1) The objectives of the Authority include —

Powers of
Authority.

- (a) the development of computer systems in the Public Sector to satisfy its information needs;
- (b) the establishment of guidelines for the Public Sector for the recruitment, remuneration and general conditions of service of personnel employed in data processing;

- (c) the development of training and manpower programmes in order to ensure that adequately trained personnel are available for the efficient operation of computer system;
- (d) the authorisation of the acquisition of all hardware and software for the Public Sector;
- (e) the establishment and maintenance of reliable communication linkages in the Public Sector in order to achieve optimal utilisation and deployment of computer resources.

(2) Notwithstanding the provisions of this Act the Authority shall have power to provide its services to persons and agencies outside the Public Sector on any request made by such person or agency.

**Functions
of Authority.**

5. The functions of the Authority are —

- (a) to advise the Minister on any matter pertaining to data processing and in particular to promote and facilitate the orderly development of data processing in accordance with the objectives of the Government by such means as the Authority may consider requisite, advantageous or convenient for that purpose;
- (b) to advise the Minister on such matters which will ensure that the acquisition of new EDP resources or the deployment or use of existing EDP resources within the Public Sector is consistent with the general policies of the Government;
- (c) to carry out surveys and studies throughout the Public Sector to determine its information needs and to assess the relevance of existing or proposed information systems;
- (d) to maintain an information base regarding the recruitment policy, pay and conditions of service in relation to personnel engaged in data processing for use by the Public Sector;
- (e) to determine the type of training needed by personnel required to manage and operate data processing systems, prepare suitable training programmes, arrange or advise on appropriate training courses and assist educational institutions in establishing curricula in data processing;

- (f) to devise plans and strategies for the technological advancement and development of EDP facilities in the Public Sector;
- (g) to monitor and review all plans prepared by the data processing centres in the Public Sector and to give guidance, advice and direction to these centres;
- (h) to establish and enforce a set of data processing standards which are consistent with the efficient operation of data processing centres in the Public Sector in all relevant areas.

6. The Authority may establish an appropriate scale ^{Fees.} of fees in respect of the services it provides and may reduce or waive such fees in any particular case.

7. Each data processing centre within the Public Sector shall submit to the Authority such information or statistics as may be required by the Authority for the purpose of discharging its functions and performing its duties. ^{Submission of information or statistics by data processing centres.}

8. The Authority shall, at the expense of each data processing centre in the Public Sector, conduct a systems audit of the books or records of the centre once every two years. ^{Systems audit.}

9. (1) It shall be the duty of the Public Sector to implement any recommendation and to comply with any request for information or any direction made or given to it by the Authority in the course of the administration of this Act and to co-operate fully with the Authority in the discharge of its functions. ^{Duty of Public Sector to comply.}

(2) Where the Public Sector fails to comply with the provisions of subsection (1) the Authority shall report such failure to the Minister who may take such steps as are necessary or expedient to secure compliance.

10. It shall be the duty of a member of the Authority who is in any way, whether directly or indirectly, interested in an application for a contract or any other arrangement with the Authority to declare the nature of his interest at a meeting of the Authority and he shall not take part in any discussion of, or vote on any question relating to, the contract or other arrangement. ^{Disclosure of interest.}

11. (1) Except for the purpose of the exercise of his functions or when lawfully required to do so by any court or under the provisions of any law, a member of the Authority or the Data Centre or the Technical Training Advisory Panel, or a Secretary or an officer or other employee of the Authority ^{Preservation of secrecy.}

shall regard and deal with as secret and confidential all information, documents and matters which or knowledge of which he may obtain in the exercise of his functions.

(2) Any person referred to in subsection (1) who contravenes the provisions of that subsection shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of six months.

Protection of
persons act-
ing under
this Act.
Cap. 5:07

12. Any person acting under this Act shall be entitled to the protection afforded by the Justices Protection Act.

Remunera-
tion of mem-
bers of Au-
thority.

13. The Authority shall have power to pay to each of its members (other than the Chairman and the General Manager) in respect of his office such remuneration and allowances, if any, as the Minister may determine.

Establish-
ment and
powers of
the Execu-
tive Com-
mittee.

14. (1) The Authority shall establish an Executive Committee (hereinafter in this Act referred to as "the Committee") for the purpose of managing its Data Centre and may, with the prior approval of the Minister, delegate to the Committee any of its functions.

(2) The provisions of Part A of the Second Schedule shall have effect as to the constitution and proceedings of the Committee and otherwise in relation thereto.

(3) Subject to the directions and general control and supervision of the Authority the Committee shall have all such powers as are reasonably necessary or expedient to enable it to exercise its functions.

(4) A member of the Committee shall not take part in or vote on the decision of any matter with respect to any transaction between the Committee and himself or between the Committee and any person in whose business he is pecuniarily interested whether directly or indirectly.

(5) Without prejudice to the generality of subsections (1) and (3) the functions of the Committee are as set out in Part B of the Second Schedule.

Second
Schedule

Establish-
ment and
composition
of Data
Centre

15. (1) The Authority shall establish a Data Centre. The Data Centre shall comprise

- (a) the members of the Committee; and
- (b) such professional, technical and other employees of the Authority attached to the Data Centre as the Committee, with the approval of the Minister, considers necessary for the efficient discharge by the Data Centre of its functions

(2) The Chairman of the Authority, who shall be appointed by the Minister at such remuneration and on such terms and conditions (including the payment of pension, gratuity or other like benefit by reference to his service), as may be determined by the Minister, shall be *ex officio* head of the Data Centre and responsible to the Minister for its efficient organisation and the exercise of its functions in accordance with the general policy directions of the Minister.

(3) (a) The General Manager shall be appointed by the Authority with the prior approval of the Minister on such terms and conditions (including the payment of pension, gratuity, or other like benefit by reference to his service) as the Minister thinks fit.

(b) The General Manager shall be the principal professional, executive and administrative officer of the Data Centre and shall be responsible to the Chairman for the efficient day to day operation of the Data Centre.

16. (1) Subject to any general or special directions that may be given by the Minister to the Authority the Data Centre shall — **Functions of Data Centre.**

- (a) prepare such plans and documentation as the Authority may require from time to time;
- (b) co-ordinate the work of the Authority; and
- (c) do all things necessary to ensure the efficient discharge by the Authority of its functions and promote the effective implementation of data processing development plans in conformity with national objectives.

(2) Without prejudice to the generality of subsection (1) the functions of the Data Centre are as set out in the Third Schedule. **Third Schedule**

17. The Authority shall establish a panel of skilled persons to be known as the Technical and Training Advisory Panel, the functions of which are set out in the Fourth Schedule. **Technical and Training Advisory Panel. Fourth Schedule**

18. The Minister may by order amend the provisions of any of the Schedules. **Power to amend Schedules.**

19. (1) The Authority, with the approval of the Minister, shall have power to employ at such remuneration and on such other terms and conditions as it thinks fit (including the payment of pensions, gratuities and other like benefits by reference to the service of its officers and other employees) a Secretary and other officers and employees as the Authority may require for the purpose of discharging its functions. **Appointment of employees of Authority.**

(2) The Authority may, at any time, retain the services of experts and other professional persons and may pay such remuneration in respect thereof as the Authority, with the approval of the Minister, may determine.

Secondment
or transfer
of officers to
Authority.

Cap. 27:02

20. (1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Authority section 5 of that Act shall apply to him as if his services with the Authority were service in a public office.

Cap. 27:02

(2) Where a public officer is appointed to an office with the authority his service with the authority shall be other public service within the meaning of, and for the purpose of such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

Cap. 39:02

(3) Subsection (1) and (2) shall, as they apply in relation to a public officer, apply **mutatis mutandis** in relation to a teacher to whom the Teachers' Pensions Act applies and who is employed by the Authority.

Funds and
resources of
Authority.

21. The funds and resources of the Authority shall consist of —

- (a) such moneys as may from time to time be voted by Parliament for the purposes of this Act;
- (b) moneys paid to the Authority by way of fees;
- (c) sums earned or arising from any property, investments, mortgages or debentures acquired by or vested in the Authority;
- (d) sums borrowed by the Authority for the purpose of meeting any of its obligations or exercising any of its functions; and
- (e) all other sums or property that may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

Application
of revenue.

22. (1) The revenue of the Authority for any financial year shall be applied in defraying the following expenses —

- (a) the salaries, fees, remuneration, gratuities and other benefits (including payments for the maintenance of any pension scheme) of the officers and employees and technical and other advisers of the Authority;
- (b) working operations and establishment expenses and expenditure on, or provision for, the maintenance

and insurance of the property of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;

- (c) interest on any debenture and debenture stock or other security issued and on any loan raised by the the Authority;
- (d) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the payment of other borrowed money;
- (e) such sums as it may be deemed appropriate to set aside in respect of depreciation on any property of the Authority having regard to the amount set aside out of the revenue under paragraph (d); and
- (f) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future development and to such other purposes as the Minister may approve.

23. Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the Minister for investment by the Authority. **Authorised investments.**

24. The Authority may, with the approval of the Minister responsible for finance, borrow any moneys required by it for meeting any of its obligations or discharging any of its functions. **Borrowing powers of Authority.**

25. (1) With the approval of the National Assembly, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and interest on any authorised borrowings of the Authority. **Guarantee by Minister responsible for finance of borrowing by Authority and repayment of sums paid to meet guarantees.**

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the revenues of Guyana of the amount in respect of which there has been such default.

(3) The Authority shall make to the Accountant General, at such time and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any such sum issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstand-

ing for the time being in respect of any sums so issued at such rate as the Minister responsible for finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Accounts
and audit.

26. (1) The Authority shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Minister.

(2) The Minister may, at any time, appoint an auditor to examine the accounts of the Authority and to report thereon to the Minister.

(3) The members, officers and other employees of the Authority shall grant to the auditor appointed to audit the accounts of the Authority under subsection (1) or (2) access to all books, documents, cash and securities of the Authority and shall give to him on request such information as may be within their knowledge in relation to the operations of the Authority.

(4) An auditor appointed under this section shall have power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the Authority and respecting all other matters and things whatever necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer or an officer or other employee of the Authority he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(5) Any person summoned under subsection (4) who, without reasonable excuse, makes default in obeying the summons is liable on summary conviction to a fine of fifty dollars, or, in default of payment, to imprisonment for one month.

(6) The Authority may write off bad debts.

Limitation
provisions
excluded.
Cap. 7:02.

27. The Limitation Act shall not apply to proceedings instituted by the Authority for the recovery of moneys due to the Authority or any other property to which a claim is made by the Authority.

Recovery of
moneys
due to
Authority.

28. Any sum due to the Authority may be recovered by separate or summary execution and the right of recovery conferred by this section is in addition to any other procedure available to the Authority under any other law.

Exemption
from
taxation.

29. The Authority shall be exempt from the payment of customs duty, consumption tax, capital gains tax, corporation tax, income tax, property tax and purchase tax.

Power of
Minister
to give
directions to
Authority.

30. (1) The Minister may give to the Authority directions of a general or special character as to the policy to be followed

by the Authority in the discharge of its functions and the Authority shall give effect to those directions.

(2) The Authority shall afford to the Minister information requested by him with respect to the functioning of the Authority and shall furnish him with annual estimates, and such returns and reports as he may require.

(3) The Authority shall provide the Minister with such facilities as will enable him to verify the information furnished in pursuance of this section.

31. (1) The Authority shall within four months after the end of each financial year of the Authority make and transmit to the Minister a report dealing generally with the activities of the Authority during the said financial year and containing such information relating to the operations and policy of the Authority as the Minister may from time to time direct. ^{Annual report.}

(2) The Minister shall cause a copy of every such report to be laid on the table of the National Assembly.

32. The Minister may make regulations which are necessary or expedient for the carrying into effect of the purposes and provisions of this Act. ^{Regulations.}

s. 3. FIRST SCHEDULE

1. (1) The Authority shall consist of the following members: ^{Composition of Authority.}

- (a) the Chairman;
- (b) the General Manager; and
- (c) not less than five and not more than eight persons appointed by the Minister who, in his opinion, are qualified for appointment by reason of their experience of, and shown capacity in, matters relating to the functions of the Authority and whose selection reflects the widest possible representation of institutions which have an interest in utilising the services of the Data Centre.

(2) The Chairman may resign his office by writing under his hand addressed to the Minister, and such resignation takes effect upon the date of receipt thereof.

(3) A member of the Authority —

- (a) shall hold office for such period not exceeding three years as may be specified at the time of appointment;
- (b) may, subject to ^{subparagraph} ~~subsection~~ (2), at any time resign his office by writing under his hand addressed

AB

to the Chairman and such resignation takes effect upon the date of the receipt thereof.

(4) The names of the members of the Authority as first constituted and every change in the membership thereof shall be notified in the **Gazette**.

Meeting of
Authority.

2. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority.

(3) Five members shall constitute a quorum.

(4) Minutes in proper form of every meeting of the Authority shall be kept by the Secretary and shall be confirmed at a subsequent meeting by the Chairman or other member duly presiding over the meeting, as the case may be.

(5) The Authority may co-opt one or more persons to attend any meeting of the Authority at which the Authority is dealing with a particular matter for the purpose of assisting or advising the Authority, but any such co-opted person shall not be entitled to vote at the meeting.

(6) Subject to this Act the Authority may regulate its procedure.

s.14

SECOND SCHEDULE

PART A

Composition
of Com-
mittee

1. (1) The Committee shall consist of five members who shall be —

(a) the Chairman;

(b) the General Manager; and

(c) three other members of the Authority appointed by the Authority.

(2) Three members of the Committee (of whom one shall be the Chairman or the General Manager) shall constitute a quorum.

(3) A member of the Committee (other than the Chairman or the General Manager) may, by writing under his hand addressed to the Chairman, resign from the Committee.

(4) A member of the Committee shall vacate his seat on the Committee if he ceases to be a member of the Authority.

(5) Any two members of the Committee may, by a minute in writing under their signatures addressed to the Chairman, require the Chairman to submit for the consideration and decision of the Authority, any matter relating to the business of the Authority under this Act.

PART B

1. The functions of the Committee are — Functions of Committee.
- (a) to give advice on any specific matter referred to it by the Authority;
 - (b) to direct the Data Centre on the establishment of all its operational work-standards;
 - (c) to approve of the establishment of all administrative practices within the Data Centre;
 - (d) to approve the projects undertaken by the Data Centre and to review their development in order to ensure that the related objectives are achieved; and
 - (e) to review and where necessary approve recommendations made to it by the General Manager for all appointments, promotions and training of employees within the Data Centre.

s.16

THIRD SCHEDULE

1. The functions of the Data Centre are :— Other functions of Data Centre.
- (a) to develop computer systems for the Public Sector and in particular for the Public Service;
 - (b) to give advice, guidance and direction to the Public Sector to ensure the efficient implementation of computer systems;
 - (c) to charge and collect fees for the use of computer facilities and the development and maintenance of computer systems;
 - (d) to operate computer equipment entrusted to it as directed by the Authority;
 - (e) to co-ordinate all activities of the Authority;
 - (f) to provide training facilities for data processing personnel within the Public Sector; and
 - (g) to provide technical support to the Authority.

s.17

FOURTH SCHEDULE

1. The functions of the Technical and Training Advisory Panel are — Functions of Technical and Training Advisory Panel.

(1) Technical Functions

- (a) to advise the Authority on all technical matters related to data processing problems referred to the Authority;
- (b) to liaise with data processing units in the Public Sector so as to encourage standardisation of systems where feasible;
- (c) to maintain a software inventory for the whole country and to disseminate this information to data processing units within the Public Sector;
- (d) to maintain a software library for use by the Public Sector;
- (e) to rationalise importation and local development of software;
- (f) to introduce and disseminate innovative applications; and
- (g) to arrange for the publication and distribution of technical papers.

(2) Training Functions

- (a) to advise the Authority on training needs in field of data processing;
- (b) to formulate training programmes to ensure an adequate supply of data processing personnel;
- (c) to advise the Authority on special skills required to support the data processing development plans within the Public Sector;
- (d) to advise the Authority on recruitment of both local and overseas experts needed for specific technical projects and training programmes; and
- (e) to maintain a library of computer educational material and to advance knowledge in computer science by the dissemination of information by talks, seminars and articles.

Passed by the National Assembly on the 1983—04—14.



F. A. Narain,
Clerk of the National Assembly.