

4IR LAWS WE NEED TO ACHIEVE OUR SMART CITY

Category: Commercial Law,Infrastructure and Telecommunications,Media and OTT,Privacy Law, Infosec, and POPIA,Technology Law

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Last week's SONA made me think of a young petrol attendant I met in the rural Eastern Cape. He was eloquent, erudite and perfect for a business process outsourcing centre (BPO) type job, like a call centre. After last week's address, a smart city, or smart village, could well be bringing that BPO job to him.

There are legal and regulatory considerations that come with the smart city and the 4th industrial revolution (4IR) the President proposes. We need clear and practical laws regulating issues like broadband data, privacy, identity and security.

Broadband:

The Electronic Communications Act governs the high-demand spectrum we need to get good broadband data out to the rural areas. The Minister of Communications will need to issue the *policy directive* that the Independent Communications Authority of SA needs to kick-start spectrum licencing. Smart cities also need reliable spectrum, the kind that 5G provides. While ICASA releases spectrum, it should also consider licencing 5G spectrum. Cities should also start drafting their own by-laws to regulate construction of all the masts needed for 5G. They could consider systems such as the 5G Neutral Host Platform, which will allow for infrastructure sharing.

Privacy:

The Protection of Personal Information Act (POPIA) must urgently become effective. Smart cities have many privacy implications. The proliferation of CCTV cameras across Johannesburg come to mind. Personal information like number plates, biometric information and location data, is certain to be collected. This needs to be strictly regulated. Without POPIA's protections, personal information could be used for unlawfully.

Digital Identity and e-RICA:

The Department Home Affairs (DHA) issues smart ID cards. These could be used for more than just identification. Take Estonia for example: its ID card allows its citizens to access public services, pay taxes online, e-vote, provide digital signatures and access financial services. With this, the cumbersome paper-based RICA verification processes could be replaced with e-RICA. DHA recently issued its *White Paper on Home Affairs* which is very 4IR focused. To achieve this, DHA contemplates two new laws: a *Home Affairs Act* and a *National Identity System Act*. To be a smart country, DHA needs to speedily pass these two laws.

Cybercrime:

As we become more digital, we face the constant threat of cybercrime. SA's *Cybercrimes Bill* is currently making its way through the legislative process. It deals with cybercrimes investigation and for ways in which our police can collaborate with police in other countries (because a hacker could be sitting on the other side of the world). This new law must urgently be finalised. As more citizens go online, we need to ensure that we have a deterrent against cybercrime.

Critical infrastructure:

Cybercriminals can bring cities to their knees by shutting down a city's network, preventing citizens from accessing essential services. Hospitals have been taken offline, stopping doctors from accessing patient records. We have a draft law called the *Critical Infrastructure Protection Bill*. It imposes standards for protection of certain critical infrastructure. Imagine the resulting chaos if our entire banking payments system went down because of a cyber-attack. If we want resilient and protected smart cities, this law needs to be passed quickly.

The sooner we get these laws and policies finalised, the sooner we will be able to create the smart cities and smart villages that will provide the jobs rural youth need.