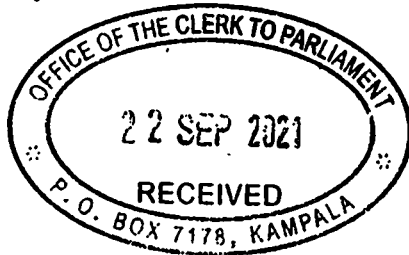
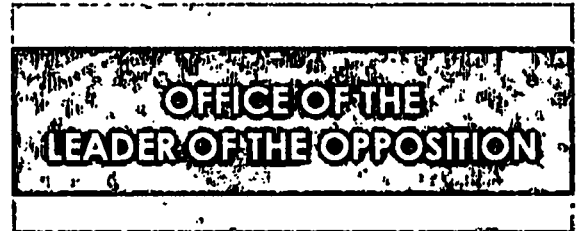


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the Order Paper
for Thursday 23/9/21
Sp 22/9/21



STATEMENT BY SHADOW MINISTER ON COMPULSORY INSTALLATION OF ELECTRONIC TRACKING DEVICES ON MOTOR VEHICLES AND CYCLES

Moved under Rule 25(2)(I) of the Rules of Procedure

By
Kiwanuka Abdallah (MP)
Mukono North
Shadow Minister for Internal Affairs

A handwritten signature in black ink, appearing to be 'Kiwanuka Abdallah'.

SEPTEMBER 2021

During his address to Parliament on 18th June 2018, President Museveni informed the country that electronic number plates were to be fixed onto every vehicle and motorcycle. The electronic number plates were to be controlled at a central monitoring system. It was advanced that electronic plates would bolster security particularly management of crime scenes.

On 5th August 2021, Parliament was informed by the Minister of Security that a Russian firm was identified and contracted to implement the installation of electronic tracking devices on motor vehicles and cycles. The contract was preceded by a Memorandum of Understanding that was signed between Government of Uganda and Russian firm, Joint Stock Company Global Security on 19th March 2021.

Ordinarily every intervention intended at improving security in the country is welcome. However, this particular project and its subsequent contract raises legal, fairness, privacy and data protection legal concerns.

Nature of Contract

During a press briefing at the Media Centre, the Minister of Security informed the country that Joint Stock Company Global Security was contracted as a Public Private Partnership (PPP). The company was contracted for 10 years under a Build, Operate and Transfer arrangement.

It is imperative to note that PPPs have an enabling legal framework that elaborates how they are to be procured. Section 21 and 22 of the Public Private Partnership Act of 2015 requires that before a PPP project is contracted, it should be preceded by preliminary economic cost benefit analysis, registration with the PPP Unit and feasibility study. Section 31 – 36 of the Act also specifies procurement rules and methods.

Based on the President's directive to the Minister of Security issued on 13th June 2021, the Joint Stock Company Global Security presented unsolicited proposal to government. Section 34 of the Public Private Partnership Act provides a criteria and process of how the unsolicited proposal should have been handled. The criteria consists of alignment to National Development Plan, feasibility, innovativeness and cost effectiveness. In the event the proposal has been successfully evaluated, Section 34(6) demands that it should be subjected to competitive bidding procedure. When the proponent of the proposal is not successful, Section 34(7) provides for compensation for the proprietary interests. Therefore, the Presidential directive not to consider any other interested bidder is unlawful for it did not permit competitive bidding.

Enabling Legal Framework

The Traffic and Road Safety (Vehicle Registration, Licensing and Third Party Insurance) Regulations do not provide for installation of electronic tracking



devices on transportation equipment. They provide for colour, characters, shape, material and placement of plates. Hence there is no enabling legal provisions for installation of tracking devices on transportation equipment.

Installation Costs

The Minister indicated that owners are expected to foot the bills of the installation of plate replacements on already registered vehicles and motorcycles not the government that has initiated the project. It is only fair that owners bear the plate cost at the registration of new transport equipment while government foots the bill of plate replacement for already registered transport equipment.

Intrusion of Privacy

Worryingly, the project is likely to diminish privacy of users of vehicles, and motorcycles adorned with electronic plates in disguise of national security. The tracking function of the plates would violate Article 27 of the Constitution of the Republic of Uganda particularly location privacy of a person.

The electronic plate project not only infringes location privacy but also life profiles of people. For instance, visits to a hospital will reveal that you are ill or have a patient while visits to offices of political organization may reveal your political affiliations. Therefore, location tracking reveals portrait of an individual including relations, preferences and personal ails among others. Such information is categorized as special personal data that any public body is deterred from collecting or processing for it violates Section 9(1) of the Data Protection and Privacy Act.

Through the central monitoring system of the electronic plates, historical and real time records of a target would be extracted by a public body. Hence the project will facilitate government stalking without due regard to privacy of the users of transportation equipment. Precedence was already set that required monitoring systems or centres to have an enabling legal framework. For instance, the monitoring centre that facilitates interception of communications was provided for under the Regulation of Interception of Communications Act.

More still, the tracking will not be limited to public spaces but extends into people's private homes particularly when vehicles and motorcycles are parked. This will in effect unreasonably lead to extraction of information within home boundaries without a warrant or court order. Given past acts of security agencies especially curtailing movements of opposition leaders, the project is suspicious for it may be purposed at curtailing dissenting opinions against government.



Although it may be argued that government may be justified to track a vehicle and motorcycle onto which public funds have been spent, it is incomprehensible when applied on private transport equipment that was never purchased on public resources. Nevertheless, information extracted about a person using a vehicle and motorcycle on a public road or waters is not necessarily public. Even in public spaces there is privacy of people. Hence either way consent of vehicle and motorcycle user is required. In event voluntary consent is not required, there should be a lawful well-defined procedure of accessing it.

Data Storage

There are also issues regarding data storage and access. In the recent past, it has been reported that Police has mysteriously lost CCTV footage. This is an indication that there are gaps in security of data for it can end up in hands of third parties. Wrong elements in the security circles may use their privileges to illegally retrieve data with the intention of undertaking harming tasks or horrendous acts.

Conclusion

In regard of all these legal, fairness, privacy, data protection and legal concerns, it is not surprising that the project has triggered debate and concern in the public. This subsequently prompted a personal statement from the Minister responsible for security dissociating himself from the project's due diligence flaws.

It would therefore be prudent that the Minister for Security briefs Parliament and addresses the public concerns pertaining installation of electronic tracking devices on motor vehicles and motorcycles.

I beg to move.


Kiwanuka Abdallah (MP)
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Shadow Minister for Internal Affairs