



# **Disaster Management Regulations for the Electronic Communications Sector in The Bahamas**

**ECS 18/2020**

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**UTILITIES REGULATION & COMPETITION AUTHORITY**

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## **Part 1 Introduction**

- 1.1 In exercise of the powers and duties conferred upon it by section 8(1)(d) of the Communications Act, 2009 (Comms Act), the Utilities Regulation and Competition Authority ("URCA") hereby issues the following Regulations. These Regulations may be cited as the "*Disaster Management Regulations for the Electronic Communications Sector in The Bahamas.*"
- 1.2 The purpose of these Regulations is to ensure network resilience and encourage the rapid restoration of Critical Electronic Communications Infrastructure and services after a disaster or national emergency, thereby furthering the interests of persons in The Bahamas in relation to the ECS.
- 1.3 These Regulations designate specific electronic communications networks, systems, and services as critical electronic communications infrastructure in The Bahamas, and mandate actions that promote improved network resilience and service recoverability of the Critical Electronic Communications Infrastructure, particularly in the event of a natural disaster.
- 1.4 URCA will revise these Disaster Management Regulations from time to time consequential to industry experiences, developing law and best practice, and any changes to URCA's powers and responsibilities.

## **Part 2 Interpretation**

- 2.1 In these Regulations, unless the context requires otherwise, the following terms shall have the meaning ascribed below:  
***Critical Electronic Communications Infrastructure (CECI)*** refers to carriage services, content services, electronic communications networks, and related facilities, and information communications technology (ICT), which if destroyed, degraded or rendered inoperable for an extended period, would significantly impact the social and economic well-being of the nation, or affect The Bahamas'

ability to provide national security. CECI shall include the following network and services providers:

- i. a provider of a public network;
- ii. a provider of an electronic communications service; or
- iii. a public service broadcaster, including radio and television broadcasters; and
- iv. any electronic communications service that is an essential part of the public network, or electronic communications service.

**Critical Electronic Communications Infrastructure Providers (CECIP)** refers to a Licensee whose network, service or system, or any part of it, has been designated under these Regulations as CECI.

**Disaster** shall have the meaning attributed to it in Schedule Two of the Disaster Preparedness and Response Act.

**Disaster emergency** shall have the meaning attributed to it in section 27(a) of the Disaster Preparedness and Response Act.

**First Level Responders** shall include the National Emergency Management Agency (NEMA) and communications centers and shelters established by MoDP, NEMA, Local Government Administration Offices, The Royal Bahamas Police Force, The Royal Bahamas Defense Force, Port Department, Fire and Ambulance Services, The Public Hospital Authority, The Department of Meteorology, Bahamas Civil Aviation Authority, The Broadcasting Corporation of The Bahamas and such other persons or organisations required by law to perform functions related to the mitigation of and response to emergencies and disasters in The Bahamas.

**ICT** means Information and Communication Technology.

**Resilience** means the ability of an organisation to maintain business or service continuity to the end-user before, during and after a disaster emergency.

**Reporting Areas** shall unless modified by URCA, be as follows:

- i. Reporting Area 1: New Providence and Grand Bahama,

- ii. Reporting Area 2: Abaco, Eleuthera, and Exuma, and
- iii. Reporting Area 3: All other islands.

2.2 Other terms used shall, unless otherwise expressly defined herein, have the meanings ascribed in section 2 of the Comms Act.

### **Part 3 Application**

3.1 These Regulations shall apply to licensees that have been issued an Individual Operating Licence or Class Operating Licence by URCA and whose public network, and electronic communications services or system are designated critical electronic communications infrastructure (CECI) in accordance with section 3.2 of this Part.

3.2 Subject to section 3.1, URCA may designate as CECI the public networks, electronic communications services, and systems listed below:

- i. a provider of a public electronic communications network;
- ii. a provider of a public electronic communications service;
- iii. a public service broadcaster including radio and television broadcaster
- iv. any electronic communications service that is an essential part of the public network, or electronic communications service.

URCA shall notify the CECIP of its designation under this Clause.

3.3 The holder of an Individual Operating Licence, or Class Operating Licence by URCA and whose public networks, and electronic communications services or system are designated as critical electronic communications infrastructure (CECI) in accordance with section 3.2 of this Part shall be referred to as a critical electronic communications infrastructure provider (CECIP).

### **Part 4 Governance**

4.1 URCA shall have responsibility for the governance of these Regulations.

4.2 URCA will establish a multi-stakeholder group, which will be referred to as the Electronic Communications Sector Disaster Management Task Force (the "ECS Disaster Task Force") whose purpose will be to assist URCA with determining approaches for the regulation of CEI with an aim to:

- i. develop a framework and prepare Guidelines for Voluntary ECS Critical Infrastructure Resiliency which shall include assessing resiliency gaps and proposing appropriate remedies to improve the network resiliency of CEIs;
- ii. reduce disaster damage to critical infrastructure and disruption of basic services, among them financial, health and educational facilities;
- iii. increase the number of islands for which electronic communications service providers have a local business continuity and disaster recovery plan; and
- iv. increase the availability of multi-hazard early warning systems, and the public's access to disaster-related information, and management.

4.3 The ECS Disaster Task Force may consist of representatives from the following entities:

- (i) URCA;
- (ii) each Licensee designated as Critical Electronic Communications Infrastructure Providers (CECIP);
- (iii) the Ministry of Disaster Preparedness, Management and Reconstruction;
- (iv) the National Emergency Management Agency;
- (v) the Department of Meteorology;
- (vi) the Data Protection Commission;
- (vii) the Royal Bahamas Police Force;
- (viii) the Royal Bahamas Defense Force;
- (ix) the Bahamas Power and Light Company; and
- (x) any other public or private entity, invited by the ECS Disaster Task Force.

4.4 The ECS Disaster Task Force shall meet at least three (3) times annually.

## **Part 5      Special Provisions**

- 5.1      State operators of mobile networks designated as critical electronic communications infrastructure providers must negotiate, settle and implement a national roaming agreement that enables the activation of national roaming when the appropriate government agency issues a warning of an impending national emergency or national disaster. The state operators of mobile networks designated as critical electronic communications infrastructure providers should submit the agreement for the approval of URCA within three (3) months of the publication of these Regulations or a date specified by URCA.
- 5.2      Where under the terms of this national roaming agreement the mobile operators decide to activate or de-activate national roaming in some parts or all of the areas impacted by the national emergency or national disaster, they shall inform URCA of the decision forthwith.
- 5.3      Where URCA decides that the decision by the mobile operators to activate or de-activate national roaming is not in the public interest, or that it is in the public interest that roaming services should be activated or de-activated during the national disaster or emergency, URCA may require the operators to activate or de-activate roaming services accordingly.
- 5.4      If a CECIP's network is impacted by a disaster or disaster emergency and that CECIP does not have a valid National Roaming Agreement with an interconnected CECIPs whose network was not affected by that disaster or disaster emergency, the impacted CECIP shall request National Roaming from the interconnected CECIP whose network was not impacted by that disaster or disaster emergency. Upon request, the unimpacted CECIP shall enable National Roaming on an urgent and expedited basis and shall continue to provide National Roaming at a cost until written consent to cease providing National Roaming is obtained from URCA.
- 5.5      URCA may:
- i.      exempt specified electronic communications resources from certain regulatory measures if the resources are used for disaster mitigation and relief;

- ii. pre-approve electronic communications resources for use in disaster mitigation and relief, in compliance with the Regulations;
- iii. expedite the review of electronic communications resources for use in disaster and disaster emergencies, in accordance with extant regulations;  
or
- iv. temporarily waive Regulations for the use of electronic communications resources for disaster mitigation and relief.

## **Part 6 Disaster Preparedness**

6.1 A CECIP shall, within three (3) months after the publication of these Regulations, develop and implement procedures to improve Disaster Preparedness to enhance the resilience of its networks against potential threats. The procedures of the CECIP shall be detailed in the CEIP's Business Continuity Plan (BCP) submitted to URCA in accordance with the requirements under Part 7 of these Regulations.

## **Part 7 Disaster Recovery**

7.1 Once every three (3) years, beginning three months after the publication of these Regulations, every CECIP shall submit a BCP that makes best efforts to ensure the CECIP take all reasonably practicable steps to maintain, to the greatest extent possible, the proper and effective functioning of its network provided by it at all times during all phases of a disaster or disaster emergency.

## **Part 8 Reporting**

8.1 Following any Disaster or Disaster Emergency, every CECIP shall commence the submission of weekly reports to URCA.

8.2 The CECIP shall begin submitting the report to URCA beginning on the sixth working day following the all-clear notification issued by the relevant Government agency. After that, the CECIP shall submit a report once a week by the close of business on the Friday of each week. The Reports shall provide information

current as at 4 pm on the previous day (or later). The CECIP shall continue the submission of reports until the CECIP's service(s) has been fully restored.

8.3 URCA may, by the publication of a notice on its website, and by direct written notification to affected Licensees, vary the reporting requirement set out in these Regulations after considering the impact of the disaster or disaster emergency.

8.4 URCA may, at the request of a CECIP or on its own volition, permit a CECIP to combine two or more Reporting Areas in its reports.

## **PART 9 Billing**

9.1 Every CECIP shall offer, where technically and economically feasible, additional levels of network resilience service offerings or features at a customer's request. Fees or charges for such offerings or features should be fair, reasonable and reflect the actual cost incurred for their provision.

## **Part 10 Investigation**

10.1 URCA may investigate the veracity of a CECIP's disaster management report under these Regulations in accordance with its powers under section 9(1) of the Comms Act and may exercise its powers of information gathering under section 9(2) of the Comms Act, and the Conditions of the relevant license.

## **Part 11 Penalties**

11.1 Any Licensee that contravenes or fails to comply fully with any provision of these Regulations shall be liable to a fine, other penalty or enforcement action to be determined by URCA in accordance with the provisions of the Comms Act.