

THE TECHNOLOGY,  
MEDIA AND  
TELECOMMUNICATIONS  
REVIEW

THIRTEENTH EDITION

Editor  
Matthew T Murchison

THE LAWREVIEWS

THE  
TECHNOLOGY,  
MEDIA AND  
TELECOMMUNICATIONS  
REVIEW

THIRTEENTH EDITION

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This article was first published in December 2022  
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Published in the United Kingdom

by Law Business Research Ltd

Holborn Gate, 330 High Holborn, London, WC1V 7QT, UK

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ISBN 978-1-80449-141-6

Printed in Great Britain by  
Encompass Print Solutions, Derbyshire  
Tel: 0844 2480 112

# ACKNOWLEDGEMENTS

The publisher acknowledges and thanks the following for their assistance throughout the preparation of this book:

ANANTLAW

BAGUS ENRICO AND PARTNERS

BAKER MCKENZIE

ELVINGER HOSS PRUSSEN

KIM & CHANG

LATHAM & WATKINS LLP

LEE AND LI, ATTORNEYS-AT-LAW

MLL MEYERLUSTENBERGER LACHENAL FRORIEP AG

RÍOS FERRER, GUILLÉN-LLARENA, TREVIÑO Y RIVERA, SC

SHAHID LAW FIRM

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THE LAW FIRM OF SALMAN M AL-SUDAIRI

TRAPLE KONARSKI PODRECKI & PARTNERS

URÍA MENÉNDEZ

WEBB HENDERSON

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# PREFACE

This 13th edition of *The Technology, Media and Telecommunications Review* provides updated overviews of legal and policy constructs and developments in the TMT arena across 18 jurisdictions around the world. As in years past, our goal with this publication is to provide a practical, business-focused survey of these issues, along with insights into how regulatory activity in this arena continues to evolve.

Policymakers in 2022 have continued to grapple with the impact of the covid-19 pandemic, which has focussed greater attention on the need for ubiquitous broadband internet connectivity and has hastened efforts to make broadband services more widely available. The height of the pandemic saw a significant rise in remote working, distance learning, tele-health visits, and similar broadband-enabled activities. And while more businesses and schools are now returning to an in-person environment, it remains the case that work, education, and other aspects of our daily lives are more reliant on broadband connectivity today than before the pandemic.

These developments have spurred numerous initiatives around the world to improve and expand broadband connectivity for consumers going forward. Governments in various jurisdictions are in the midst of implementing subsidy programmes and other efforts to speed the deployment of advanced networks in unserved and underserved areas. Regulators have also taken steps to preserve internet access where it already exists, including by exploring mandates requiring certain rates for low-income consumers. Such initiatives have sparked notable legal challenges and policy debates over whether government intervention, market-based solutions, or some combination of the two can be most effective at ensuring widespread broadband availability.

Regulators also are wrestling with how best to fund these ever-growing programmes to promote broadband deployment and availability. Recent years have seen the use of various paradigms, including direct appropriations from the government and funds fed by mandatory contributions from telecommunications service providers and their customers. At the same time, some jurisdictions are looking to other funding mechanisms, such as potentially requiring large online platform providers and streaming video services, whose content makes up a significant portion of internet traffic, to bear some responsibility for contributing to the deployment of networks that carry that traffic.

The relationship between these online content providers and the broadband providers delivering their content also remains the subject of wider policy debates. There continue to be long-simmering questions about ‘net neutrality,’ including whether ‘zero-rating’ and other kinds of network management practices by broadband providers benefit or harm consumers and online content providers, and whether efforts to promote a healthy internet ecosystem are best served by light-touch, market-based regimes or by more intrusive government regulations.

In the past year, Europe has been at the forefront of developments on these issues, while policymakers in the United States have faced obstacles to their anticipated re-evaluation of the light-touch approach reinstated in 2018. Debates about ‘neutrality’ have also carried over to the content side, where social media companies are facing ongoing scrutiny over claims of discriminatory practices in moderating third-party content on their platforms. Indeed, some jurisdictions are considering measures that not only would rescind immunities these platforms have traditionally enjoyed for their content moderation practices, but also would require increased transparency and potentially even impose anti-discrimination mandates or other consumer protections.

In addition, governments around the world continue to take steps to harness new communications technologies. The era of 5G wireless services is now in full swing, and regulators are exploring ways to facilitate further deployment of these services. These efforts include actions to free up more radiofrequency spectrum for these services, by reallocating spectrum from one use to another, auctioning off wireless licences in bands newly designated for 5G, and adopting new spectrum sharing rules. Deployments of new satellite broadband systems, including large systems in low Earth orbit, also are underway, raising fresh questions about how best to ensure space safety and mitigate new sources of radiofrequency interference.

This edition’s chapters for each country describe these and other developments, including updates on media ownership, privacy and data security, and efforts to combat fraudulent robocalling and the ‘spoofing’ of caller identification information. Our contributing authors have done tremendous work in preparing these updated overviews of TMT issues in their respective jurisdictions, and I hope this latest edition of *The Technology, Media and Telecommunications Review* will be a helpful resource to readers interested in the legal and policy developments in this sector.

**Matthew T Murchison**  
Latham & Watkins LLP  
Washington, DC  
November 2022



# SAUDI ARABIA

*Brian Meenagh, Alexander Hendry, Homam Khoshaim, Lucy Tucker  
and Lojain Al Mouallimi<sup>1</sup>*

## I OVERVIEW

A lot has happened in Saudi Arabia in the last 12 months and, like 2021, 2022 has seen numerous changes to the technology, media and telecommunications regulatory environment in Saudi Arabia.

The jurisdiction of the Ministry of Communications and Information Technology and the Communications and Information Technology Commission (CITC) has been expanded significantly by the Telecommunications and Information Technology Act and separate to that the CITC has issued significant new regulations governing digital content platforms, e-delivery services, e-hailing services, mobile towers, network sharing, data centres, the provision of telecommunications services over satellites and cybersecurity operations in the ICT and postal sector.

With respect to privacy, a consultation paper on the Executive Regulations for the Personal Data Protection Law (PDPL) came and went in March 2022 and notwithstanding the fact that the PDPL is soon to come into force in March 2023, as of the date of authorship we still await the publication of the Executive Regulations.

This chapter covers all of these developments and more – in particular it builds upon the work of previous chapters to provide an up-to-date overview of the key technology, media, telecommunications and data regulations applicable to entities in Saudi Arabia. As in previous years, this chapter cannot claim to be comprehensive, but we have sought to provide the reader with a map to navigate the complex and evolving regulation regime in Saudi Arabia.

## II REGULATION

### i The regulators

The technology and telecommunications sector in Saudi Arabia is principally regulated by two bodies: the Ministry of Communications and Information Technology (MCIT)<sup>2</sup> (formerly, the Ministry of Post, Telegraph and Telephone) and the CITC.

A small number of other authorities have more discrete remits. Recently, Saudi Arabia has expanded regulation into the field of cybersecurity, which has led to the creation of the

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1 Brian Meenagh is a partner and Alexander Hendry and Lucy Tucker are associates at Latham & Watkins LLP. Homam Khoshaim and Lojain Al Mouallimi are associates at the Law Firm of Salman M Al-Sudairi.

2 <https://www.mcit.gov.sa/en>.

National Cybersecurity Authority (NCA).<sup>3</sup> Pursuant to Article 2 of the NCA Bylaws, the NCA enjoys financial and administrative independence, and reports to the King directly. Article 5 of the NCA Bylaws provides that the NCA may establish affiliate centres to carry out some of its responsibilities and tasks. On that basis, the NCA has established the National Cyber Security Center (NCSC) and Saudi CERT.

The key regulators for media and media protection in Saudi Arabia are the Ministry of Media (MoM)<sup>4</sup> and General Commission for Audio-visual Media (GCAM).<sup>5</sup> In September 2021, the Saudi Cabinet announced the launch of the Digital Content Council, but it remains unclear as of the date of authorship exactly what the jurisdiction of this body will be.<sup>6</sup>

Further details on each regulator are set out below.

### ***Technology and telecommunications***

#### *Key regulators*

The MCIT is responsible for making general policies and development programmes and representing Saudi Arabia in domestic, regional and international bodies in the technology and telecommunications sector. The MCIT will oversee the implementation of the new Telecommunications and Information Technology Act (issued by Royal Decree No. (M/106), dated 02/11/1443H (corresponding to 1 June 2022)) (the Telecoms and IT Act).

The CITC is responsible for issuing licences in accordance with the Telecoms and IT Act and implementing approved plans and programmes for the supervision and management of the technology and telecommunications sector. Decisions made by the CITC can be appealed to the MCIT. The CITC has issued various regulations and guidelines on the provision of digital infrastructure services, including a regulation on mobile towers and network sharing rules,<sup>7</sup> a set of guidelines on disaster recovery planning applicable to data centres, and regulations on the registration of satellites and the provision of telecommunication services over satellites.<sup>8</sup>

#### *Other relevant regulators*

The Saudi Authority for Data and AI (SDAIA): the SDAIA and its sub-entities – the National Data Management Office (NDMO), the National Information Center (NIC), and the National Center for AI (NCAI) – work on providing a data-driven and AI-supported government and economy, and to own the national data and AI agenda to help achieve Vision 2030's goals. The SDAIA will supervise the implementation of the Personal Data Protection Law for two years after its implementation, following which a transfer of supervision to the NDMO will be considered.<sup>9</sup>

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3 <https://nca.gov.sa/en>.

4 <https://www.media.gov.sa/en>.

5 <https://www.gcam.gov.sa/en>.

6 <https://en.maaal.com/archives/202109/digital-content-council-to-support-creators-develops-promising-markets/>.

7 <https://www.cst.gov.sa/ar/RulesandSystems/RegulatoryDocuments/OtherRegulatoryDocuments/Documents/Mobile%20Towers%20and%20Networks%20Sharing%20Rules.pdf#search=mobile%20towers>.

8 Regulations available to download on <https://regulations.citc.gov.sa/en/pages/published-document.aspx#/published-document>.

9 <https://sdaia.gov.sa/>.

The National Centre for Digital Certification (NCDC): established in 2001 and transferred to the remit of the MCIT for management in 2005, the NCDC is primarily responsible for the management of public key infrastructure (i.e., a set of roles, policies and procedures needed to create, manage and distribute digital certificates and manage public-key encryption).<sup>10</sup>

The National Digital Transformation Unit (NDTU): established in 2017, the NDTU aims to develop and further the digitisation of citizen services in partnership with the private sector. A notable example of this in 2017 was the setting up of FekraTech, an interactive platform that enables citizens to participate in Saudi Arabia's national digital transformation by submitting digital solutions to existing challenges; the NDTU worked alongside the Ministry of Health for the initiative's initial project, whereby individuals proposed solutions to a number of health-related issues.<sup>11</sup>

The Saudi Authority for Intellectual Property (SAIP): established in 2018 with the aim of organising, supporting, sponsoring, protecting and promoting intellectual property in Saudi Arabia in accordance with global best practices.<sup>12</sup>

### ***Cybersecurity regulators***

The MOI oversees numerous bodies that work to maintain Saudi Arabia's security and manage its internal affairs. Its objectives and responsibilities include:

- a* achieving security and stability, providing safety for Saudi Arabia citizens and protection against crime;
- b* reinforcing security relationships with neighbouring Arab and Gulf Cooperation Council countries, to maintain safety in Saudi Arabia and abroad, to control crime and drug smuggling, and exchange security information; and
- c* reinforcing security cooperation with neighbouring countries to protect cultural possessions and achievements, supporting internal and external security, controlling crime, terrorism and drug smuggling, and developing Arab security institutions.

In addition to the above responsibilities, all cybercrimes must be reported to the MOI.<sup>13</sup> Prosecutions are led by the Bureau of Investigation and Prosecution.

The NCA was established by royal decree in October 2017 as the body responsible for the protection and promotion of cybersecurity matters in Saudi Arabia. In October 2017, it issued a set of minimum standards to be applied by various national agencies to reduce the risk of cyber threats; these controls considered governance, strengthening cybersecurity, enhancing external cybersecurity, cloud computing, and industrial control systems and ultimately became consolidated in the NCA's Essential Cybersecurity Controls (ECC – 1: 2018)<sup>14</sup> and Cloud Cybersecurity Controls (CCC – 1: 2020).<sup>15</sup>

The NCA has both regulatory and operational functions related to cybersecurity. It works closely with public and private entities to improve the cybersecurity posture of Saudi Arabia to safeguard its vital interests, national security, critical infrastructure, high-priority

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10 <https://www.ncdc.gov.sa/?lang=en>.

11 <https://ndu.gov.sa/en/>.

12 <https://www.saip.gov.sa/en/>.

13 See <https://www.saudi.gov.sa/wps/portal/snp/individuals/servicedetails/6166> for further information.

14 <https://nca.gov.sa/en/pages/ecc.html>.

15 <https://nca.gov.sa/files/ccc-en.pdf>.

sectors and government services and activities in alignment with Vision 2030. From 1 August 2022, any entities providing cybersecurity solutions, services or products in Saudi Arabia have to be registered with the NCA.

The NCA also oversees the NCSC and Saudi CERT. The NCSC has a national role in monitoring and analysing cyber risks and threats and sharing information with government entities and critical national infrastructures. Saudi CERT's primary mission is to raise cybersecurity awareness in Saudi Arabia.

The Cybersecurity Operations Center (ICT-CSIRT) was established in August 2022 by the CITC with the responsibility of supervising cybersecurity across the information and communications technology (ICT) and postal sector, fostering cooperation between service providers in those sectors and enhancing readiness against cybersecurity attacks. Service providers are required to share any cybersecurity threats and vulnerabilities they detect with the ICT-CSIRT, and the ICT-CSIRT will recommend appropriate solutions to that service provider and share information about those threats and vulnerabilities to other service providers.

### ***Media***

The MoM is the governmental body tasked with the regulation of Saudi Arabia's media, and Saudi Arabia's communications with other countries.

GCAM is responsible for the regulation of audio-visual media transmission in Saudi Arabia. It reports to the MoM but is a separate legal entity with independent finance and administration.

In September 2021, the Saudi Cabinet announced the launch of the Digital Content Council, but it remains unclear as of the date of writing exactly what the jurisdiction of this body will be.<sup>16</sup>

## **ii Main sources of law**

### ***Technology and telecommunications***

The Telecom Act (issued under the Council of Ministers resolution No. (74), dated 05/03/1422H (corresponding to 27 May 2001), and approved pursuant to the Royal Decree No. (M/12), dated 12/03/1422H (corresponding to 3 June 2001)).<sup>17</sup> On 7 December 2022, this Act will be repealed and replaced with the Telecoms and IT Act, which has a broader scope, covering not just telecommunication services but also ICT activities and services, and aims to facilitate the development of Saudi Arabia's digital infrastructure.<sup>18</sup>

The Communication and Information Technology Commission Ordinance (CITC Ordinance) (issued under the Council of Ministers resolution No. (74), dated 05/03/1422H (corresponding to 27 May 2001), and amended pursuant to the Council of Ministers resolution No. (133), dated 21/05/1424H (corresponding to 21 July 2003)).<sup>19</sup>

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16 <https://www.mcit.gov.sa/en/news/digital-content-council-allocates-sar-42-billion-support-creators-and-develop-promising>.

17 [https://www.citc.gov.sa/en/RulesandSystems/CITCSYSTEM/Documents/LA%20\\_001\\_E\\_%20Telecom%20Act%20English.pdf](https://www.citc.gov.sa/en/RulesandSystems/CITCSYSTEM/Documents/LA%20_001_E_%20Telecom%20Act%20English.pdf).

18 An English translation is not yet available.

19 [https://www.citc.gov.sa/en/RulesandSystems/CITCSYSTEM/Documents/LA\\_002\\_E\\_CITC%20Ordinance.pdf](https://www.citc.gov.sa/en/RulesandSystems/CITCSYSTEM/Documents/LA_002_E_CITC%20Ordinance.pdf).

The E-Commerce Law 2019 (Royal Decree No. M/126 dated 07/11/1440H (corresponding to 10 July 2019)).<sup>20</sup>

The CITC's role has expanded beyond telecommunications and it has issued a variety of regulations and consultations<sup>21</sup> in a number of sectors in the technology and digital space, including:

- a* the Regulations for Cybersecurity Operations in ICT & Postal Sector (version 1, issued in August 2022): this Regulation establishes the ICT-CSIRT which is responsible for promoting cybersecurity across the ICT and postal sector;<sup>22</sup>
- b* the draft Competition Regulations for Digital Content Platforms issued in July 2022 which was subject to a public consultation period ending 28 August 2022: this Regulation will regulate competition between digital content platforms in Saudi Arabia;<sup>23</sup>
- c* the draft Data Centres Regulation issued in July 2022 which was subject to a public consultation period ending 27 August 2022: this Regulation will impose minimum service standards for entities providing data centre services in Saudi Arabia and will impose liability on such entities for any losses caused by their negligence;<sup>24</sup>
- d* the draft Net Neutrality Regulations (version 7, issued on 20 April 2022) which was subject to a public consultation period ending 26 June 2022: this Regulation will protect users' rights to freely access and distribute information regardless of the terminal device used or the origin or destination of the information and will require service providers to treat all internet access services traffic equally;<sup>25</sup>
- e* the Cloud Computing Regulatory Framework (version 3, which came into effect on 18/04/1442 H (corresponding to 3 December 2020)) (Cloud Regulations): the Cloud Regulations outline the rights and obligations of cloud service providers (CSPs) and users of cloud services (i.e., cloud customers); they only apply to CSPs who are based in Saudi Arabia or have customers based in Saudi Arabia;<sup>26</sup>
- f* the Regulation for the Reduction of Spam (Spam Regulations): the Spam Regulation requires telecommunications service providers to reduce spam messages transmitted across their networks, including by implementing prevention and monitoring mechanisms. Spam messages are defined as certain types of electronic messages sent without any opt-out mechanism;
- g* CITC Decision No. 395/1439 dated 3/11/1439H (corresponding to 14 August 2018);<sup>27</sup>

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20 An English translation is not yet available.

21 <https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Pages/default.aspx>.

22 <https://regulations.citc.gov.sa/en/pages/published-document.aspx#/published-document>.

23 <https://regulations.citc.gov.sa/en/Pages/PublishedPublicConsultations.aspx#/PublishedPublicConsultationDetails/22>.

24 <https://regulations.citc.gov.sa/en/Pages/PublishedPublicConsultations.aspx#/PublishedPublicConsultationDetails/20>.

25 [https://isitlaa.ncc.gov.sa/en/transportation/citc/nnr/Documents/20220420\\_Net%20Neutrality%20Regulatory%20Framework\\_EN.pdf](https://isitlaa.ncc.gov.sa/en/transportation/citc/nnr/Documents/20220420_Net%20Neutrality%20Regulatory%20Framework_EN.pdf).

26 [https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/CCRF\\_En.pdf](https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/CCRF_En.pdf).

27 [https://www.citc.gov.sa/ar/RulesandSystems/RegulatoryDocuments/ReductionofSPAM/Documents/IT%20008%20E%20-%20Regulation\\_For\\_The\\_Reduction\\_of\\_SPAM\\_Eng.pdf](https://www.citc.gov.sa/ar/RulesandSystems/RegulatoryDocuments/ReductionofSPAM/Documents/IT%20008%20E%20-%20Regulation_For_The_Reduction_of_SPAM_Eng.pdf).

- b* the Internet of Things Regulatory Framework, issued in September 2019 and the Public Consultation Document on Updating the Internet of Things Regulations, issued in March 2022;<sup>28</sup>
- i* Rules and Conditions for MVNO Services and IoT-VNO Services Provision: these update the conditions and licensing requirements related to the request for a licence to provide mobile virtual network operator services. They set out the conditions and licensing requirements relating to the provision of the services by internet of things virtual network operators;<sup>29</sup>
- j* the Saudi Domain Name Registration Regulation<sup>30</sup> and related guidelines and rules;<sup>31</sup>
- k* the regulations, guidelines and rules for the registration of Saudi country-code top-level domains. They are issued by the Saudi Network Information Centre (SaudiNIC),<sup>32</sup> part of the CITC; and
- l* the Rules and Technical Standards for ICT Infrastructure Deployment in New Developments: these are intended to facilitate the implementation and rollout of telecom networks.<sup>33</sup>

Additional regulatory documents issued by CITC relating to the technology and telecoms sector can be found on the CITC website.<sup>34</sup>

### **Cybersecurity**

The key relevant cybersecurity laws are as follows:

- a* Royal Decree No. 5/11/8697 dated 26/8/1370 H (corresponding to 2 June 1951) (Law Establishing the Ministry of Interior);
- b* the Anti-Cyber Crime Law (issued under the Council of Ministers Decision No. 79, dated 7/3/1428 H (corresponding to 26 March 2007), and approved by Royal Decree No. M/17, dated 8/3/1428 H (corresponding to 27 March 2007) (Cyber Law);<sup>35</sup> and
- c* the Cloud Regulations.

As above, the NCA has issued a number of cybersecurity controls, including the Essential Cybersecurity Controls (ECC) and the Cloud Cybersecurity Controls (CCC). The ECC apply to all government organisations in Saudi Arabia, as well as to private sector organisations owning, operating or hosting critical national infrastructure. The CCC apply to any cloud service provider which is providing services to cloud service tenants who are within the scope of the ECC. There are also Critical Systems Cybersecurity Controls, which have a similar scope as the ECC but are focused on critical systems.

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28 [https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/IoT\\_REGULATORY\\_FRAMEWORK.pdf](https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/IoT_REGULATORY_FRAMEWORK.pdf).

29 <https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Licenses/LicensingRegulatoryFrameworks/Documents/PL-SP-021-A-MVNO-EN.pdf>.

30 <https://www.nic.sa/en/view/regulation>.

31 <https://nic.sa/en/cat/rules>.

32 <https://www.nic.sa/en/>.

33 <https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Pages/ICTInfrastructure.aspx>.

34 <https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Pages/default.aspx>.

35 [https://www.citc.gov.sa/en/RulesandSystems/CITCSystem/Documents/LA\\_004\\_%20E\\_%20Anti-Cyber%20Crime%20Law.pdf](https://www.citc.gov.sa/en/RulesandSystems/CITCSystem/Documents/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf).

In August 2022, the CITC also issued Regulations for Cybersecurity Operations in the ICT and postal sector.<sup>36</sup>

There are also a number of sector-specific cybersecurity rules and requirements, for example, for the finance sector, the SAMA Cyber-Security framework (version 1, May 2017).

### ***Privacy***

In September 2021, the PDPL was issued (pursuant to Cabinet Resolution No. 98 of 7/2/1443H and Royal Decree M/19 of 9/2/1443H). The PDPL delegates a lot of matters to the Executive Regulations, which were to be issued by the Competent Authority, namely the SDAIA (for at least the next two years), 180 days after the issuance of the PDPL. However, at the time of writing, publication of the Executive Regulations is delayed. In March 2022, the SDAIA issued a first draft of the Executive Regulations for public consultation, however subsequently confirmed that it was postponing full enforcement of the PDPL until 17 March 2023, and that it would conduct future consultations on the Executive Regulations. At the date of writing, no further public consultations have been initiated.

Telecommunications service providers are also subject to data protection requirements under the Telecoms and IT Act.

### ***Media***

The key laws regulating media and media protection are as follows:

- a* the Publications Law promulgated by Royal Decree No. M/32 dated 03/09/1421H (corresponding to 29 November 2000), and its implementing regulations issued pursuant to a resolution of the Minister of Media dated 16/06/1422H (corresponding to 4 September 2001), as amended;
- b* the Electronic Publications Regulations published on 20/04/1432H (corresponding to 25 March 2011);
- c* the Press Institutions Law promulgated by Royal Decree No. M/20 dated 08/05/1422H (corresponding to 29 July 2001) (Press Institutions Law);
- d* the General Commission for Audio-visual Media Regulations promulgated by Royal Decree number 33/M dated 25/03/1439H (corresponding to 13 December 2017) (GCAM Regulations);
- e* the GCAM Implementing Regulations promulgated by Minister of Media resolution No. 16927 dated 04/03/1440H (corresponding to 12 November 2018) (GCAM Implementing Regulations); and
- f* the Copyright Law promulgated by Royal Decree No. M/41 dated 02/07/1424H (corresponding to 30 August 2003).

GCAM announced a Draft Media Law for public consultation on 29/12/1441H (corresponding to 19 August 2020). Once it comes into effect following publication of the Regulations in the Official Gazette, it will replace the GCAM Regulations and the Publications Law.

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36 <https://regulations.citc.gov.sa/en/pages/public-decision.aspx#/publicDecisionDetails/465>.

*Publications and press institutions*

For the implementation of media laws in relation to publications, the Ministry of Media applies:

- a* the Law of Printing and Publication and its implementing regulations, regulating print and publication activities; and
- b* the Implementing Regulations for Electronic Publishing, regulating the practice of electronic publishing in Saudi Arabia.

*Audio-visuals*

For the implementation of media laws in relation to audio-visuals, the GCAM has issued the implementing regulations governing the following matters:

- a* importing and selling receivers;
- b* licensing visual and audible media content production companies;
- c* establishing a representative office of TV channels;
- d* importing, distributing, selling and renting visual and audible media content;
- e* establishing studios;
- f* audio-visual broadcasting services over telecommunication networks;
- g* TV and radio competitions;
- h* satellite news gathering (SNG) services;
- i* audio social communication services;
- j* visual broadcasting via closed circuit services;
- k* on-demand video services issued by the GCAM; and
- l* videogame participation.

*Digital content*

The CITC introduced a draft Digital Content Platform Regulations for public consultation on 05/04/1443H (corresponding to 10 November 2021) as part of its initiatives pursuant to its membership on the Digital Content Council. The Digital Content Platform Regulations aim to regulate digital content in Saudi Arabia, including video, audio, gaming and advertising through online channels, and include licensing and capital expenditure requirements. At the date of authorship, the Digital Content Platform Regulations have not come into effect, and digital content continues to be governed pursuant to the laws and regulations listed above.

**iii Regulated activities**

Generally, each relevant regulator maintains its processes for issuing its licences pursuant to its own regulations, rules and policies. However, more regulators are adopting the use of a unified e-licence issuing system named ‘Meras’.<sup>37</sup> Meras allows applicants to submit online applications to obtain licences issued by regulators participating in the Meras platform. We expect that any remaining licences requiring in-person attendance will be phased out in favour of online submissions, either through the relevant regulator or through the Meras platform.

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37 <https://meras.gov.sa/en/about/>.



### ***Technology***

The Telecom Act and the newly introduced Telecoms and IT Act provide a legal foundation for supervising and managing the telecommunications sector in Saudi Arabia. The Telecom Act outlines certain objectives for the sector. These include:

- a* providing advanced and adequate telecommunications services at affordable prices;
- b* ensuring the provision of access to the public telecommunications networks, equipment and services at affordable prices;
- c* ensuring the creation of a favourable atmosphere to promote and encourage fair competition in all fields of telecommunications;
- d* safeguarding the public interest and user interest as well as maintaining the confidentiality and security of telecommunications information; and
- e* ensuring the transfer and migration of telecommunications technology to keep pace with its development.

The Telecoms and IT Act builds on and expands these objectives and aims to enhance the sector in a number of ways to increase its robustness and build trust in it. A few of the objectives listed under the Telecoms and IT Act are:

- a* encouraging the sector in a way conducive to expanding and improving its services and infrastructure;
- b* encouraging digital transformation and the move towards digitising services;
- c* encouraging innovation and entrepreneurship in the sector; and
- d* protecting public interest and the privacy of the user and increasing the level of trust in dealings within the sector generally.

Any entity seeking to provide telecommunications services or services related to telecommunications and information technology, including digital content platforms, must submit a licence application to the CITC.

The CITC Ordinance establishes the CITC as the regulatory authority for all matters relating to the telecommunications sector in Saudi Arabia. It includes reference to the CITC's responsibilities, board composition and membership, governance, and sources of finance.

The CITC is responsible for a wide variety of roles, including:

- a* issuing the necessary licences in accordance with all relevant laws;
- b* ensuring the implementation of the conditions specified in such licences;
- c* implementing approved policies, plans and programmes for developing the telecommunications sector;
- d* achieving the orderly expansion of the telecommunications infrastructure and telecommunications services provided to the users in an effective and reliable manner; and
- e* encouraging reliance on market forces for the provision of telecommunication services.

### *Digital content platforms*

In February 2022, the CITC issued a second draft of its Digital Content Platform Regulations for consultation; however, at the date of writing these have not yet been finalised.<sup>38</sup> The draft includes licence and registration requirements for various platforms, including satellite pay TV platforms, IPTV platforms, video OTT, audio-on-demand platforms or internet radio platforms, social media platforms or video sharing platforms and e-sports participation platforms.

### *Cybersecurity*

CSPs that exercise direct or effective control over data centres or critical cloud infrastructure hosted in Saudi Arabia are required to register with the CITC.

Entities providing cybersecurity services, solutions or products in Saudi Arabia must register with the NCA.<sup>39</sup>

### *Privacy*

Under Article 32 of the PDPL, controlling entities are required to register on a national portal and the Competent Authority may impose a registration fee of up to 100,000 riyals per year for the registration.

## **Media**

### *Publications*

Pursuant to the Publications Law, it is necessary to obtain a licence from the MoM to:

- a* print, publish or distribute publications or engage in any other publication services;
- b* import, sell or rent movies or video tapes;
- c* produce, sell or rent computer programs;
- d* engage in any press services; and
- e* carry out photography services.

These activities are restricted to Saudi nationals. In addition, the holder of a licence may transfer, lease or share ownership of such licence after obtaining the approval of the MoM. Furthermore, the Electronic Publications Regulations stipulates that it is required to obtain a licence from the MoM to carry out electronic publication. This licence is also restricted to Saudi nationals.

The author, publisher, printer or distributor must obtain the MoM's approval prior to circulating a publication. The MoM will not approve a publication that prejudices Islam, the Saudi regime, the interests of the country or public morals and customs.

### *Press institutions*

The Press Institutions Law stipulates that to establish a press institution that carries out the business of publishing magazines and newspapers, an application shall be submitted by the founders of the institution accompanied with the details of the business and the founders to the MoM. The number of founders shall not be less than 30 and all must be Saudi nationals.

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38 <https://regulations.citc.gov.sa/en/Pages/PublishedPublicConsultations.aspx#/PublishedPublicConsulationDetails/8>.

39 <https://nca.gov.sa/en/service-providers-registration>.

The Minister of Media and Information can only grant a licence after the approval of the Council of Ministers. Both the general manager and chief editor of the press institution must be Saudi nationals. The headquarters of the press institution shall be in the city specified by the licence. Some of its publications may be issued in other cities pursuant to approval of the MoM.

#### *Audio-visuals*

In order to obtain, renew or cancel a licence from the GCAM, the approval of the Council of Ministers is required based on the recommendation of GCAM.

There are three types of licences that can be obtained from GCAM: media activity licenses, cinema licences and broadcasting and distribution licences.

#### **iv Ownership and market access restrictions**

Typically, only those activities listed in the Ministry of Investment (MISA) negative list are prohibited for foreign investors. The MISA negative list is narrow and does not touch upon any of the activities listed in this chapter. However, each regulator has broad discretion when it comes to issuing their licences. Separate from the MISA negative list, each regulator may apply foreign ownership restrictions whether based on its own regulatory framework, policies, security concerns, other interests or solely at its discretion.

#### **v Transfers of control and assignments**

Any merger or acquisition transaction shall be subject to the antitrust regime of Saudi Arabia, as implemented by the General Authority for Competition.<sup>40</sup> From an operational perspective and depending on the type of licence, the requirements for licences transfers may range from no action required, notification to the relevant regulator, to obtaining regulator consent (including re-application). The General Authority for Competition has recently issued a guide to economic concentration aimed at aiding the investor to navigate whether the type of economic concentration pursued requires prior approval by the General Authority for Competition.<sup>41</sup>

Furthermore, in 2018 the CITC introduced the Procedural Rules for Mergers and Acquisitions in Communications and Information Technology Sector,<sup>42</sup> which provides that the following are considered reviewable transactions subject to the CITC's approval or non-objection:

- a* mergers between a telecommunications provider licensed by the CITC and any other service provider whether inside or outside Saudi Arabia;
- b* an acquisition of 5 per cent or more of the shares or interests of a service provider licensed to operate in Saudi Arabia; and
- c* an acquisition of a percentage of shares or interests of a service provider licensed to operate in Saudi Arabia, leading to the monopolisation of a specific telecommunications market by one service provider.

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40 [https://gac.gov.sa/index\\_en.asp](https://gac.gov.sa/index_en.asp).

41 [https://www.linkedin.com/posts/talal-alhoggail-m-a-000a6a116\\_merger-review-guidelines-ugePost-6848551624420450304-B0QD](https://www.linkedin.com/posts/talal-alhoggail-m-a-000a6a116_merger-review-guidelines-ugePost-6848551624420450304-B0QD).

42 <https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/ProceduralRulesForMergersAndAcquisitions.pdf>.

### III TELECOMMUNICATIONS AND INTERNET ACCESS

#### i Internet and internet protocol regulation

The regulation and classification of internet and IP-based services are governed by the same authorities and pursuant to the same broader set of legislation governing the telecommunications sector in Saudi Arabia. The telecommunications sector may also be subject to other related governmental authorities, each pursuant to its authorities as a regulator. For example, the Ministry of Human Resources and Social Development has implemented a ministerial decision that was announced on 5 October 2020 and has come into effect on 27 June 2021 for Saudisation of a number of occupations within the telecommunications field.<sup>43</sup>

Additionally, there are specific regulations targeting internet and IP-based services in place; for example, see the references in the above sections to the E-Commerce Law and Cloud Regulations as well as the various regulations issued by the CITC and referred to above.

#### ii Universal service

Saudi Arabia has encouraged the development of telecom and broadband infrastructure and adopted the same under its Vision 2030. Prior to the strategies adopted under Vision 2030, the CITC issued the Universal Access and Universal Service Policy<sup>44</sup> (Policy) in July 2007, which aims to enable 100 per cent of the population to obtain, at a minimum, 'public access to a defined ICT service at a defined quality through reasonably available and affordable public or community facilities' and to subscribe to and use a defined ICT service at a defined quality on an individual or household basis.<sup>45</sup> According to the CITC, the Universal Service Fund, the fund established for purposes of achieving the goals of the Policy, has completed projects in 13 regions in Saudi Arabia as of June 2016, resulting in 17,529 served centres, villages and underdeveloped areas.<sup>46</sup>

#### iii Restrictions on the provision of service

Service providers are regulated under the Telecom Act and the Telecoms and IT Act.

In addition, the CITC has revised its relevant regulations concerning the rights, obligations and terms of ICT service providers and users (Amended Service Providers Regulations)<sup>47</sup> issued in 2020, and the SPAM Regulations (see above), which aim to reduce unsolicited calls and messages. Both sets of regulations apply to all service providers licensed by the CITC and any users thereof.

Under the Amended Service Providers Regulations, service providers must publish clear and transparent information in respect of the terms and conditions of the services being provided or advertised, provided that such information must include the following at a minimum:

- a clarifications about the method of subscription and cancellation mechanisms;

<sup>43</sup> <https://hrsd.gov.sa/sites/default/files/5102020.pdf>.

<sup>44</sup> [https://www.citc.gov.sa/en/RulesandSystems/bylaws/Documents/LA%20007\\_%20%20E\\_%20%20The%20Universal%20Access%20and%20Universal%20Service%20Policy.pdf](https://www.citc.gov.sa/en/RulesandSystems/bylaws/Documents/LA%20007_%20%20E_%20%20The%20Universal%20Access%20and%20Universal%20Service%20Policy.pdf).

<sup>45</sup> Article 1 of the Universal Access and Universal Service Policy.

<sup>46</sup> <https://www.citc.gov.sa/en/USF/Pages/Projects.aspx>.

<sup>47</sup> [https://www.citc.gov.sa/ar/RulesandSystems/RegulatoryDocuments/Documents/Termstelecomservices\\_en.pdf#search=service%20providers%20regulations](https://www.citc.gov.sa/ar/RulesandSystems/RegulatoryDocuments/Documents/Termstelecomservices_en.pdf#search=service%20providers%20regulations).

- b* types of calls available in the package being purchased or advertised;
- c* the number of minutes granted for each type of call available in the package;
- d* types of calls excluded from the package;
- e* the mechanism for dealing with minutes, data amount or remaining balance;
- f* the validity or expiry of remaining balance;
- g* an explanation as to the number of minutes or amount of data available, or both, and information about use during or outside peak periods;
- h* penalty conditions, if any;
- i* provision of the service in the event of implementation of restrictions on use in terms of quality and availability;
- j* cases in which usage restrictions apply;
- k* any limitations or restrictions on usage that would affect use of the service;
- l* necessary means for users to enable them to follow up on their usage; and
- m* information related to the mechanism for applying a settlement with the user in case the service provider is unable to meet the quality standards approved by the CITC or stipulated in the contract.

Furthermore, the Amended Service Providers Regulations prohibit telemarketing of services or products for purposes of sales without the user's prior consent. Even so, such telemarketing must be in accordance with the following:

- a* contact must be through official communication channels only;
- b* communication must be recorded;
- c* the user's identity must be verified;
- d* the service provider must disclose the representative's and service provider's names, and verify whether the user has consented to continue the call, at the beginning of the call; and
- e* the service provider must explain the offered services in full, disclose the full price of the service and document any request for the offered service.

With respect to contracting, the Amended Service Providers Regulations have stated a number of provisions that must be clearly written in Arabic and English in the service contract, including the identification information of the user, information on the requested service, the starting date of the contract, details of any tariffs or charges required for the services, details of the service, products and their features, and details of the terms and obligations, in addition to a number of other standard provisions. Service providers must also ensure that the applicant is at least 15 years old. The service provider may not set a minimum duration for contracting or make any amendments to the contract that are not in the user's interests, without first having obtained the consent of the CITC.

In addition, the Amended Service Providers Regulations state service providers may not impose any fees or charges on a service package or offer after a free trial period unless: (1) the user has been provided with a notice of the expiry date at least 24 hours in advance; and (2) the user has provided a written request for the continuation of the service after the end of the free trial period. Each service provider must also provide free and easy channels for communication between itself and users, offer its services to any users applying for the services, and offer each service in a consistent manner to all users. This includes maintaining the same prices for services offered, quality of service, time during which the services are offered and any other conditions imposed by the CITC.

Under the Amended Service Providers Regulations, all user information is considered confidential and service providers are obliged to maintain such confidentiality and seek all measures for the purposes of securing user information and prohibiting access, publication, sharing or use thereof. Service providers are also prohibited from disclosing user information unless the disclosure is mandated under another applicable law, is based on the user's consent, or is provided based on a request from the CITC. Furthermore, the same level of data security must be mirrored in the internal policies of service providers and monitored accordingly.

Service providers are also obligated to maintain the confidentiality of user phone calls and any information transmitted to and from the user or information received through one of the service providers' public networks. They must also prohibit access to such information by any employee or affiliate.

The Amended Service Providers Regulations also contain provisions in respect of invoicing, prepaid services, international roaming services, number portability, assignment of service and suspension of service, in addition to provisions relating to users with disabilities and governmental and business users.

#### **iv Privacy and data security**

The PDPL applies to any processing of personal data by any means that takes place in Saudi Arabia, including any processing of personal data relating to individuals residing in Saudi Arabia, by entities outside of Saudi Arabia.<sup>48</sup> This scope is wide and means that both entities inside Saudi Arabia, and entities located outside Saudi Arabia that are processing the personal data of individuals in Saudi Arabia, will be within the scope of the new PDPL.

The PDPL appears to have been influenced by international data protection regimes including the GDPR; however, there are significant differences. Key legal requirements to note include:

- a* under Article 5, consent is the primary legal basis for processing, and the only legal basis relating to marketing;<sup>49</sup> The Executive Regulations will set out the conditions of consent and cases in which consent must be in writing. The PDPL does not contain the legitimate interests of the data controller or a third-party legal basis for processing personal data, which is a key business-friendly lawful basis relied on in other privacy regimes;
- b* under Article 29, there is a general restriction on transferring personal data outside of Saudi Arabia, unless in cases of extreme necessity to preserve life of the data owner, in the vital interests of the data owner or to treat an infection. For all other transfers, there is no concept of 'adequate jurisdictions' or other means of transferring personal data outside of Saudi Arabia (such as standard contractual clauses) and a transfer may only occur for limited purposes (e.g., to serve the interests of Saudi Arabia), provided that the transfer does not prejudice national security or the interests of Saudi Arabia, sufficient guarantees are provided relating to confidentiality, only minimal personal data is transferred, and the Competent Authority has approved the transfer. The draft Executive Regulations published for consultation implied that other data transfer mechanisms may be introduced;
- c* under Articles 12 and 13, controlling entities must provide individuals with information on the data processing; and

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48 Article 2(1).

49 Article 25.

- d* under Article 20(1), a controlling entity is required to notify the Competent Authority ‘as soon as it becomes aware’ of the occurrence of a leakage to or damage of personal data or illegal access thereto, and under Article 20(2), if a data breach would cause ‘serious harm’ to the individual then the controlling entity must notify the individual ‘immediately’.

Key administrative provisions include:

- a* under Article 31, controlling entities are required to maintain a record of their processing activities and make these available to the Competent Authority on request;
- b* under Article 32, controlling entities are required to register on a national portal and the Competent Authority may impose a registration fee of up to 100,000 riyals per year for the registration;
- c* under Article 30(2), controlling entities must appoint one or more employees to be responsible for its commitment to implement data protection requirements; and
- d* under Article 33(2), entities outside Saudi Arabia that are within scope of the PDPL are required to appoint a local representative in Saudi Arabia.

The PDPL contains a number of significant and onerous penalties for noncompliance. Key enforcement powers to note include:

- a* under Article 35(1)(a), disclosure of sensitive data in breach of the PDPL with the intention to cause harm to the relevant data subject or to gain a personal benefit may result in up to two years’ imprisonment or up to a 3 million riyal fine, or both;
- b* under Article 35(1)(b), transfer of personal data outside of Saudi Arabia in breach of the PDPL may result in up to one year’s imprisonment or up to a 1 million riyal fine, or both;
- c* under Article 36, all other matters of noncompliance may result in a warning or a fine of up to 5 million riyals, which is doubled for repeat offences; and
- d* under Article 40, individuals can make compensation claims for material or moral damage.

The PDPL follows the issuance of National Governance Interim Regulations (Interim Regulations) published by the NDMO on 1 June 2020.<sup>50</sup> The Interim Regulations contain interim regulations on the following topics:

- a* data classification, which applies to all data received, produced or managed by public entities;
- b* personal data protection, which applies to all entities in Saudi Arabia that process personal data, as well as entities outside Saudi Arabia that process personal data related to individuals residing in Saudi Arabia, by any means;
- c* data sharing, which applies to the sharing of government data with other public entities, private entities and individuals;
- d* freedom of information, which applies to requests from individuals to access or obtain unprotected public information produced or held by public entities; and
- e* open data, which applies to all unprotected data and public information produced by public entities.

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<sup>50</sup> <https://sdaia.gov.sa/ndmo/Files/PoliciesEn.pdf>.

Although not identical, the Personal Data Protection Interim Regulations cover a number of the same areas as the PDPL, including data protection principles, the rights of individuals and controller obligations. Although the PDPL does not specifically repeal the Interim Regulations, it is expected that the PDPL will take precedence for privacy matters, to the extent they are also addressed in the Interim Regulations (i.e., on Personal Data Protection), and the Executive Regulations issued under the PDPL may provide further guidance and direction on this.

Unlike the PDPL, the Interim Regulations do not contain any express enforcement mechanisms or penalties for noncompliance.

Prior to the PDPL and Interim Regulations, Saudi Arabia did not have a comprehensive data protection law, and the primary source of data protection law were Sharia principles (i.e., Islamic principles derived from the Holy Quran and the Sunnah), a number of rights that protect privacy in the Basic Law of Governance 1992 (Royal Order No. A/91 of 1992) (Basic Law)<sup>51</sup> and sectorial legislation.

The above existing primary sources are still applicable in Saudi Arabia.

For example, Article 40 of the Basic Law mentions privacy as a right that is related to the dignity of an individual and guarantees the privacy of telegraphic and postal communications, and telephone and other means of communication. It also specifies that there shall be no confiscation, delay, surveillance or eavesdropping, except in cases provided by the law.

In addition, there are:

- a* sectoral legislation that contains data protection obligations for organisations operating in the financial services, healthcare and telecommunications and IT sectors in Saudi Arabia. For telecommunications and IT in particular, the Telecoms and IT Act imposes data protection obligations on telecommunications or information technology service providers (including digital content platforms), including:
  - a general obligation under Article 23(1) to take measures to protect the confidentiality of a user's information and implement data protection policies;
  - an obligation under Article 23(2) to immediately notify the CITC of a data breach; and
  - a requirement under Article 23(3) to retain user information for a period specified by the CITC.
- b* additionally, the CITC has published 'procedures for launching services or products based on customers' personal data, or sharing personal data',<sup>52</sup> which contain a requirement to conduct a privacy impact assessment and submit this to the CITC for acceptance, and 'general principles for personal data protection', which covers data processing principles, obligations on the service provider such as the requirement to implement a privacy programme and customers' rights regarding their personal data;
- c* related legislation that contains data protection obligations, for example, the Cloud Regulations, the Internet of Things Regulatory Framework and the Cyber Law. Article 3 of the Cyber Law states that anyone who spies on, intercepts or receives data transmitted through an information network or a computer without legitimate

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51 <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/16b97fcb-4833-4f66-8531-a9a700f161b6/1>.

52 <https://www.citc.gov.sa/en/RulesandSystems/privacy/Documents/Procedures-data-privacy-en.pdf>.



authorisation or invades an individual's privacy through the misuse of camera-equipped mobile phones, etc., shall be subject to imprisonment for a period not exceeding one year or a fine not exceeding 500,000 riyals, or both;<sup>53</sup> and

- d* the extraterritorial scope of foreign data protection legislation that may apply to Saudi companies and individuals by virtue of their overseas activities (e.g., the General Data Protection Regulation (EU) 2016/679 and the United Arab Emirates Federal Decree Law No. 45/2021 on the Protection of Personal Data).

Regarding the processing of children's data, on 25 November 2020, the NDMO published a Children's and Incompetents Privacy Protection Policy,<sup>54</sup> which applies to all entities in Saudi Arabia that collect and process children's personal data, and entities outside of Saudi Arabia that collect the personal data of children residing in Saudi Arabia online. The policy sets out the legal basis for processing children's data and aims to protect children from the negative effects of the internet.

In addition to the discussion in Section II.i about how cybersecurity concerns are being addressed, the Cyber Law aims to ensure information security, the protection of rights pertaining to the legitimate use of computers and information networks and the protection of public interest, morals and the national economy.

## **v Freedom of expression**

Article 8 of the Publications Law (and Article 8 of the Draft Media Law) also guarantees freedom of expression in different forms of publication.<sup>55</sup>

Although the Basic Law and the Publications Law grant rights promoting self-expression, they are subject to other limits and qualifications laid down by applicable law that aim to protect national interests. Examples of those limits include (without limitation):

- a* Article 62 of the Basic Law, which states that if there is an imminent danger threatening the safety of Saudi Arabia, the integrity of its territories or the security and interests of its people, or is impeding the functions of official organisations, the King may take urgent measures to deal with such a danger;
- b* Article 6 of the Cyber Law, which criminalises the production, preparation, transmission, or storage of material impinging on public order, religious values, public morals and privacy, through the information network or computers. The penalty for committing any of the foregoing crimes is imprisonment for a term not exceeding five years; and a fine not exceeding 3 million riyals;
- c* An Antiterrorism Law introduced in November 2017, which maintains broad definitions of what can be considered a terrorist act. The foregoing law does not restrict the definition of terrorism to violent acts. Other conduct it defines as terrorism includes 'disturbing public order', 'destabilising national security or state stability', 'endangering national unity' and 'suspending the basic laws of governance', all of which may encompass any form of expression; and<sup>56</sup>

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53 [https://www.citc.gov.sa/en/RulesandSystems/CITCSysstem/Documents/LA\\_004\\_%20E\\_%20Anti-Cyber%20Crime%20Law.pdf](https://www.citc.gov.sa/en/RulesandSystems/CITCSysstem/Documents/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf).

54 <https://sdaia.gov.sa/ndmo/Files/Policies002.pdf>.

55 <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/ecaacc43-8ff9-46b8-b269-a9a700f16e66/2>.

56 'Terrorist crime' means any act committed, individually or collectively, directly or indirectly, by a perpetrator, with the intention to disturb public order, destabilise national security or state stability,

- d* Article 7(1) of the Tourism Law<sup>57</sup> which states that disparaging remarks in relation to Saudi Arabia's tourism reputation or in relation to any touristic sites in Saudi Arabia, as well as any act which results in the de-valuation or demotion of such touristic sites are prohibited by law.

**vi Telecommunications towers**

Pursuant to Chapter 2 of the implementing regulations to the Telecommunications Act, a licence must be obtained from the CITC to provide telecommunications services to the public or operate a telecommunications network with the aim of providing such service.<sup>58</sup> The CITC in turn issues two types of licenses: (1) individual licenses; and (2) class licenses. Certain services and networks, unless the CITC issues an exemption, require an individual license, such as public mobile cellular telecommunications services and the operation of a public telecommunications network. Service providers in the same class may apply for a Class B licence to provide telecommunications services or operate telecommunication networks other than the services governed by individual licenses.<sup>59</sup> All Class B licences are subject to certain general terms and conditions, and each type of Class B licence is subject to its own special terms and conditions.

Pursuant to the CITC Investors' Guide, operators of telecommunications towers must obtain the CITC Wholesale Infrastructure Services License prior to commencing their operations. Such licence permits the licensee to own, operate and commercialise telecommunications infrastructure such as towers, small cells, and wireless access networks. Upon obtaining such license, the licensee is permitted to provide services and infrastructure to other facilities-based providers and wholesale infrastructure providers licensed by the CITC. The CITC has complete discretion over which infrastructure elements are included or excluded from the scope of the wholesale license.

Furthermore, the CITC has issued the Mobile Towers and Network Sharing Rules (the Colocation Rules) which govern the practice of locating equipment of multiple mobile service providers on a single telecom tower. The Colocation Rules provide provisions regarding colocation on existing sites, exceptions from the Colocation Rules, passive infrastructure development and upgrades, data sharing and centralisation of information, and pricing provisions for colocation agreements. The Colocation Rules also provide, with respect to commercial colocation agreements, that such commercial agreements shall be based on good faith negotiations. In case a commercial agreement is not reached, related CITC regulations or any pricing mechanism decided by CITC shall take effect.<sup>60</sup>

The CITC has also issued the Technical Standards for Outside Plant (OSP) Installations (the Standards) which contains a number of guidelines relating to the technical requirements of mobile telecommunications towers to be developed. The Standards do not apply to

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endanger national unity, suspend the Basic Law or some of its articles, undermine state reputation or status, cause damage to state facilities or natural resources, attempt to coerce any of its authorities into a particular action or inaction or threaten to carry out acts that would lead to the aforementioned objectives or instigate such acts; or any act intended to cause death or serious bodily injury to a civilian, or any other person, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.

57 <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/7d777c66-d28b-43de-9305-af23013b1738/1>.

58 Article 10 of the TA Implementing Regulations.

59 Chapter 2 of the TA Implementing Regulations.

60 Article 3, Sub-section (C) of the Tower Sharing Rules.

already existing mobile telecommunications towers.<sup>61</sup> Pursuant to the Standards, mobile telecommunications towers must be designed to accommodate at least three mobile service providers or at least satisfy the business needs of the licensee. The design of all buildings and related structures must use materials, colours, textures, screening and landscaping that will blend the tower facilities to the natural setting and building environment.

### **vii E-Delivery platforms**

Both the CITC and the Transport General Authority (the TGA) currently have jurisdiction over commercial activity which connects a business to the end-user through an electronic platform. The CITC is responsible for regulating the telecommunications aspect of the transaction while the TGA is responsible for regulating the movement of goods which may occur during such activity. However, pursuant to a recent resolution of the Council of Ministers dated 26 July 2022, regulatory oversight for e-delivery platforms has now been ordered to be transferred from the CITC to the Ministry of Transport and Logistics Services. At the date of writing, the Ministry of Transport and Logistics Services has not yet issued any new regulations covering this sector.

The CITC has issued the Regulations for Delivery Service Provision via E-Platform<sup>62</sup> (the Delivery Service Regulations) which provides that any service provider must register with the CITC as such. Service provider is defined as any person who connects a delivery agent with a consumer through an electronic platform. The Delivery Service Regulations also include a number of operational measures which service providers must adhere to, including the creation of a call centre to receive customer queries and complaints, a clear display of the services provided and the prices for each service, and providing electronic receipts, or text messages containing the details of the order and the price, for each financial transaction, among others.

Furthermore, the TGA has issued the Regulations for E-Hailing Freight Transport Vehicles<sup>63</sup> (the E-Hailing Regulations) which aim to regulate entities involved in directing vehicles for the transportation of goods. Any entity wishing to carry out such activity must, pursuant to the E-Hailing Regulations, apply for licensing from the TGA.

### **vii Space and satellites**

Satellites and other space technologies are expected to play an increasingly important role in Saudi Arabia's digital infrastructure and economy. On 14 July 2022, Saudi Arabia became the 21st country to sign the US-led Artemis Accords, a set of principles applicable to space exploration that implement key obligations in the 1967 Outer Space Treaty. It is the latest step for Saudi Arabia's space programme, to which Saudi Arabia allocated US\$2.1 billion in 2020 as part of Vision 2030. Initiatives to grow the sector are led by the Saudi Space Commission, established in 2018.

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61 [https://www.citc.gov.sa/ar/Decisionsoffers/Decisions/Documents/attach392\\_2.pdf](https://www.citc.gov.sa/ar/Decisionsoffers/Decisions/Documents/attach392_2.pdf).

62 <https://www.citc.gov.sa/ar/services/licensing/Documents/DeliveryguidelinesBareed.pdf>.

63 <https://tga.gov.sa/Regulations/Read/4>.

## IV SPECTRUM POLICY

### i Development

The following pieces of legislation regulate this area:

- a The Telecom Act: the regulation of radio spectrum usage is one of the main functions of the CITC pursuant to the Telecom Act. Under the Telecom Act, an essential objective of spectrum management is to promote optimal spectrum use by achieving optimum utilisation of this resource, ensuring the creation of a favourable atmosphere to promote and encourage fair competition in all fields of telecommunications, ensuring effective and interference-free usage of frequencies, ensuring clarity and transparency of procedures, ensuring principles of equality and non-discrimination, and ensuring the development of telecommunications technology.
- b The Telecoms and IT Act: pursuant to the Telecoms and IT Act, radio spectrum usage remains under the jurisdiction of the CITC. The CITC is also empowered under the Telecoms and IT Act to collect the specified amounts for the licensing of spectrum usage and penalise offenders accordingly. The Telecoms and IT Act also introduces restrictions prohibiting services providers who control a certain market from denying access to other service providers, with the threshold of control being 40 per cent of the relevant market, subject to the CITC's judgment based on market conditions.
- c The National Spectrum Strategy 2025: the CITC has recently published a National Spectrum Strategy 2025<sup>64</sup> that describes the CITC's priorities with respect to the development of Saudi Arabia's spectrum policy going forward. The Spectrum Strategy states that Saudi Arabia has already achieved considerable success in assigning spectrum to public mobile networks that utilise International Mobile Telecommunication standards to provide mobile broadband services, and notes the creation of a dedicated subcommittee in 2019 under the auspices of the CITC to focus on 5G spectrum matters within the National 5G Taskforce.

### ii Flexible spectrum use

Under the Spectrum Strategy, a comprehensive review of fixed point-to-point links is contemplated to determine the most optimal band plans with the overall objective being to review and optimise a total of 5.4GHz of legacy spectrum by 2025.

Currently, the Spectrum Strategy notes that Saudi Arabia has made notable progress on addressing issues related to the International Mobile Telecommunication (IMT) field, which resulted in the country's ranking among the leading nations in awarded IMT spectrum. In March 2021, the CITC issued a plan for the allocation and use of spectrum bands identified for IMT (IMT Spectrum Plan),<sup>65</sup> it aims at identifying the frequency allocation and use regulations for radio spectrum bands identified for IMT services. Furthermore, the Spectrum Strategy also speaks of enabling space spectrum in which the focus would be on championing Saudi Arabia's emerging space industry in international discussions and within Saudi Arabia. This will enable the CITC to work on satellite coordination requests and resolve such requests in a timely manner, thereby allowing existing and future satellite services access to spectrum and manage trade-offs with IMT allocations.

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64 [https://www.citc.gov.sa/ar/services/spectrum/Documents/National%20Spectrum%20Strategy\\_E.pdf](https://www.citc.gov.sa/ar/services/spectrum/Documents/National%20Spectrum%20Strategy_E.pdf).

65 <https://regulations.citc.gov.sa/en/pages/published-document.aspx#/published-document>.

### **iii Broadband and next-generation services spectrum use**

The Spectrum Strategy recognises a number of ways in which the growing need for spectrum for broadband services and next-generation services, among others, is addressed. The Spectrum Strategy states that it aims to identify and resolve existing inefficiencies while overcoming hurdles that prevent international harmonisation and optimal spectrum utilisation. Moreover, there is a push for 5G+ deployment to position Saudi Arabia among the leading nations in unlocking innovative high-performance use cases and applications based on 5G.

### **iv Spectrum auctions and fees**

#### ***Auctioning spectrum***

As of the third quarter of 2020, the CITC has auctioned spectrum to licensed mobile networks operators within Saudi Arabia.

In 2017, the CITC issued a press release stating that it had awarded large blocks of contiguous spectrum, ideal for deployment of next-generation broadband networks across Saudi Arabia to four mobile network operators (MNOs).<sup>66</sup> This was the first spectrum auction in Saudi Arabia and the first time spectrum in the 700MHz band has been allocated in the MENA region.

The auction raised 5.8 billion riyals for 50MHz in the 700MHz band and 66MHz in the 1,800MHz band.

We are not aware of any plans to auction spectrum to non-licensed entities.

Additionally, the CITC published a public consultation on 30 May of 2021 on an upcoming spectrum auction during which it aims to release multiple bands for a wide range of digital radio services. The CITC's released statement noted that the CITC is inviting all national and international parties to provide their feedback and engage in this process no later than 26 July 2021. The public consultation announcement noted that the CITC has started preparations for a spectrum auction during the second half of 2021 that will include spectrum in the following bands: 600MHz FDD, 700MHz FDD, 700MHz SDL, 1980–2010/2170–2200MHz FDD and 3800–4000MHz TDD, in addition to 2×5MHz each in the 410–430MHz and 450–480MHz bands either as part of the auction or separately.

The CITC then published a public consultation on 7 October 2021 on an upcoming spectrum auction of 2100MHz for non-terrestrial networks. The CITC intends to hold this auction by the end of 2021, for the 2100MHz (30×2MHz) band, as part of the implementation process for 'Spectrum Outlook for Commercial and Innovative Use 2021–2023' in Saudi Arabia. The CITC's released statement noted that the CITC is inviting all national and international parties to provide their feedback and engage in this process no later than 30 October 2021. Based on the responses received by CITC on its public consultation issued on 30 May of 2021 (referenced above), the CITC has updated the timeline of the spectrum auctions to have two auctions for 2100MHz in the fourth quarter of 2021, and for 600, 700, 700 SDL and 3800MHz in the first quarter of 2022. The auction is open to both entities that hold a Facilities-Based Unified Telecommunications Services License (USL) as well as entities that can demonstrate that they are already providing services in the S-Band. Any successful bidder that already holds a USL can provide any terrestrial or

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66 <https://www.citc.gov.sa/en/MediaCenter/PressReleases/Pages/2017060601.aspx>.

non-terrestrial service using the spectrum acquired in the auction. However, applicants that do not already hold a USL will need to apply for a separate Class B licence to provide any specific telecommunications service at application.

### ***Spectrum trading***

The CITC issued its Spectrum Trading Regulations in August 2022.<sup>67</sup> The Spectrum Trading Regulations are intended to enhance flexibility in respect of access to spectrum usage by adopting new methods for the reallocation of frequencies between users, and to enable trading of spectrum usage rights in secondary markets. Such trading of spectrum usage rights under the Spectrum Trading Regulations may be partial or full and must be notified to the CITC for its approval or non-objection thereof. The Spectrum Trading Regulations further specify information and provisions to be covered by any spectrum trading agreement.

### ***Spectrum fees***

Currently, spectrum users must be licensed by the CITC and such licence is accompanied by a fee to be paid to the CITC calculated in accordance with the CITC's Frequency Licensing Fees Regulations.<sup>68</sup>

## **V MEDIA**

### **i Regulation of media distribution generally**

In addition to the key laws regulating media and media protection specified in Section II.ii, the following laws are also relevant in regulating media and media protection in Saudi Arabia:

- a* the National Committee for Regulating Digital Media Content formed pursuant to a Council of Ministers resolution dated 23/03/1435H (corresponding to 24 January 2014);
- b* the Media Policy in Saudi Arabia issued by the MoM;<sup>69</sup>
- c* the General Commission for Audio-visual Media age classification guide; and
- d* the Telecoms and IT Act.

As above in Section II.iii, in February 2022, the CITC issued a second draft of its Digital Content Platform Regulations for consultation; however, at the time of writing, these have not yet been finalised.<sup>70</sup>

As above, the Draft Media Law, once it comes into effect, will replace the GCAM Regulations and the Publications Law. As this has not yet come into effect at the time of writing, the below focuses on existing laws as well as updates under the Draft Media Law.

The media sector may be broadly categorised into the following subsectors: publications, press institutions and audio-visuals. This chapter predominantly focuses on audio-visuals.

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67 <https://regulations.citc.gov.sa/en/pages/published-document.aspx#/published-document>.

68 <https://www.citc.gov.sa/en/RulesandSystems/Bylaws/Pages/FinancialSpectrumPolicy.aspx>.

69 An official English translation is unavailable on the MoM's website.

70 <https://regulations.citc.gov.sa/en/Pages/PublishedPublicConsultations.aspx#/PublishedPublicConsulationDetails/8>.

## ii Service obligations

In order to engage in broadcasting and other audio-visual media activity in Saudi Arabia, an appropriate licence needs to be obtained. The types of licences contemplated in the licence manual that accompanies the GCAM Implementing Regulations include:

- a* media content production, and operating media production studios;
- b* advertising agencies;
- c* operating cinemas;
- d* satellite distribution;
- e* terrestrial transmission;
- f* satellite uplink stations;
- g* linear and non-linear (e.g., video-on-demand and over-the-top) broadcasting;
- h* radio broadcasting;
- i* IPTV and cable television;
- j* media audience measurement; and
- k* importation, distribution, sale and lease of:
  - l* audio-visual media content;
  - m* cinematic movies, videos and TV shows; and
  - n* receivers and accessories.

Licensees are required to pay the applicable fees and comply with the requirements specified in the licence. Furthermore, licensees are required to (among others):

- a* comply with the GCAM's policies with regard to prioritising the use of Saudi Arabia's resources, including human resources; and
- b* participate in capacity building in respect of local content production capabilities.

Licensees may need to comply with technical specifications for equipment used in the transmission and reception of media content, and with the allocation of frequencies and associated technical procedures and standards for frequency use.

Under Article 3 of the Draft Media Law, the Regulations shall determine the types of licences required for all traditional and electronic media activities (such as newspapers, electronic publishing, media broadcasting, media production, radio and TV artistic production, cinemas, electronic games and adverts), so there may be updates to the current licensing requirements. Article 10 of the Draft Law contains a list of obligations on licensees, which includes maintaining a full list of the materials broadcast for 90 days, lodging copied of printed media, prioritising the use of Saudi Arabia resources and developing national production and broadcasting capabilities (as above). Penalties for violations of the Draft Media Law include fines of up to 10 million riyals (which may be doubled in cases of repetition), temporary suspensions of activities for up to six months, closing or blocking the place of violation (either temporarily or permanently), suspension or removal of the licence and the requirement to publish an apology.

The CITC's second draft of its Digital Content Platform Regulations published for consultation includes licences and registration requirements for various content platforms. In addition to licences and registration requirements, service providers are required to comply with relevant regulations from competent authorities including in relation to content, user protection and data protection, to appoint a Platform Compliance Officer, and to cooperate with the CITC in relation to its requests for information.

### **iii Content restrictions**

Article 9 of the Draft Media Law lists media content that may not be published, which includes any media that:

- a* prejudices the principles of Islamic Sharia or the supreme interests of Saudi Arabia;
- b* threatens national or international peace;
- c* instigates the committing of crime or violence, breaches national security, public order, public morals or public health;
- d* infringes the rights of others;
- e* instigates racism, national or religious hatred; or
- f* promotes drugs, alcohol or tobacco.

Article 13 requires that media content be submitted to the General Authority for Media Regulation (GAMR) for approval before circulation.

The Copyright Law protects original and derivative works created in the fields of literature, art and sciences, irrespective of their type, means of expression, importance or purpose of authorship.

The Copyright Law is intended to prevent third parties from copying the protected work. The protection period for sound works, audio-visual works, films, collective works and computer programs is 50 years from the date of the first show or publication of the work, regardless of republication. The protection period for broadcasting organisations shall be 20 years from the date of the first transmission of programmes or broadcast materials, and the protection period for the producers of sound recordings and performers shall be 50 years from the date of performance or its first recording, as the case may be.

Cabinet Resolution No. 163 dated 10/24/1417 AH prohibits users within Saudi Arabia from publishing or accessing illegal, harmful or anti-Islamic content on the internet.

The CITC is responsible for administering an internet filtering service, which limits certain content on the internet and restricts access to specific internet services.<sup>71</sup> Under the Telecoms and IT Act it is an offence to bypass the internet filtering, facilitate internet circumvention or to provide any assisting tools for doing so.<sup>72</sup> Violating internet filtering requirements under the Telecoms and IT Act may result in penalties including a fine of up to 25 million riyals, revocation of a licence or blocking of a service.

The CITC provides such services in cooperation with the Permanent Internet Security Committee and provides a list of banned websites to the data service providers.

Alternatively, users may submit a request to block a particular website where they deem such a website or material to contain undesirable content. Once a user has submitted the web-based form, it is reviewed by a team of CITC employees who determine whether the user's request is justified.

The data service providers are responsible for ensuring that the websites are banned on their internet gateways. If a data service provider fails to comply with the CITC's instructions, it may result in a fine of up to 5 million riyals.<sup>73</sup>

In terms of the content that is filtered, websites and materials that are inconsistent with Islam – for example, materials relating to pornography, gambling and drugs – would be classified as harmful content.

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71 Article 24(1).

72 Article 24(2).

73 Freedom of the Net 2019, Saudi Arabia, Freedom House.



The CITC regulates network operators, and the ICT and postal sector. The Telecoms and IT Act provides the legal framework for organising this sector.<sup>74</sup>

The GCAM regulates the audio-visual sector,<sup>75</sup> and the MoM supervises all means of visual, audio and written communication content in Saudi Arabia.<sup>76</sup>

Pursuant to the Publications Law, a licence from the MoM is required to carry out, among other things, the following activities:

- a* printing, publishing or distributing publications or engaging in any other publication services;
- b* importing, selling or renting movies or video tapes;
- c* producing, selling or renting computer programs;
- d* engaging in any press services; and
- e* carrying out photography services.

The activities mentioned above are restricted to Saudi nationals. In addition, the holder of a licence may transfer, lease or share ownership of such licence after obtaining the MoM's approval.

The author, publisher, printer or distributor must obtain the MoM's approval prior to circulating such publication. The MoM will not approve a publication that prejudices Islam, the Saudi Arabia regime, the interests of the country or public morals and customs.

As such, we understand that traditional media outlets would fall under the remit of the Publications Law.

As described more fully above, there are three types of licences that can be obtained from the GCAM: media activity licences; cinema licences; and broadcasting and distribution licences. As such, we understand that emerging platforms are more likely to fall within the GCAM Regulations and GCAM Implementing Regulations.

Content restrictions are also imposed under the Cloud Regulations. Article 3.5.2 of the Cloud Regulations states that cloud service providers are not liable for unlawful content or infringing content that has been uploaded, processed or stored on the cloud service providers' systems, and Article 3.5.3 of the Cloud Regulations states that there is no legal obligation on cloud service providers to monitor their systems for unlawful or infringing content. However, Article 3.5.4 of the Cloud Regulations states that cloud service providers must remove such unlawful or infringing content or render it inaccessible within the country after written notice by the CITC or any other authorised entity, or per Article 3.5.5, may do so on its own initiative or following a third-party request.<sup>77</sup>

In addition, mandatory controls are required for posting adverts on social media platforms, including clearly announcing that the content is an advert,<sup>78</sup> not including false or misleading information or adverts for counterfeit or fraudulent products.<sup>79</sup>

Under the CITC's draft Digital Content Platform Regulations for consultation, service providers are required to comply with local content restrictions.

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74 <https://www.citc.gov.sa/en/AboutUs/AreasOfwork/Pages/default.aspx>.

75 <https://www.gcam.gov.sa/>.

76 [https://www.my.gov.sa/wps/portal/snp/pages/agencies/agencyDetails/AC164/lut/p/z0/04\\_Sj9CPyKssy0xPLMnMz0vMAfJjo8zivQIsTAwdDQz9LQwNzQwCnS0tXPwMvYwNDz0g1Pz9L30o\\_ArAppiVOIf7JuuH1WQWJKhM5mXlq8f4ehsaGaiX5DtHg4AfoZqHw!!/](https://www.my.gov.sa/wps/portal/snp/pages/agencies/agencyDetails/AC164/lut/p/z0/04_Sj9CPyKssy0xPLMnMz0vMAfJjo8zivQIsTAwdDQz9LQwNzQwCnS0tXPwMvYwNDz0g1Pz9L30o_ArAppiVOIf7JuuH1WQWJKhM5mXlq8f4ehsaGaiX5DtHg4AfoZqHw!!/).

77 [https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/CCRF\\_En.pdf](https://www.citc.gov.sa/en/RulesandSystems/RegulatoryDocuments/Documents/CCRF_En.pdf).

78 Article 10 of the Implementing Regulations of the E-Commerce Law.

79 Article 12 of the E-Commerce Law.

In the past year, the GCAM and the CITC have confirmed their commitment to regulating content standards by publishing details of some of their activities, including requesting digital content providers to remove certain content and adverts which do not comply with content standards and fining social media users who publish offending content.

#### **iv Internet-delivered video content**

There is limited information on how the move from broadcast video distribution to internet video distribution has affected consumers and the ability of internet service providers to control, and be compensated for, the content being transmitted over their networks.

However, according to the MCIT's 2019 Annual Report (which is the latest published to date), the penetration rate of internet services has soared to 95.7 per cent in 2019,<sup>80</sup> which was previously around 82 per cent at the end of 2017 (according to the CITC's 2017 Annual Report) and, accordingly, the demand for internet and broadband services has risen.<sup>81</sup> The CITC's Digital Insights quarterly report for the fourth quarter of 2020 notes that mobile and fixed internet data consumption continues on an upward trajectory, in particular as a result of the number of smartphone users, increase in data usage during the covid-19 pandemic and the availability of affordable unlimited data packages.<sup>82</sup>

In addition, Saudi Arabia has a 'KSA Free Wifi Initiative',<sup>83</sup> which gives users access to free connectivity in 60,000 WiFi hotspots in public places across Saudi Arabia.

The Digital Content Council has also announced a programme called Ignite, which aims to transform Saudi Arabia into a digital content hub and triple Saudi Arabia's digital content market size in gaming, audio, video and advertising.<sup>84</sup>

As such, it is reasonable to presume that the move from broadcast video distribution to internet video distribution has not had a significant negative impact on consumers, given the high rate of access to the internet in Saudi Arabia and government focus on digital content.

## **VI THE YEAR IN REVIEW**

With the issuance of the Telecoms and IT Act this year, as overseen by the MCIT and implemented by the CITC, we expect the CITC to continue to issue new regulations and guidelines governing the technology and telecommunications sector in Saudi Arabia in the years to come.

In August 2022, the ICT-CSIRT was established to supervise all ICT and postal sectors to counter any cybersecurity attacks. The establishment of ICT-CSIRT now allows service providers to share cybersecurity threats and vulnerabilities with the ICT-CSIRT, strengthening the country's cybersecurity backbone.

We have also seen the publication for public comment of the draft Digital Content Platform Regulations on 10 November 2021 and an updated draft in February 2022, the

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80 Page 187 of the MCIT's 2019 Annual Report: [https://www.mcit.gov.sa/sites/default/files/2021-06/Annual%20Report%202019\\_0.pdf](https://www.mcit.gov.sa/sites/default/files/2021-06/Annual%20Report%202019_0.pdf).

81 Page 136 of the CITC's 2017 Annual Report: [https://www.cst.gov.sa/en/mediacenter/reports/Documents/PR\\_REP\\_013Eng.pdf](https://www.cst.gov.sa/en/mediacenter/reports/Documents/PR_REP_013Eng.pdf).

82 <https://www.citc.gov.sa/ar/mediacenter/Documents/DigitalInsights-en20q4.pdf>.

83 <https://www.citc.gov.sa/en/mediacenter/pressreleases/Pages/2020111502.aspx>.

84 <https://ignite.gov.sa/en>.

Executive Regulations in March 2022, the Public Consultation Document on Updating the Internet of things Regulations in March 2022, the draft Net Neutrality Regulations on 29 April 2022, and the draft Data Centres Regulation in July 2022.

In August 2022, the CITC issued the Regulations for Cybersecurity Operation in the ICT and postal sector.

The highly anticipated implementation of the PDPL has been postponed until 17 March 2023.

The Council of Ministers resolution dated 26 July 2022 resolving to transfer regulatory oversight for e-delivery platforms from the CITC to the Ministry of Transport and Logistics Services has been issued. Although, no implementation of such transfer has been made by the Ministry of Transport and Logistics Services as of the date this writing, the CITC has issued the Delivery Services Regulations and the TGA has issued the E-Hailing Regulations.

In August 2022, the CITC issued its Spectrum Trading Regulations.

## **VII CONCLUSIONS AND OUTLOOK**

The technology, media and telecommunications sectors are core to the future economic development of Saudi Arabia and, accordingly, it is likely that we will see further legislative and regulatory developments with respect to these sectors over the next few years.

Looking ahead, we would not be surprised to see further legislation or regulation in one or more of the following areas:

- a* further development of the national data privacy regime: given that the PDPL is soon to come into force in March 2023, we would expect to see the publication of Executive Regulations during the first quarter of 2023, and we expect that these Regulations will add some significant additional detail to the regime created by the PDPL;
- b* development of specific regulations on digital infrastructure, including data centres, communications towers, satellites, the internet of things and autonomous transport as well as digital content platforms: as noted above, the CITC has issued some regulations on these topics in 2022, but we expect to see more activity in this space and to see more entities licensed by the CITC to provide these services in 2023; and
- c* promotion and support for further foreign direct investment in the TMT sector: the Saudi Arabian General Investment Authority was converted into the MISA in 2020 and we expect that throughout 2023 and beyond, the MISA will seek to implement further measures, including potential regulatory reform, to promote Saudi Arabia as a world-class investment destination.

It continues to be a very exciting time to be a TMT lawyer operating in Saudi Arabia.

ISBN 978-1-80449-141-6