

NATIONAL SIGNALS BUREAU BILL, 2020

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NATIONAL SIGNALS BUREAU BILL, 2020

A
BILL

ENTITLED

NATIONAL SIGNALS BUREAU ACT, 2020

AN ACT to establish a National Signals Bureau to provide integrated secure signal systems for the national security and intelligence agencies.

PASSED by Parliament and assented to by the President

National Signals Bureau

Establishment of the National Signals Bureau

1. There is established by this Act the National Signals Bureau referred to in this Act as the “Bureau”.

Object of the Bureau

2. The object of the Bureau is to provide integrated signals systems for the national security and intelligence agencies for the purpose of

- (a) the security of the State; and
- (b) protecting and preserving the unity and stability of the State.

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Functions of the Bureau

3. (1) To achieve the object under section 2, the Bureau shall
- (a) monitor, collect, analyse, retain and disseminate in a secure manner, information and intelligence from cyberspace, electronic media, electromagnetic signals and other emissions and any equipment producing such signals to
 - (i) counter threats to security or national well-being;
 - (ii) prevent the commission of a serious offence; or
 - (iii) deter the commission of a serious offence;
 - (b) establish and maintain a nationwide information and communication system that deploys the appropriate combination of connectivity, networking, encryption and any other security measure to facilitate secure intelligence sharing among security and intelligence stakeholders;
 - (c) build capacity to check, monitor and analyse at the national and international levels, technological advances in the information industry, communications industry and any other related industry, to identify potential impacts on national security and national well-being;
 - (d) collaborate with relevant public institutions to determine technological enhancement requirements for improved effectiveness and efficiency of defence, security, signals and law enforcement operations; and
 - (e) perform any other functions assigned by the Council or the Minister.

Supervising body of the Bureau

4. The supervising body of the Bureau is the National Security Council.

Policy directives

5. The Minister shall give directives on all matters of policy to the Bureau and the Bureau shall comply.

Administrative Provisions

Appointment of Director- General

6. (1) The President shall, in accordance with Article 195 of the Constitution, appoint a Director -General who shall be the head of the Bureau.

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(2) The Director -General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

7. (1) The Director-General

- (a) is responsible for the efficient and effective performance of the functions of the Bureau;
- (b) shall control and administer the Bureau and ensure impartiality in the performance of the functions of the Bureau;
- (c) shall through the Minister, brief the President, the Council and any other relevant stakeholder on intelligence gathered from cyberspace, electronic media, electromagnetic signals and other emissions relevant to the national security interest of Ghana;
- (d) through the Minister, advise the Council on national security strategies, to mitigate the adverse impact of information and communication technology practices on national security and national well-being; and
- (e) perform any other function assigned by the Council or Minister.

Appointment of Deputy Director -General

8. (1) The President shall in accordance with article 195 of the Constitution, appoint a Deputy Director- General for the Bureau.

(2) The Deputy Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Director-General

9. The Deputy Director General shall

- (a) assist the Director- General in the performance of the functions of the Director General; and
- (b) perform any other function assigned by the Director - General.

Appointment of other staff

10. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff and employees required for the effective and efficient performance of the functions of the Bureau.

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(2) The Bureau shall have control over the selection, training and appropriate induction of a person employed for the Bureau in accordance with the Conditions of Service of the Bureau.

(3) The rank and seniority of a person appointed shall be determined in accordance with the Conditions of Service of the Bureau.

(4) The Bureau may engage the services of consultants and advisers as the Bureau considers necessary for the effective and efficient performance of the functions of the Bureau.

Secondment of public officers

11. (1) Other public officers may be seconded or transferred to the Bureau or may otherwise give assistance to the Bureau.

(2) Subject to the rules and regulations of the Public Service, a directive for the secondment of a public officer to the Bureau, shall be issued by the institution of the public officer acting in accordance with the advice of the Minister, given in consultation with the Director General of the Bureau.

(3) A public officer seconded to the Bureau shall, during the period of secondment, function under the direct supervision of the Director-General.

(4) A public officer seconded to the Bureau shall

- (a) be bound by the Code of Conduct of the Bureau; and
- (b) undergo an in-house training or orientation that the Director-General may consider necessary for the effective and efficient performance of the duties of that public officer within the Bureau.

(5) The rank and seniority of a public officer seconded to the Bureau shall be determined in accordance with the conditions of service of the Bureau with reference to the analogous ranks of the institution of that public officer.

Transfer of public officer

12. (1) Subject to the rules and regulations of the Public Service, a directive for the transfer of a public officer to the Bureau shall be issued by the institution of the public officer in accordance with the advice of the Minister, given in consultation with the Director General.

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(2) A public officer transferred to the Bureau shall hold office on the terms and conditions specified in the letter of appointment.

(3) A public officer transferred to the Bureau ceases to be an employee of the institution from which the public officer was transferred.

(4) The rank and seniority of a public officer who is transferred to the Bureau shall be determined under the conditions of service with reference to the analogous ranks of the institution of that public officer.

Directorates of the Bureau

13. (1) The Director-General shall establish directorates to achieve operational effectiveness, efficiency and excellence.

(2) Without limiting subsection (1), the Bureau may establish the following directorates:

- (a) Engineering Directorate;
- (b) Intelligence Directorate;
- (c) Cyberspace and Information Assurance Directorate;
- (d) Emergency Command Centre Directorate; and
- (e) Finance and Administration Directorate.

(3) A directorate of the Bureau shall be headed by a Director.

Complaints Tribunal

Investigation of complaints

14. (1) A person aggrieved by an act or omission of the Bureau shall submit a written or oral complaint to the Director-General.

(2) The Director-General shall examine the complaint and take appropriate action within thirty days from the date of receipt of the complaint.

(3) A person who makes a complaint to the Director General under subsection (2), may where

- (a) action is not taken on the complaint within the period specified in subsection (2); or
- (b) the person is dissatisfied with the action taken by the Director-General

submit a written complaint to the Chief Justice who shall refer the complaint to the tribunal provided for under section 15.

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Complaints Tribunal

15. (1) The Chief Justice shall, on receipt of a complaint submitted under section 14, appoint within sixty days, a tribunal of three persons to examine and determine the issues in the complaint.

(2) The tribunal shall consist of

- (a) a Justice of the High Court, a retired Justice of the High Court or a lawyer who qualifies to be appointed a Justice of the High Court; and
- (b) two other persons one of whom is a person with considerable knowledge in the area of the subject matter of the complaint and operation of intelligence agencies in general.

Examination of complaints

16. (1) The tribunal shall examine and determine a complaint referred to the tribunal by the Chief Justice.

(2) The tribunal shall not determine a complaint which

- (a) the tribunal considers frivolous or vexatious or is not made in good faith;
- (b) is the subject matter of an action before a Court; or
- (c) the tribunal considers to be prejudicial to national security.

Proceedings at investigation

17. (1) The tribunal may exclude from the proceedings of the tribunal, persons other than parties to the proceedings and the lawyers of those persons, where the tribunal considers it necessary in the interest of defence, public safety, public order, public morality, public health or the protection of the private lives of persons concerned in the proceedings.

(2) The tribunal may call a witness who, or request the production of documents, which the tribunal considers necessary in the interest of justice.

(3) A witness appearing before the tribunal shall be paid travelling and any other allowances determined by the Chief Justice.

(4) The tribunal shall give a fair hearing to persons appearing before the tribunal, and for that purpose, the rules of procedure of the High Court shall apply to proceedings of the tribunal with the modifications that are necessary.

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Notification to the Director-General

18. The tribunal shall not commence the examination of a complaint referred to the tribunal by the Chief Justice, unless the tribunal has submitted to the Director-General, a written notice together with the substance of the complaint.

Representation before Tribunal

- 19.** A person appearing before the tribunal may
- (a) make a representation to the tribunal;
 - (b) be represented by a lawyer chosen by the person; and
 - (c) produce the evidence the person considers necessary for the investigations.

Decision of the Tribunal

20. (1) The tribunal shall, on the conclusion of an investigation of a complaint, notify the Director General and the complainant of the decision of the tribunal.

(2) Where the tribunal decides that compensation in the form of money should be paid to the complainant, the tribunal shall direct that, the money is paid from public funds.

Use of internal grievance procedure

21. Despite the provisions of this Act on redress of grievances, an aggrieved employee of the Bureau shall at the first instance resort to the internal grievance procedures set out in the conditions of service and the Code of Conduct, before resorting to the procedure set out under this Act.

Appeal to the Court of Appeal

22. An appeal against a decision of the tribunal lies as of right to the Court of Appeal

Warrants

Application for warrant

23. (1) Where the Director-General of the Bureau or an employee designated by the Director-General has reasonable grounds to believe that a warrant is required to enable the Bureau to perform a function under this Act, the Director-General or the designated employee may apply for the issue of a warrant.

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(2) The application for the warrant shall be made in writing to a Justice of the High Superior Court of Judicature, the chairperson of a tribunal or a senior police officer not below the rank of a superintendent.

Matters to be specified in an application for warrant

24. (1) An application for a warrant shall specify
- (a) the facts relied on to justify the belief, or reasonable grounds, that a warrant is required to enable the Bureau investigate a threat to security or to perform functions under the Act;
 - (b) that the urgency of the matter is of a nature that it would be impracticable to carry out the investigation using other investigative procedures or that without a warrant under this section, it is likely that information of importance relating to a threat to security or the performance of the functions under this Act would not be obtained;
 - (c) where the purpose is to intercept communications
 - (i) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers in paragraphs (a) and (b) proposed to be used; and
 - (ii) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of information, record, document or thing proposed to be obtained;
 - (d) the person or class of persons to whom the warrant is proposed to be directed;
 - (e) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
 - (f) the period, not exceeding sixty days, for which the warrant requested is to be in force where necessary; and
 - (g) a previous application made in relation to a person identified pursuant to subparagraph (ii) of paragraph (c), the date on which the application was made, the name of the Justice to whom the application was made and the decision of the Justice in respect of the application.

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(2) A warrant authorising the interception of communications shall be signed personally by a Justice of the Superior Court of Judicature.

Effect of warrant

25. (1) A warrant issued under section 23 shall authorise a person or a person in a class of persons to whom the warrant is issued, to exercise the powers specified in the warrant for the purpose of intercepting communications, obtaining information, records, documents and things of the type specified in the warrant.

(2) The warrant shall further authorise the provision of assistance to the person exercising the powers specified in the warrant by a person who believes that, on reasonable grounds, that person is exercising the powers in accordance with the warrant.

Financial Provisions

Expenses of the Bureau

26. Parliament shall provide from public funds moneys required for the expenses of the Bureau.

Accounts and audit

27. (1) The Bureau shall keep books, records, returns and other documents relevant to the account in a form approved by the Auditor-General.

(2) The Minister shall submit the accounts of the Bureau to the Auditor-General or

an Auditor appointed by the Auditor-General for audit within three months after the end of each financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the account and

(a) submit the report to Parliament; and

(b) forward a copy of the audit report to the Minister.

(4) The financial year of the Bureau shall be the same as the financial year of the Government.

Annual reports and other reports

28. (1) The Minister shall, within thirty days after receipt of the audit report, submit an annual report to Parliament.

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- (2) The annual report shall include
- (a) a report on the activities and operations of the Bureau;
 - (b) the report of the Auditor-General; and
 - (c) any other report that the Minister may consider necessary

General Provisions

Power to use arms

29. An authorised officer of the Bureau may, in the discharge of duties under this Act or any other enactment, use fire arms.

Indemnity for an act or omission in good faith

30. Subject to this Act, an authorised officer is not liable for an act or omission on the part of the officer, if the act or omission was in good faith and in the execution or intended execution of the duties of that officer.

Miscellaneous Provisions

Oaths

31. (1) The Director-General and any other employee of the Bureau shall before assumption of office and the commencement of functions under this Act, take and subscribe to the official oaths specified in the Schedule.

(2) The Director General and any other employee of the Bureau shall on ceasing to be an employee of the Bureau, be sworn out of office in accordance with the official oath specified in the Schedule.

Authorised disclosure of information

32. (1) An employee of the Bureau shall not disclose any information obtained in the performance of a function under this Act except as required by this Act or any other enactment.

(2) Despite subsection (1), the Bureau may with the prior authorisation of the Minister, permit the disclosure of information by any employee under this Act to

- (a) a public officer who has authority to investigate an alleged contravention of a law or to the Attorney-General if the information is required for an investigation or prosecution;

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- (b) the Minister responsible for Foreign Affairs, if the information relates to the conduct of the international affairs of the country;
- (c) the Minister responsible for Defence or a person designated by the Minister if the information is relevant to the defence of the country;
- (d) the Minister responsible for the Interior or a person designated by the Minister if the information is relevant to the internal security of the country;
- (e) the Chief Justice, if the information is required by a court of competent jurisdiction; or
- (f) a Minister of State or person in the public service, if in the opinion of the Director General, the disclosure of the information is essential in the public interest, and the public interest outweighs an invasion of privacy that may result from the disclosure.

Offences for disclosure of information and identity

33. (1) Subject to the Constitution and section 32, a person shall not disclose any information obtained by that person or to which that person had access in the performance of functions under this Act or to which that person had access in the administration or enforcement of this Act and from which there can be inferred the identity of

- (a) any other person who is or was a confidential source of information or assistance to the Bureau; or
- (b) a person who is or was an employee engaged in operational activities of the Bureau.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

Disclosure before Parliament

34. (1) An employee of the Bureau shall not be required to produce before Parliament a document or any other evidence where

- (a) the Speaker certifies that the

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- (i) document or the other evidence belongs to a class of documents of evidence, the production of which is injurious to the public interest; or
 - (ii) disclosure of the evidence or of the contents of the document will be injurious to the public interest; or
- (b) the supervising body of the Bureau certifies that the
- (i) documents or any other evidence belong to a class of documents or evidence the production of which is prejudicial to the security of the Republic; or
 - (ii) disclosure of the evidence or of the contents of the document is prejudicial to the security of the Republic.

(2) Where there is doubt as to the nature of a document or any other evidence referred to in subsection (1), the Speaker or the Council shall refer the matter, in accordance with article 135 of the Constitution, to the Supreme Court for determination of whether the production, or the disclosure of the contents or the document or any other evidence would be injurious to the public interest or prejudicial to the security of the Republic.

Application of Evidence Act, 1975 (N. R. C. D. 323)

35. The provision on disclosure of information in this Act are without prejudice to the privilege conferred on a person under the Evidence Act, 1975 (N.R.C.D. 323) in relation to disclosure of information.

Protection of employees

36. Subject to the Constitution, an employee of the Bureau, in the performance of functions under this Act, has the same rights and powers as are conferred by law on a police officer in the performance of functions and has same protections.

Regulations

37. (1) The Minister shall, within twelve months of the coming into force of this Act, in consultation with the supervising body by legislative instrument make Regulations for the effective and efficient implementation of this Act.

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(2) Without limiting subsection (1), the Regulations may provide for

- (a) the conditions of service of employees of the Bureau;
- (b) matters on discipline of the employees;
- (c) matters relating to reporting procedures; and
- (d) matters relating to the Scheme of service of the Bureau.

Relations with other public institutions

38. The Bureau shall in the performance of functions co-operate with other public institutions and the public institutions shall provide the assistance required by the Bureau.

Interpretation

39. In this Act, unless the context otherwise requires,

“authorised officer” means an officer of the Bureau or an officer of an intelligence agency performing a function under this Act;

“communications” means signal systems, broadcasting, information and communications technologies in general;

“Council” means the National Security Council established by article 83 of the Constitution;

“cyberspace” means a global domain within the information environment consisting of the interdependent network of information systems infrastructures such as the internet, telecommunications networks, computer systems, and imbedded processors and controllers;

“employee” means a person who is appointed as an employee of the Bureau or has become an employee of the Bureau under this Act whether by transfer, secondment, or otherwise;

“Minister” means the Minister responsible for National Security;

“national security and intelligence agencies” includes all security and intelligence agencies operating under the

- (a) Ministry responsible for National Security;
- (b) Ministry responsible for the Interior; and
- (c) Ministry responsible for Defence;

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“National Security Strategy” means a document prepared periodically by the government to outline the major national security concerns of the country and the plans of Government to address the concerns;

“national well-being” means the creation of conditions by the nation for the population to thrive and involves the quality of life, prosperity and positive physical and mental health of the population;

“Officer” includes senior and junior staff of the Bureau;

“serious offences” include

(a) participation in an organised criminal group, terrorism and terrorist financing, money laundering, human trafficking, people smuggling, sexual exploitation, illicit trafficking in narcotic drugs, illicit arms trafficking, trafficking in stolen and other goods, corruption and bribery, serious fraud, counterfeiting and piracy of products, smuggling, extortion, forgery, insider trading and market manipulation.

(b) murder, grievous bodily harm, robbery or stealing, where these are predicate offences for a serious offence, and

(c) any other similar offences or related prohibited activity punishment with imprisonment for a period of not less than five years and not more than twenty-five years;

“security and intelligence stakeholders” include intelligence, defence and law enforcement communities, critical infrastructure operators, border security agencies, the ambulance service, disaster response agencies, protectors of transport and maritime systems; and

“Republic” means the Republic of Ghana.

Transitional provisions

40. (1) The assets, rights, obligations and liabilities of the Bureau of National Communications Bureau in force immediately before the coming into force of this Act, are transferred to the Bureau.

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(2) A person in the employment of the Bureau of National Communications immediately before the coming into force of this Act shall, on the coming into force of this Act, be considered to have been employed by the Bureau established by this Act on terms and conditions which are not less in aggregate to the terms and conditions attached to the post held by that person before the coming into force of this Act.

(3) A contract subsisting between the Bureau of National Communications and any other person immediately before the coming into force of this Act shall subsist between that person and the Bureau.

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SCHEDULE
(section 32)
Forms of Oath

OATH OF OFFICE

I, do
(in the name of the Almighty God swear) (solemnly affirm) that will
faithfully and impartially to the best of my abilities perform the functions
required of me as the Director-General or employee of the Bureau. So
help me God.

OATH OF SECRECY ON TAKING OFFICE

I,, do (in the name of the
Almighty God swear) (solemnly affirm) that I will not, without due
authority, disclose or make known to a person an information acquired
by me by reason of the functions performed by me on behalf of or under
the direction of the National Signals Bureau or by any reason of an office
or employment held by me pursuant to the National Signals Bureau Act,
2020 (Act.....). So help me God.

OATH OF ALLEGIANCE

I, do (in the name
of the Almighty God swear) (solemnly affirm) that I will bear true faith
and allegiance to the Republic of Ghana, to the President of Ghana, to
the Government of Ghana, as by law established, that I will uphold the
sovereignty and integrity of the Republic of Ghana and that I will preserve,
protect and defend the Constitution of the Republic of Ghana. So help
me God.

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OATH OF SECRECY ON LEAVING OFFICE

I,, having retired or resigned from my appointment in or having had my appointment terminated by the National Signals Bureau, do hereby (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal any matter to any person which was considered by me or came to my knowledge in the discharge of my official duties save as may be required for or as may be specifically required by law. So help me God.

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Date of *Gazette* notification: 3rd November, 2020.

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MEMORANDUM

The object of the Bill is to establish the National Signals Bureau to provide integrated secure signals systems for the national security and intelligence agencies for the purpose of the security of the State and for protecting and preserving the unity and stability of the State.

As pertains in other developed countries, the national security and intelligence agencies in Ghana, need a more secured and reliable signals system for efficient and effective operations. Such a reliable signal system can be a force multiplier, where fewer persons can operate and perform tasks carried out by many persons.

Previously, security, intelligence and emergency services in Ghana had separate independent communication systems that were mostly inefficient, ineffective, expensive to maintain, difficult to operate and of obsolete technology. The Bill seeks to address this challenge by the establishing the National Signals Bureau to manage an integrated communications system for national security and intelligence agencies. With the increasing sophistication in the commission of crime and emerging security threats and the speed with which crimes are committed including terrorism and related emergencies and threats in Africa and the rest of the world, it is imperative that the security and intelligence agencies deploy sophisticated integrated systems to carry out efficient and effective operations.

The Bureau of National Communications was established in 2007 in furtherance of a Cabinet directive to provide for a dedicated integrated secured communication system for security and intelligence agencies. The Bureau has existed as a department under the Ministry of National Security since 2007.

Currently, the Bureau of National Communications forms part of the national security intelligence agencies but its existence has not been given legislative effect. The Bill therefore seeks to establish the National Signals Bureau to form part of the architecture of the national security regime and replicate its current functions under a new name to connote its mandate.

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The Bill consists of 40 provisions.

Clauses 1 to 5 provides for the National Signals Bureau.

Clause 1 provides for the establishment of the National Signals Bureau as a signals intelligence agency.

The object of the Bureau as specified in *Clause 2* is to establish the National Signals Bureau to provide integrated secure signals systems for the national security and intelligence agencies for the purpose of the security of the State and for protecting and preserving the unity and stability of the State.

Clause 3 provides for the functions of the Bureau which includes monitoring, collecting, analysing, retaining and disseminating in a secure manner, information and intelligence from cyberspace, electronic media, electromagnetic signals and other emissions, as well as any equipment producing such signals to, counter threats to security or national well-being, prevent the commission of a serious offence or deter the commission of a serious offence.

Clause 4 designates the National Security Council as the supervising body of the Bureau.

Provision is made in *Clause 5* for the Minister for National Security to provide policy directives to the Bureau.

Administrative provisions are dealt with in *Clauses 6 to 13*.

The appointment of the Director-General for the Bureau by the President in accordance to article 195 of the Constitution is provided for in *Clause 6*.

The Director-General is responsible for the efficient and effective performance of the functions of the Bureau and to advise on national security strategies, to mitigate the adverse impact of information and communication technology practices on national security and national

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well-being; as well as perform any other function as directed by the Minister, *clause 7*.

Clause 8 provides for the appointment of a Deputy Director-General also by the President in accordance with article 195 of the Constitution. The Deputy Director-General shall be responsible for assisting the Director-General in the performance of the functions of the Director-General, and perform any other function assigned by the Director-General as provided under *Clause 9*.

The appointment of other staff of the Bureau is provided in *Clause 10*. This is done by the President in accordance with article 195 of the Constitution. The Bureau shall have control over the selection, training and appropriate induction of the candidate into the Bureau, in accordance with the Conditions of Service of the Bureau.

Matters dealing with the secondment and transfer of a public officer to the Bureau are provided for in *Clauses 11 and 12*.

Provisions for the directorates of the Bureau are provided for in *Clause 13*. The Bureau shall have five directorates which are Engineering, Intelligence, Cyberspace and Information Assurance, Emergency Command Centre and Finance and Administration Directorates.

Clauses 14 to 22 provide for a complaints tribunal.

Investigation of complaints is dealt with in *Clause 14*. A person who is aggrieved by an act or omission of the Bureau may submit a written or oral complaint to the Director-General of the Bureau. The Director-General is to examine the complaint and take appropriate action within thirty days from the date of receipt of the complaint. In the event that action is not taken on the complaint within the period specified, or that the person is dissatisfied with the action taken by the Director-General, the complainant is entitled to submit a written complaint to the Chief Justice. The Chief Justice is to refer the complaint to the tribunal provided for under *Clause 15*.

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By virtue of *Clause 15*, the Chief Justice is required to on receipt of a complaint, appoint within a period of sixty days, a tribunal of three persons to examine and determine the issues in the complaint. The tribunal is to consist of a Justice of the High Court, a retired Justice of the High Court or a lawyer who qualifies to be appointed a Justice of the High Court and two other persons, one of whom is a person with considerable knowledge of the area of the subject matter of the complaint and operation of the Bureau.

In *Clause 16*, the tribunal is to examine and determine a complaint referred to the tribunal by the Chief Justice. However, the tribunal is not to determine a complaint which the tribunal considers frivolous, vexatious or is not made in good faith. The tribunal is also not to consider a complaint which is the subject matter of an action before a Court, or which the tribunal considers to be prejudicial to national security.

The proceedings in the cause of an investigation are dealt with in *Clause 17*. The tribunal is to give a fair hearing to persons appearing before the tribunal, and for that purpose, the rules of procedure of the High Court are to apply to proceedings of the tribunal with the necessary modifications.

The tribunal is not to commence the examination of a complaint referred to the tribunal by the Chief Justice, unless the tribunal has submitted to the Director-General of the Bureau, a written notice together with the substance of the complaint, *clause 18*.

A person appearing before the tribunal is entitled to make a representation to the tribunal, be represented by a lawyer chosen by that person, and produce the evidence that person considers necessary for the investigations, *clause 19*.

Decisions of the tribunal are dealt with in *Clause 20*. The clause places an obligation on the tribunal to notify the Director-General concerned and the complainant of the decision of the tribunal on the conclusion of an investigation of a complaint. In a case where the tribunal decides that

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compensation in the form of money should be paid to the complainant, the tribunal is to direct that the money be paid from public funds.

Clause 21 outlines the internal grievance procedure which employees of the Bureau are to resort to before proceeding to court for redress.

Clause 22 provides for an appeal against a decision of the tribunal to lie as of right to the Court of Appeal.

Clauses 23 to 25 make provision for warrants. *Clause 23* provides for an application for a warrant by the Director-General of the Bureau or an employee designated by the Director-General. The application for a warrant is to be made in writing to a Justice, the Chairperson of a tribunal or a senior police officer not below the rank of a superintendent or above.

Matters to be specified in an application for a warrant are provided for in *clause 24*. An application for a warrant under this clause is to specify, among others, the facts relied on to justify the belief, or reasonable grounds, that a warrant is required to enable the intelligence agency investigate a threat to security or to perform functions under the Bill, the person or class of persons to whom the warrant is proposed to be directed and a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given. An application may also be for the purpose of interception of communications, in which case the warrant authorising the interception of communications is to be signed personally by a Justice of the Superior Court of Judicature.

A warrant issued under the Bill is to authorise a person in a class of persons to whom the warrant is issued, to exercise the powers specified in the warrant for the purpose of intercepting communications, obtaining information records, documents or things of the type specified in the warrant, *clause 25*.

Financial provisions are provided in *clauses 26 to 28*. The expenses of the Council and intelligence agencies are provided for in *clause 26*.

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Parliament is to provide from the Public Funds the moneys required for the expenses of the Bureau.

Standard provisions on accounts and audit as well as annual reports and other reports are dealt with in *clauses 27 and 28*.

Clause 29 relates to the General Provisions of the Bureau. *Under Clause 29*, an authorised officer of the Bureau may, in the discharge of duties under this Bill or any other enactment, use fire arms.

Indemnity for an act or omission in good faith is provided for under *Clause 30*.

Clauses 31 to 40 deals with miscellaneous matters. *Clause 31* provides for the Director-General and any other employee of the Bureau, to swear the oaths of office, allegiance, secrecy on assumption and leaving of office, respectively. *Clause 32* prohibits the unauthorised disclosure of information by any employee of the Bureau during the performance of duties, without the written consent of the Director-General except where the disclosure is necessary to enable the Bureau carry out its functions; or where information is required by a court of competent jurisdiction.

Sanctions for the unauthorised disclosure of information and identity of a person or group of persons working with or for the Bureau is captured under *Clause 33*. *Clause 34* empowers an employee of the Bureau to withhold a document or any other evidence from Parliament, where the Speaker or governing body of the Bureau certifies that disclosure of the contents of the document or evidence will be injurious to public interest or prejudicial to the security of the Republic.

Clause 35 provides for the disclosure of information in this Bill without prejudice to the privilege conferred on a person under the Evidence Act, 1975 (N.R.C.D. 323).

Under *Clause 36*, an employee of the Bureau, in the performance of the functions under this Bill, has the same rights and powers as conferred

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by law on a Police Officer in the performance of functions and has the same protections.

Clause 37 empowers the Minister to make Regulations by legislative instrument for the effective and efficient implementation of the Bill.

Clause 38 stipulates that, the Bureau shall in the performance of its functions co-operate with other public institutions and the public institutions are required to provide assistance to the Bureau.

Clause 39 provides for the interpretation of words and phrases used in the Bill and *Clause 40* deals with transitional provisions.

HON. ALBERT KAN-DAPAAH
Minister Responsible National Security

Date: 3rd November, 2020.