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**THE PETROLEUM ACT
(CAP. 392)**

RULES

(Made under section 259(1)(a))

**THE NATIONAL (PETROLEUM AND NATURAL GAS) (INFORMATION SYSTEM)
RULES, 2019**

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PART I
PRELIMINARY PROVISIONS

Citation and
commence-
ment

1. These Rules may be cited as the National (Petroleum and Natural Gas) (Information System) Rules, 2019 and shall come into operation upon publication.

Application

2. These Rules shall govern the establishment of the licensees' information systems and their compatibility with the NPGIS.

Interpreta-
tion

3.-(1) In these Rules, unless the context otherwise requires:

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“Act” means the Petroleum Act;

“applicable law” means any principal law, treaty, convention, proclamation, regulation, rule, order or by-law that is customarily treated in Tanzania as having legally binding force and which is relevant to matters pertaining to the regulation of natural gas activities;

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“Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act;

“best international petroleum industry practices” means practices in accordance with the most up to date international standards that are generally accepted in

Cap. 414 the international petroleum industry;
“EWURA Act” means the Energy and Water Utilities
 Regulatory Authority Act;
“information system” means the hardware and software and
 other systems necessary for a licensee to properly
 perform its obligations under applicable law and its
 license in relation to obtaining, keeping and providing
 documents, data and information in respect of a
 licensed activity, including communicating
 electronically with the Authority and NPGIS;
“licence” means an authorization issued by the Authority to
 undertake a regulated activity;
“licensee” means the holder of a licence;
“licensed activity” means the activity licensed in a licence;
“natural gas” has the meaning ascribed to it under the Act;
“NPGIS” means the integrated and centralized information
 system referred to in section 124 of the Act; and
“regulated activity” has the meaning ascribed to it under the
Act.

(2) In these Rules, references to any Act, regulation,
rules or other law include such Act, regulation, rules or other
law as amended from time to time and any successor Act,
regulation, rules or other law.

PART II
INFORMATION SYSTEM

Information
system

4-(1) Each licensee shall establish and maintain, at its
own costs, its own information system.

(2) Such information systems must record and store
documents, data and information in a format that:

- (a) accords with best international petroleum industry
practices;
- (b) is organized and readily accessible by the Authority
or anyone acting at the direction of the Authority;
and
- (c) is compatible with the NPGIS (or such other
systems as the Authority may direct).

(3) Where the licensee is required by applicable law to
keep documents, data or information relating to its licensed

activity, the licensee shall keep such documents, data and information on its information system.

(4) The Authority shall have no liability in the event that a licensee's information system (for any reason) is not, or ceases to be, compatible with the NPGIS (or such other systems as the Authority may direct).

(5) The Authority shall endeavor, where possible, to give licensees access to a training platform for the NPGIS (or such other systems as the Authority may direct) to test the compatibility of their information systems.

(6) Licensees must ensure that the Authority is given access to the information, data and documents contained in the information system at all reasonable times and in accordance with applicable law. The Authority may request the provision of information, data and documents contained in the information system of a licensee which shall be provided by the licensee:

- (a) in the case of data eighteen (18) months old or less, within five (5) working days of receiving written notice from the Authority; and
- (b) in the case of data more than eighteen (18) months old, within thirty (30) days of receiving written notice from the Authority.

Security of
communica-
tions

5.-(1) The Authority may from time to time, where reasonably necessary for the purpose of protecting the security of communications or the integrity of the NPGIS, establish protocols and standards with which licensees must comply.

(2) Licensees are fully responsible for the actions of individuals who have access to or maintain the information systems on their behalf.

PART III PENALTIES AND REMEDIAL MEASURES

Remedial
measures

6. The Authority may, without prejudice to the penalties prescribed in these Rules and applicable law, where it determines that a licensee is in violation of these Rules or applicable law, do one or more of the following:

- (a) issue a warning;
- (b) issue a compliance order under section 39 of the

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EWURA Act restraining a licensee from continuing violation of these Rules, licence conditions, the Act or applicable law;

- (c) restrict the conduct of a licensed activity;
- (d) order a licensee to remedy any situation as a result of such violation;
- (e) issue a partial suspension of a licence for such a period as the Authority may determine;
- (f) suspend a licence for such period as the Authority may determine; or
- (g) revoke a licence.

General
penalty

7. Any person who contravenes the provisions of these Rules commits an offence and upon conviction shall be liable, to a fine of not less than ten million (10,000,000) Tanzanian shillings or to imprisonment for a term of not less than two (2) years or both.

PART IV GENERAL PROVISIONS

Confide-
ntiality

8.- (1) Any information received by the Authority from a licensee as a result of these Rules shall be presumed not to be confidential.

(2) A licensee shall not be entitled to withhold information from the Authority on the ground that it is confidential.

(3) A licensee may request the Authority not to circulate specific data or information that it has provided to the Authority, provided, that only the Authority shall determine whether or not such information is confidential.

(4) The Authority shall limit or prohibit the publication of any information to the public in the event it makes a determination that such information is confidential.

(5) Notwithstanding sub-rules (1), (2) and (3) above, any information as to health, safety and environment shall not be treated as confidential.

(6) The Authority may use any information that is not determined to be confidential under sub-rule (3) for such purposes as it considers necessary for carrying out its functions

and it may publish such information on NPGIS or by such other means as it considers to be suitable.

Guidelines

9. The Authority may make guidelines for better implementation of these Rules.

PART V
TRANSITIONAL PROVISIONS

Transition
period

10. Any person who conducts a regulated activity (whether licensed or not) shall, within twelve (12) months after coming into force of these Rules, adjust its operations to comply with the provisions of these Rules.

Dodoma,
....., 2019

NZINYANGWA E. MCHANY
Director General