



## **SCHOOL OF LAW**

**NLLB 515 INFORMATION AND COMMUNICATIONS TECHNOLOGY LAW**

**END OF FIRST SEMESTER EXAMINATIONS**

**NOVEMBER/DECEMBER 2024**

**LECTURER: MR N MAPHOSA**

**DURATION: 3HRS**

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### **GENERAL INSTRUCTIONS TO CANDIDATES**

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
3. Students **MAY NOT** take any material into the examination.
- 4. Section A** is compulsory. Answer **THREE** questions from **Section B**.
5. You are advised to read all questions carefully before attempting to answer any.
- 6.** Begin your answer for each question on a new page.
- 7.** Cite **RELEVANT** authorities to support your arguments.
- 8.** This examination paper consists of four pages.

## **SECTION A**

### **THIS SECTION IS COMPULSORY**

#### **QUESTION ONE**

**I.** ShumbaTech (Pvt) Ltd, a tech start-up in Zimbabwe, recently launched an application called “iLoan,” which allows users to apply for loans directly from their mobile phones. The app collects users' personal data, including national ID numbers, employment details and banking information. The app has received a backlash after reports surfaced that it leaked users’ data due to poor security measures. Additionally, some users allege that their loan applications were denied without clear reasons and others reported unauthorised access to their bank accounts.

Analyse the legal implications of ShumbaTech's actions under Zimbabwe’s Information and Communications Technology (ICT) Laws. In your answer, discuss the potential liabilities ShumbaTech could face and the legal remedies available to affected users. **[20 Marks]**

**II.** Briefly discuss the legal and ethical issues associated with using artificial intelligence (AI) in decision-making processes within Zimbabwe.

**[5 Marks]**

**III.** Briefly analyse the legal challenges associated with electronic contracts in Zimbabwe. How does the law address issues of validity and enforceability?

**[5 Marks]**

**IV.** Explain how the legal framework in Zimbabwe addresses cybercrimes. What are the key provisions of the Cyber and Data Protection Act [*Chapter 12:07*] that deal with cybercrimes?

**[5 Marks]**

**V.** Briefly describe the role of the government in regulating telecommunications in Zimbabwe. What are the constitutional constraints on such regulation?

**[5 Marks]**

## **SECTION B**

### **ANSWER ANY THREE QUESTIONS FROM THIS SECTION**

#### **QUESTION TWO**

A social media influencer based in Zimbabwe, Tanya, posted a video on her X account alleging that a local bank, ZimBank, was engaging in fraud by misusing customers' data. The video went viral, attracting over 100,000 views and numerous comments from concerned customers. ZimBank issued a statement denying the allegations, claiming they were false and damaging its reputation. ZimBank is considering legal action against Tanya for defamation and spreading false information.

Evaluate ZimBank's legal options against Tanya, focusing on defamation, disinformation, and the regulation of freedom of expression online. What defences could Tanya raise and how might the court balance the right to freedom of expression with the need to protect reputations? **[20 Marks]**

#### **QUESTION THREE**

GovNet, a Zimbabwean government department, implemented a surveillance programme to monitor internet traffic for national security purposes. The programme collects metadata and content data from internet users, including location and communication details. The government did not publicly announce this programme and citizens were not informed that their internet usage was being monitored. A whistle blower leaked information about the programme to the press, sparking public outrage over privacy violations.

Assess the legality of GovNet's surveillance programme. In your answer, address any privacy concerns and the legal challenges that could arise against the government. **[20 Marks]**

#### **QUESTION FOUR**

A Zimbabwean software company, DigiSoft (Pvt) Ltd, developed facial recognition software that is being sold to both private companies and government agencies. Concerns have been raised about

the potential misuse of the technology, including racial biases, data breaches and unauthorised surveillance. A human rights group has filed a complaint alleging that the software violates citizens' rights to privacy and non-discrimination.

Evaluate the legal and ethical issues surrounding the use of facial recognition technology in Zimbabwe. What regulatory measures should be put in place to ensure responsible use?

**[20 Marks]**

### **QUESTION FIVE**

NetData (Pvt Ltd), an internet service provider in Zimbabwe, imposes Deep Packet Inspection (DPI) on all user traffic to prioritise certain types of data over others, such as giving preference to video streaming services. Customers have complained that their data is being inspected without consent, leading to slower internet speeds for non-prioritised services. A consumer rights organisation has threatened to sue NetData for violating net neutrality principles.

Analyse the legal position of NetData concerning the use of DPI under Zimbabwe's Information and Communications Technology regulatory framework. Discuss the implications for net neutrality and consumer rights and outline the possible legal consequences NetData might face.

**[20 Marks]**

**TOTAL MARKS:**

**100**

**END OF EXAMINATION PAPER**