



SCHOOL OF LAW

NLLB515: INFORMATION AND COMMUNICATIONS TECHNOLOGY LAW

END OF FIRST SEMESTER EXAMINATIONS

NOVEMBER 2025

LECTURER: DR LK MASEKESA

DURATION: 3 HRS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Write legibly.
2. Answer any **FOUR** questions.
3. This exam carries a total of **100 Marks**.
4. Refer to **RELEVANT** authorities to support your answers.
5. You may start with any question.

Question 1

A dispute arises involving a Zimbabwean fintech company that is confronted with multiple legal challenges arising from its operations in the digital environment:

- (a) The company faces criminal prosecution for alleged online fraud and money laundering conducted through its digital platform.
- (b) It is sued by customers for breach of contract and failure to provide online services as advertised.
- (c) It is accused of copyright infringement for using unlicensed software in its operations.
- (d) It dismisses an employee who leaked internal emails exposing security vulnerabilities to the media.
- (e) It is investigated for privacy violations after allegedly sharing customers' personal data with third parties without consent.

For each scenario, identify and discuss the place of ICT Law within the broader branches of law. Explain the relevance and interaction of ICT law with these traditional legal disciplines, showing how it operates at the intersection of conventional fields of law while addressing the unique challenges of the digital age. Each scenario carries 5 marks. **[25 Marks]**

Question 2

You are a policy advisor to the newly appointed Minister of Information, Publicity and Broadcasting Services in Zimbabwe. The Minister is scheduled to address a key representative body within the Zimbabwean ICT industry in one hour. The industry representatives are particularly concerned about the persistent challenges impeding the full realisation of Information and Communication Technologies (ICTs) in Zimbabwe, and they expect the Minister to present a clear policy vision supported by effective strategies for overcoming these obstacles. Prepare a briefing paper for the Minister that:

- (i) Identifies and analyses the major challenges hindering the development and realisation of ICTs in Zimbabwe.

- (ii) Proposes practical and effective strategies - both short-term and long-term - for addressing these challenges.

Your paper should be structured in a way that enables the Minister to deliver an authoritative and persuasive address to the ICT industry representatives. **[25 Marks]**

Question 3

A Zimbabwean company's online banking system is hacked by unknown persons, leading to the theft of significant funds. Investigations later reveal that the perpetrators operated from multiple jurisdictions, including South Africa and Eastern Europe. The suspects were arrested abroad, but the evidence linking them to the crime consists largely of intercepted emails, IP address logs, and digital financial records obtained through international cooperation.

The company files a criminal complaint in Zimbabwe. However, the defense challenges the prosecution on two main grounds:

- (i) That Zimbabwe lacks jurisdiction to try offenders who committed cybercrime outside its territory.
- (ii) That the electronic evidence gathered from foreign states is inadmissible in Zimbabwean courts.

Critically examine the extent of Zimbabwe's jurisdiction over cross-border cybercrime under the Cyber and Data Protection Act [*Chapter 12:07*]. In your analysis, discuss the principles governing the admissibility of electronic evidence in Zimbabwe's courts and evaluate whether the prosecution can rely on the evidence presented in this case. **[25 Marks]**

Question 4

The Government of Zimbabwe receives credible intelligence about an imminent terrorist attack targeting a regional summit in Harare. To avert the attack, the Central Intelligence Organisation (CIO) seeks authorisation under the Interception of Communications Act [*Chapter 11:20*] to conduct large-scale surveillance of all electronic communications in the capital city for a 30-

day period. Civil society groups challenge the decision, arguing that indiscriminate bulk interception violates citizens' constitutional rights to privacy and freedom of expression.

Critically analyse whether Zimbabwe's current legal framework for intercepting communications provides sufficient checks and balances to prevent abuse of surveillance powers in circumstances where national security interests are invoked. **[25 Marks]**

Question 5

Examine how the Cyber and Data Protection Act [*Chapter 12:07*] incorporates the data protection principles below.

- i. Fair and lawful processing principle. **[5 Marks]**
- ii. Purpose specification principle. **[5 Marks]**
- iii. Adequacy and relevance of data principle. **[5 Marks]**
- iv. Data retention principle. **[5 Marks]**
- v. Data rectification principle. **[5 Marks]**

Question 6

- (a) Assess the potential of the Integrated Electronic Case Management System (IECMS) as a transformative innovation for enhancing digital justice delivery within Zimbabwe's judiciary. **[10 Marks]**
- (b) Discuss possible challenges that could arise during the implementation of IECMS and propose practical strategies to address them. **[15 Marks]**

END OF EXAMINATION