

DRAFT

Communications (Postal Security) Rules 2022

IN EXERCISE of the powers conferred by sections 121 and 201(1) of the Communications Act, Cap 68:01 of the Laws of Malawi, the Malawi Communications Regulatory Authority (MACRA) does hereby make the following Rules:

PART I

PRELIMINARY PROVISIONS

1. Citation

- (1) These Rules may be cited as the Communications (Postal Security) Rules 2022 and shall come into force upon publication in the *Gazette*.

2. Application

- (1) These Rules shall apply to
 - (a) all postal and courier services;
 - (b) safety and security processes in the acceptance, screening, handling, storage and transportation of postal articles in the postal sector.

3. Interpretation

In these Rules unless the context requires otherwise:

"Conveyance" means the action or process of transporting or carrying postal articles from one place to another.

"Critical Facility" means postal and courier facilities where dispatches are prepared; aviation security screening is conducted; and where mail items transit prior to dispatch via air;

"Licensee" means the holder of a postal service or courier service licence issued under the Act;

"Operational sites" means places where mail or courier operations are undertaken;

"Screening" examination of mail by technical or other non-intrusive means that is intended to identify and/or detect explosives or other illegal items.

4. Objective

The objectives of these Rules are:

- (a) to specify minimum physical and process requirements in postal safety and security;
- (b) to enhance the security of all operations within the postal sector in Malawi;
- (c) to prevent loss or theft of mail entrusted to postal operators;
- (d) to prevent revenue and asset losses by postal operators;
- (e) to promote customer confidence in the postal sector;
- (f) to improve the exchange of postal security related information between postal and courier operators and relevant stakeholders;
- (g) to enhance postal safety and security with a particular emphasis on the protection of postal employees, assets and consumers; and
- (h) to maintain a postal security environment in Malawi that is in line with international best practices and requirements.

PART II

SECURITY REQUIREMENTS

5. Obligation to put in place security measures

A Licencee shall, in respect of all its systems, tools, equipment and installations, possessed, operated, maintained or used, take all proper and adequate safety and security measures to safeguard life of staff and property.

6. Physical Security

- (1) A Licencee shall maintain a safe work environment that:
 - (a) promotes security and integrity of postal articles at all times;
 - (b) protects assets of the Licencee; and
 - (c) protects employees of the licencee.
- (2) A Licencee shall put in place systems that prevent unauthorised access to operational sites.
- (3) The systems referred to in paragraph (2) above shall have the following minimum requirements:
 - (a) the provision for photo IDs for employees, name cards, security passes;
 - (b) access to critical facilities shall be restricted through locked or through guarded entryways,

7. Security Personnel

- (1) A Licencee shall have a dedicated unit or personnel to be responsible for postal security.
- (2) The unit or personnel responsible for postal security shall:-

- (a) develop security plans and programs to reduce security risks;
- (b) perform periodic security reviews of facilities and processes; and
- (c) perform periodic security risk assessments.

8. Transport & Equipment

- (1) A Licence shall, at all times, provide adequate security to equipment used to convey postal articles.
- (2) The security to be provided under Sub Rule (1) above shall include:
 - (a) tracking of vehicles conveying postal articles;
 - (b) lockable receptacles for postal articles;
 - (c) lockable containers for postal articles.

9. Physical Design for Critical Facilities

- (1) A Licence shall construct all its critical facilities to prevent to preclude illegal entry.
- (2) A licence shall erect physical barriers such as fencing, walls, and vehicle gates to prevent unauthorised access by individuals and vehicles to critical facilities.

10. Security Procedures

- (1) A Licencee shall put in place security procedures for all its facilities for:
 - (a) screening of postal personnel;
 - (b) screening of postal articles;
 - (c) emergency response;
 - (d) access control;

- (e) securing high-value items;
- (f) preparation of postal articles for conveyance;
- (g) reporting of lost or damaged postal articles;
- (h) Management of contractors and third parties; and
- (i) handling of suspicious postal articles

11. Training and Capacity-building

- (1) A Licence shall provide regular training to its employees addressing the following areas, among others:
 - (a) basic security procedures;
 - (b) recognition and reporting of suspicious postal articles;
 - (c) proper use of personal-protection equipment;
 - (d) response protocols for a chemical, biological, radiological, or bomb threats.
- (2) A Licence shall keep records of all such training provided to its employees.

PART III

ENFORCEMENT

12. Regulatory Sanctions

- (1) Where a Licencee fails to comply with these Rules, the Authority may make one or more of the following orders—
 - (a) issue a compliance order;
 - (b) issue a cease and desist order;

- (c) issue impose a fines;
- (d) issue a warning;
- (e) suspend a licence;
- (f) revoke the licence; or
- (g) make any other order considered appropriate.

13. General Penalty

Any person who fails to comply with a provision of these Rules commits an offence and shall upon conviction be liable to imprisonment for three months.

Made this day of 2022.

STANLEY KHAILA Ph.D.
Chairperson