

NATIONAL COMMUNICATIONS AUTHORITY



PUBLIC CONSULTATION – ELECTRONIC COMMUNICATIONS BILL, 2025

October 16, 2025

INVITATION FOR COMMENTS ON THE ELECTRONIC COMMUNICATIONS BILL, 2025

1. The National Communications Authority (NCA) intends to introduce the Electronic Communications Bill, 2025, to repeal and replace the existing Electronic Communications Act, 2008 (Act 775).
2. The purpose of this Bill is to:
 - (a) modernise and consolidate the legal and regulatory framework governing the provision of electronic communications, broadcasting, and related digital services;
 - (b) promote fair competition, innovation, and investment in Ghana's communications and digital ecosystem;
 - (c) strengthen the Authority's regulatory powers and processes for spectrum management, licensing, interconnection, and infrastructure sharing;
 - (d) enhance and promote consumer protection, data privacy, cybersecurity resilience, and universal access to communications services; and
 - (e) ensure alignment emerging technologies, international best practices, and national digital transformation objectives.
3. Pursuant to Section 27 of the Electronic Communications Act, 2008 (Act 775), Section 5(h) of the National Communications Authority Act, 2008 (Act 769) and Section 4.1 of the National Telecommunications Policy 2005 (NTP'05), the Authority hereby invites views and comments from licensed service providers, industry stakeholders, civil society organisations, consumers, and the general public on the draft Electronic Communications Bill, 2025.
4. The Bill is available on the Authority's website at www.nca.org.gh.
5. The public consultation begins on **16th October, 2025** and shall expire on **29th October, 2025**.
6. All responses/comments should be electronically transmitted as e-mail attachments, in Microsoft Word format to info@nca.org.gh.
7. All submissions must include a completed response cover sheet (*refer to Page iii of the document*).

8. We encourage respondents to specify the sections with which they agree or disagree.
9. In the interest of transparency, all responses will be considered non-confidential.
10. By submitting your response, you grant the NCA the right to use the copyright and any associated intellectual property contained in your submission to meet its legal obligations.
11. Following the conclusion of the public consultation, the NCA will finalise the Electronic Communications Bill, 2025

Issued by:

The Acting Director General

16th October, 2025

**COVER SHEET FOR RESPONSE TO NCA PUBLIC CONSULTATION ON THE
ELECTRONIC COMMUNICATIONS BILL, 2025**

BASIC DETAILS

Name of respondent:

Representing (self or organisation/s):

Physical Address:

Digital Address:

Email Address:

Telephone Number:

DECLARATION

I hereby confirm that the correspondence accompanying this cover sheet constitutes a formal consultation response. I consent to its full publication on the NCA website and authorise the NCA to utilise the information contained herein to fulfill its legal obligations. In the event that this response is transmitted via email, any standard disclaimer regarding the non-disclosure of email content and attachments shall be disregarded by the NCA.

Name:

Signed (if hard copy)

FORMAT FOR COMMENTING ON THE DOCUMENT

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, 2025

Application

Licence and frequency authorisation

of operators of electronic communication networks and communications services

bligations regarding frequency authorisations

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Interconnection

Access to facilities and international transmission capacity

Universal service, universal access and tariffs

Industry Code

Rural communication service

Road works and access to land
repair and restoration

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consideration for allocation of frequency
frequency monitoring stations

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Terminal equipment and technical standards

Testing and inspection

Enforcement powers of the Authority

Offences

Fees

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Resolution of disputes

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Electronic Communications Tribunal

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87. Modification of existing enactments

88. Transitional provisions

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6 In accordance with the provisions of the Fees and Charges Act (Miscellaneous
7 Provisions) Act, 2022 (Act 1080)

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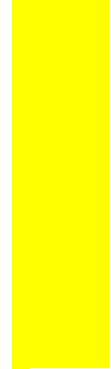
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Cybersecurity, Network Resilience and critical electronic infrastructure

19) Electronic communications operators shall implement call-filtering and spam-detection protocols, including AI-based call analysis tools, subject to approval by the Authority and data protection compliance certification by the Data Protection Commission.

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28. (1) A network operator or service provider shall comply with applicable environmental standards in the installation, operation, and decommissioning of towers, masts, and associated infrastructure.

(2) The Authority shall issue guidelines on

(a) mast co-location to reduce duplication;

(b) electromagnetic emission limits in line with international safety standards;

(c) procedures for decommissioning obsolete infrastructure and site restoration.

(3) A failure to comply with this section may attract sanctions, including but not limited to suspension or revocation of the relevant authorisation or licence, administrative penalties, or any other enforcement measures as may be determined by the Authority

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Data Protection and Privacy Obligations

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(4) Service providers shall retain call metadata only to the extent required by law for national security or billing purposes, subject to a maximum retention period defined by the Authority in consultation with the Data Protection Commission.

(5) Telecommunication service providers shall implement subscriber verification systems that are interoperable with national identity databases, subject to oversight by the Authority and in compliance with the Data Protection Act.

(6) Biometric data collection under subsection (5) shall be subject to a prior data protection impact assessment in accordance with the Data Protection Act and any guidelines issued by the Data Protection Commission.

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(M) The Tribunal shall sit on an ad-hoc basis, and the expenses incurred by the Tribunal shall be charged to the income of the Authority and included as part of the Authority's annual budget.
(4) Members and staff of the Tribunal shall be entitled to remuneration only for sittings held for the hearing and determination of cases.

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85. (1) In this Act, unless the context otherwise requires:

"access" means, with respect to an electronic communications network or service, the ability of a service provider or user to use the electronic communications network or service of another operator or provider;

"abuse of dominant position" means conduct by an operator or service provider that exploits market power to restrict competition, exclude rivals, or exploit consumers, including through unfair pricing, discriminatory practices, or refusal to supply;

"affiliated" has the same meaning assigned to it under the Companies Act, 2019 (Act 992);

"authorisation holder" means a person that is granted a frequency authorisation by the Authority under this Act;

"Authority" means the National Communications Authority established under the National Communications Authority Act, 2025 (Act....);

"behavioural remedies" means non-structural regulatory measures imposed by the Authority to address anti-competitive practices, including pricing controls, reporting obligations, or prohibitions on specific conduct;

"Board" means the Board of the National Communications Authority established in section 1 of the National Communications Authority Act, 2025 (Act);

"broadcasting service" includes the transmission of programmes, whether or not encrypted, by means of electronic communications for reception by the public, and includes radio, television and similar point-to-multipoint transmissions;

"build out" means the process of establishing, expanding or completing a network infrastructure to meet service obligations, including coverage, capacity and quality targets;

"bundling" means the practice of offering two or more electronic communications services or products as a combined package in a manner that may disadvantage competing providers or distort consumer choice;

"cease and desist order" means a written directive issued by the Authority or a court requiring a person to stop an act or omission that constitutes a breach of this Act or any regulations, licence, or authorisation issued under it;

"closed user group service" means an electronic communications service used exclusively within a defined group, operated without interconnection to a public network and not available to the general public;

"Committee" means the Dispute Resolution Committee established under section 69 of this Act;

"Community college" means a tertiary educational institution established in a local community, including vocational or polytechnic institutions;

"Computer Emergency Response Team (CERT)" means a technical team designated by the national cybersecurity regulator to coordinate responses to cybersecurity incidents and threats affecting electronic communications infrastructure;

"content moderation" means any action taken by a service provider to assess, restrict, remove, label, or otherwise manage content transmitted through its platform in accordance with applicable laws or regulations;

"Court" means the High Court;

"Critical electronic infrastructure" means any electronic communications network, facility, or system designated by the Authority as vital to national security, public safety, or economic continuity, whose disruption could significantly impair the functioning of the State or the delivery of essential electronic communications services;

"cyber incident" means any actual or suspected event that compromises, or threatens to compromise, the security, availability, confidentiality, or integrity of an electronic communications network or service;

"cybersecurity" means the protection of electronic communications networks, services, and information systems from unauthorised access, disruption, modification, or destruction, including through technical, organisational, and legal measures;

"cybersecurity regulator" means the statutory body designated to coordinate and regulate cybersecurity matters in the Republic, including setting standards, receiving reports, and directing mitigation measures;

"decommissioning" means the process of dismantling, removing, or rendering inoperative any electronic communications infrastructure, such as towers or masts, in accordance with applicable environmental and regulatory standards;

"digital service" means an electronically delivered service that relies on communications networks and includes Over-the-Top services, cloud-based platforms, and content applications that interact with end users over the internet;

"district" means the area of authority of a District Assembly;

"district assembly" includes a Municipal Assembly and a Metropolitan Assembly;

"electromagnetic compatibility (EMC)" means the ability of electronic communications equipment or systems to function satisfactorily in their electromagnetic environment without causing or suffering from intolerable electromagnetic disturbances;

"electromagnetic emission" means the radiation of electromagnetic energy from an electronic device or equipment during operation, including intentional or incidental emissions, as regulated by the Authority;

"electromagnetic emission limits" means the prescribed maximum levels of electromagnetic radiation that electronic communications infrastructure may emit, as established by the Authority in accordance with international standards;

"electronic communications" means any communication by wire, radio, optical, electromagnetic or other technological means;

"electronic communications equipment" means any instrument, apparatus, device, system, software or hardware used for the transmission, reception, processing, storage or routing of data, voice or other communications through electronic means;

"electronic communications network" means any transmission system, whether wire, radio, optical, electromagnetic or a combination, used for the conveyance of signals for electronic communications;

"electronic communications service" includes public and private services, value added services, radio communication services and closed user group services, provided by means of an electronic communications network;

"emergency communications" means communications carried out in response to a declared state of emergency, disaster, or national threat, and includes any messages prioritised by the Government for the protection of life, property or national security;

"essential facility" means a facility or infrastructure that is indispensable to the provision of electronic communications services and for which duplication is not economically or technically feasible, and denial of access could hinder competition;

"facility" includes any physical infrastructure used in connection with the provision of electronic communications services, including wires, poles, cables, masts, conduits and similar installations, but excludes terminal equipment;

"forbearance" means the decision by the Authority to suspend or decline to exercise a regulatory power or impose an obligation under this Act, either conditionally or unconditionally, in the public interest;

"frequency authorisation" means the right granted by the Authority to use a specified frequency band under conditions set out in this Act;

"frequency band" means a defined range of radio frequencies allocated for a particular purpose;

"geographic market" means the specific area or demographic scope in which a network operator or service provider is authorised to operate;

"grievance redressal mechanism" means the process established by a provider or the Authority to enable users to lodge complaints, seek review, or obtain remedies for service-related concerns or content moderation decisions;

"harmful interference" means any emission or transmission that disrupts, obstructs, or degrades the authorised operation of a broadcasting or electronic communications service;

"Industry Forum" means the platform established under section 33 for dialogue among stakeholders in the communications sector;

"interconnection" means the physical or logical linking of electronic communications networks or services to enable communication between users or access to services;

"International Telecommunications Union treaties" includes the Constitution, Convention, and Regulations of the International Telecommunication Union as adopted by the Republic;

"licensee" includes the holder of a frequency authorisation;

"mast co-location" means the shared use of an existing telecommunications tower or mast by multiple licensees or service providers to reduce infrastructure duplication and mitigate environmental impact;

"Minister" means the Minister responsible for communications;

"network" means an electronic communications network;

"network operator" means a person licensed under this Act to operate a public electronic communications network;

"network resilience" means the capacity of an electronic communications network to resist, absorb, and recover from disruptive events while continuing to provide essential services;

"network termination point" means the physical or virtual point at which a user connects terminal equipment to an electronic communications network;

"number portability" means the ability of a subscriber to retain the same telephone number when switching from one service provider to another;

"operator" means a licensee or holder of frequency authorisation;

"Over-the-Top (OTT) services" means broadcasting and telecommunications services, including but not limited to voice, messaging, or video platforms, that are delivered over the internet and operate independently of the network infrastructure or service platforms of licensed network or service providers. ;

"Over-the-Top (OTT) service" means a service that delivers content or applications over the internet without requiring control or ownership of the underlying transmission infrastructure, including messaging, streaming, and digital financial platforms;

"premises" includes any land, building, structure, vehicle, vessel or aircraft;

"premium rate service" means an electronic communications service that imposes a charge higher than the standard rate for access to certain content or functionality, and where part of the fee is retained by the service or content provider;

"predatory pricing" means the practice by a licensee of setting prices below cost for a sustained period with the intention of eliminating competitors or deterring market entry;

"prescribe" means prescribed by the National Communications Authority or Regulations made under this Act;

"private electronic communications service" means a service used exclusively within a single enterprise or affiliated group for internal communications without interconnection to a public network;

"public electronic communications network" means an electronic communications network used to provide public electronic communications services;

"public electronic communications service" means a service provided to the public that permits users to communicate electronically with others, whether voice, data or multimedia, regardless of the technology used;

"public ground" includes any area open to or accessible by the public, whether or not enclosed;

"public utility" has the same meaning assigned to it under the Public Utilities Regulatory Commission Act, 1997 (Act 538);

"radiation" means the emission or propagation of electromagnetic waves or particles from electronic communications equipment, including incidental or intentional emissions;

"road works" means any construction, installation, maintenance, or excavation work involving roads or public grounds for the purpose of laying or accessing electronic communications infrastructure;

"service provider" means a person licensed under this Act to provide a public electronic communications service;

"significant interest" means a level of ownership or control in a licensee or authorisation holder which enables a person to influence decisions, directly or indirectly, and includes interests defined by the Authority and published in the Gazette;

"significant market power" means the ability of a network operator or service provider, either alone or jointly, to operate independently of competitive pressures in the market, particularly in pricing and service conditions;

"single set of premises" means premises occupied and operated under the control of a single entity and not shared with unrelated parties;

"site restoration" means the process of rehabilitating a site previously occupied by electronic communications infrastructure to its original or approved condition following decommissioning;

"space segment" means the part of a satellite communication system comprising satellites and their sensors and ground control components required for signal transmission and reception;

"special interconnect" means an interconnection arrangement approved by the Authority that applies modified terms to enable service delivery in rural or underserved areas;

"special licence" means a licence granted by the Authority under exigent circumstances as defined in section 17 of this Act;

"special licensee" means a person who holds a special licence;

"spectrum" means the range of electromagnetic wave frequencies used for communication services;

"spectrum plan" means the official allocation framework developed by the Authority to guide the use and management of radio frequency bands for telecommunications and broadcasting purposes;

"structural remedies" means regulatory measures that alter the structure or assets of an operator or service provider, including divestiture, separation, or transfer of control, to remedy or prevent anti-competitive effects;

"takedown mechanism" means a process established by a service provider or mandated by the Authority for the prompt removal or restriction of unlawful or harmful content transmitted via an electronic communications service;

"telecentre" means a technology-enabled facility in a community that provides access to ICT services to the public;

"telecommunications" includes the transmission, emission or reception of signals, writing, images, sounds, or intelligence of any nature by any wire, radio, optical, satellite or other electromagnetic system;

"terminal equipment" means equipment on the user side of the network termination point used to access, originate, or terminate communications;

"traffic management" means the technical measures employed by a network operator to monitor, control, prioritise, or restrict data traffic on an electronic communications network in order to maintain network integrity or comply with regulatory obligations;

"transparency reporting" means the periodic disclosure by a service provider of information regarding its content moderation, data requests, takedown actions, and compliance with applicable laws;

"Tribunal" means the Electronic Communications Tribunal established under section 72 of this Act;

"universal access" means community-based access to communications services as determined by the Authority in accordance with this Act;

"universal service" means public communications services which the Authority determines must be provided under universal service obligations;

"user" means a customer, subscriber or end-user of electronic communications or broadcasting services;

"utility installation" means physical infrastructure used by a public utility to deliver electricity, water, or gas;

"utility installation owner" means the owner or operator of a utility installation;

"value added service" means an enhanced electronic communications service that provides additional features, content or interactivity beyond standard voice or data transmission, including streaming, mobile money, and internet-based applications, but excluding public electronic communications services.

(2) In this Act unless the context otherwise requires, words and expressions defined in the National Communications Act 2025 (Act) have the same meaning in this Act.

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6 licences, frequency authorisations, notices or other act made or done lawfully under the repealed enactment and in force immediately before the coming into force of this Act, which are not inconsistent with this Act shall be considered to have been made under this Act and shall continue to have effect until revoked, reviewed, cancelled, terminated or upon its expiration.

(3) The Act shall not affect the repealed enactment in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

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Modifications of existing enactments

87. (1) The provisions of any enactment relevant to this Act and in existence before the coming into force of this Act shall have effect subject to such modifications necessary to give effect to this Act.

(2) Where there is a conflict or inconsistency between the provisions of this Act and any other enactment relevant to this Act, the provisions of this Act shall prevail.

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Transitional Provisions

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