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EMERGING TECHNOLOGIES BILL, 2025

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BILL

ENTITLED

EMERGING TECHNOLOGIES BILL, 2025

A BILL to establish the Emerging Technologies Agency to advance and facilitate the adoption of emerging technologies; to promote research, innovation and development of emerging technology tools; to deploy emerging technology to increase social and economic productivity; to provide a harmonised a body of rules on emerging technology obligations, rights, ethics and safety, and for related matters.

Emerging Technologies Agency

Establishment of the Emerging Technologies Agency

1. (1) There is established by this Act the Emerging Technologies Agency as a body corporate.

(2) For the performance of functions, the Agency may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Agency under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Agency.

Object of the Agency

2. The objects of the Agency are to:

- (a) advance and facilitate the adoption of emerging technology in the country;
- (b) promote research, innovation and development of emerging technology tools in the country;
- (c) deploy emerging technology to increase social and economic productivity;
- (d) provide a harmonised a body of rules on rights related to risks ethics and safety;
- (e) create awareness of emerging technology;
- (e) promote cross-border transfer of emerging-technology-based goods and services for the international development, marketing and use of systems;
- (f) ensure that activities related to emerging technology and emerging technology systems are consistent with human rights, democracy and the rule of law.

Functions of the Agency

3. To achieve the objects under section 2, the Agency shall:

- (a) advise the Government and public institutions on all matters related to emerging technology in the country;
- (b) optimise emerging technology for economic development of the country;
- (c) ensure efficiency within the emerging technology value chain by promoting research, creativity and innovation;
- (d) promote an emerging technology curriculum, an emerging technology-based curriculum and emerging technology education, particularly through inclusive educational programmes, to expand emerging technology knowledge and to increase the number of graduates, academics, practitioners and professionals with expertise in emerging technology and related disciplines in data science, data engineering, computer science, among others;
- (e) equip people, especially underserved and unserved communities, with skills in emerging technology to promote technological agency and awareness;
- (f) empower the youth with skills and tools to broaden their participation in the emerging technology value chain for, job creation opportunities, involvement in the digital economy, and the digital development of the economy;

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- (g) develop digital infrastructure to build robust emerging technology systems for affordable access for all persons;
- (h) promote the adoption of emerging technology in the public sector and for public services;
- (i) to create a conducive and investment-ready environment for private organisations, start-ups and innovative companies in the emerging technology industry;
- (j) encourage competitiveness in the development of emerging technology tools and systems;
- (k) facilitate data access, data availability and data governance across institutions for the advancement of emerging technology, while safeguarding citizens' privacy, security and rights in accordance with the Data Protection Act;
- (l) build and coordinate an emerging technology community for the sharing of knowledge, creating synergies, and development of emerging technology;
- (m) accelerate the adoption of emerging technology in key sectors of the economy including healthcare, agriculture, transportation, energy, lands and natural resources and financial services;
- (n) encourage investments in the emerging technology eco-system to provide for sustainable development of emerging technology;
- (o) deploy strategies to implement research findings towards the promotion of emerging technology;
- (p) establish guidelines, standards and codes of practice for risk-protected, healthy, safe, ethical and practical use of emerging technology;
- (q) address product safety, privacy and consumer protection challenges and opportunities presented by emerging technology;
- (r) provide technical support for emerging technology developers;
- (s) promote international cooperation with respect to emerging technology; and
- (t) perform any other functions which are ancillary to the objects of the Agency.

Powers of the Agency

4. (1) The Agency shall determine the nature, process and undertakings necessary for the effective performance of its functions under this Act.

(2) The Agency is granted the power to:

- (a) issue regulations, rules, directives and guidelines under this Act;
- (b) facilitate conciliation, mediation and negotiation on disputes arising from this Act; and
- (c) make any determination as the Agency finds just and equitable.

Governance of the Governing body of the Agency

5. The governing body of the Agency is a Board consisting of

- (a) a chairperson;
- (b) one representative from the following;
 - (i) The Ministry not below the rank of a Chief Director;
 - (ii) Data Protection Commission not below the rank of Deputy Director-General;
 - (iii) National Information Technology Agency not below the rank of Deputy Director-General;
- (c) one representative nominated by the Industry Forum;
- (d) one representative from the Accra Digital Centre;
- (e) two other persons nominated by the President on the advice of the Minister, at least one of whom is a woman; and
- (f) Chief Executive Officer of the Agency.

Functions of the Board

6. The Board shall, subject to the provisions of this Act,

- (a) have oversight responsibility for the Agency;
- (b) be responsible for the strategic direction and policies of the Agency; and
- (c) ensure the efficient and effective performance of the functions of the Agency.

Tenure of office of members

7. (1) A member of the Board shall hold office for a period not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive Officer of the Agency.

- (3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.
- (4) A member of the Board, other than the Chief Executive Officer who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.
- (5) The President may by letter addressed to a member revoke the appointment of that member.
- (6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.
- (7) Where there is a vacancy
 - (a) under subsection (3) or (4);
 - (b) as a result of a declaration under subsection (6); or
 - (c) by reason of the death of a member the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

- 8.** (1) The Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.
- (2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.
- (3) The quorum at a meeting of the Board is seven members of the Board or a greater number determined by the Board in respect of an important matter.
- (4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.
- (5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

Disclosure of interest

9. (1) A member of the Board who has an interest in a matter for consideration
- (a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
 - (b) shall not participate in the deliberations of the Board in respect of that matter.
- (2) A member ceases to be a member of the Board if that member has an interest on a matter before the Board and
- (a) fails to disclose that interest; or
 - (b) participates in the deliberations of the Board in respect of the matter.

Establishment of committees

10. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.
- (2) A committee of the Board may be chaired by a member of the Board.
- (3) Section 8 applies to members of committees of the Board.

Allowances

11. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

12. The Minister may give directives to the Board on matters of policy.

Administration

Divisions of the Agency

13. (1) There shall be established the following divisions of the Agency for the purpose of its functions:
- (a) Artificial Intelligence Division
 - (b) Blockchain-based technology Division

(c) Internet of Things (IoT) Division

(d) Cloud technology Division

(e) Quantum computing Division

(2) The Board shall establish such other divisions of the Agency for the effective and efficient discharge of the functions of the Agency.

Appointment of Chief Executive Officer

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Agency.

(2) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Chief Executive Officer shall not be subject to suspension or dismissal by any Agency during his or her term.

(4) The Chief Executive Officer shall be a person of high moral character and integrity with the relevant professional qualifications and experience related to the functions of the Agency.

Functions of the Chief Executive Officer

15. (1) The Chief Executive Officer is responsible for

(a) the day-to-day administration of the affairs of the Agency and is answerable to the Board in the performance of functions under this Act, and

(b) the implementation of the decisions of the Board.

(2) The Chief Executive Officer shall perform any other functions determined by the Board.

(3) The Chief Executive Officer may delegate a function to an officer of the Agency but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Deputy Chief Executive Officer

16. (1) The President shall, in accordance with article 195 of the Constitution appoint a Deputy Chief Executive Officer for the Agency.

(2) The Deputy Chief Executive Officer shall hold office on such terms and conditions as shall be specified in his letter of appointment.

(3) The Deputy Chief Executive Officer shall be responsible to the Chief Executive Officer in the performance of his functions under this Act.

(4) The Deputy Chief Executive Officer shall, subject to the provisions of this Act

(a) assist the Chief Executive Officer in the discharge of his functions and perform such other functions as the Director General may delegate to him; and

(b) be responsible for the direction of the Agency when the Chief Executive Officer is absent from Ghana or is otherwise unable to perform his functions.

Appointment of other staff

17. (1) The President shall, in accordance with article 195 of the Constitution, appoint any other staff of the Agency that are necessary for the efficient and effective performance of the functions of the Agency.

(2) Other public officers may be transferred or seconded to the Agency or may give assistance to the Agency.

(3) The Agency may, for the efficient and effective discharge of the functions of the Agency, engage the services of consultants and advisors on the recommendation of the Board.

Finances of the Agency

Funds of the Agency

18. The funds of the Agency include

(a) moneys approved by Parliament;

(b) grants and donations;

(c) internally generated funds; and

(d) any other moneys that are approved by the Minister responsible for Finance.

Accounts and audit

19. (1) The Board shall keep books of accounts and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Agency to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

Annual report and other reports

20. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Agency for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports, which the Minister may require in writing.

General Guiding Principles

Integrity of democratic processes and the rule of law

21. Emerging technology systems shall not be used to undermine the integrity, independence and effectiveness of elections and governance, democratic institutions and processes.

Discrimination and bias

22. Emerging technology systems, shall not be used to perpetuate algorithmic biases, discriminations, and human biases, regardless of one's background or characteristics.

Transparency and oversight

23. Emerging technology systems shall ensure adequate transparency and oversight requirements tailored to the specific contexts and that risks are in place in respect of activities within the lifecycle of emerging technology systems, including with regard to the identification of content generated by emerging technology systems.

Personal data protection

24. Emerging technology systems that process personal data shall comply with the obligations under the Data Protection Act.

Consumer protection

25. Any person supplying a product or service involving emerging technology shall give consumers clear and unambiguous warnings, labelling and opportunities to give or withhold informed consent.

Accountability and responsibility

26. Emerging technology system should provide accountability and responsibility for adverse impacts on human rights, democracy and the rule of law resulting from activities within the lifecycle of emerging technology systems.

Reliability

27. Emerging technology systems should be robust and reliable, meaning they should be able to handle unexpected inputs, errors, and malicious attacks, through rigorous testing, monitoring, and safeguards to ensure the safety and security of emerging technology systems.

Risk and impact management

28. Emerging technology systems must adopt or maintain measures for the identification, assessment, prevention and mitigation of risks posed by emerging technology systems by considering actual and potential impacts to human rights, democracy and the rule of law.

Human oversights

29. Human intervention, interface or review shall be necessary for emerging technology decisions that substantially affect the rights of persons, including decisions related to health, law enforcement, employment and elections.

Misinformation and disinformation

30. Emerging technology systems shall not spread false information including emerging technology-generated misinformation and disinformation.

Security

31. Emerging technology systems should provide robust security protection of its cyber system.

Environmental safeguards

32. Developers of emerging technology systems, particularly those requiring extensive energy consumption and likelihood of increased carbon-dioxide emissions, leading to massive introduction of electronic waste should ensure environmental safeguards.

Intellectual Property

33. Developers of emerging technology and emerging technology systems should be entitled to intellectual property rights in accordance with the existing laws.

Right to Redress

34. Notwithstanding section 35(2), a person shall have a right of redress for breach of any provision of this Act in Court.

Miscellaneous

Enforcement

35. (1) For the time being and until such time as the Minister may direct, the following regulatory bodies shall monitor and enforce compliance in accordance with the general guiding principles and subsection (2):

- (a) the Electoral Commission of Ghana shall be responsible for section 20;
- (b) the Commission on Human Rights and Administrative Justice shall be responsible for section 21, and where appropriate, the Ministry in charge of labour affairs or the National Labour Commission shall be responsible for section 21;
- (c) the National Information Technology Agency shall be responsible for section 22;
- (d) the Data Protection Authority shall be responsible for section 23;
- (e) the Ghana Standards Authority, Foods and Drugs Authority shall be responsible for section 24, and depending on the sector, the applicable regulatory body shall also be responsible for section 24;
- (f) the Commission on Human Rights and Administrative Justice shall be responsible for section 25;
- (g) the National Information Technology Agency shall be responsible for section 26;
- (h) the Cybersecurity Authority shall be responsible for section 27;

- (i) depending on the sector, the applicable ministry or regulatory body shall also be responsible for section 28;
- (j) the National Communications Authority, Ghana Standards Authority and Foods and Drugs Authority and Data Protection Authority shall be responsible for section 29, and depending on the sector, the applicable regulatory body, shall also be responsible for section 29;
- (k) the Cybersecurity Authority shall be responsible for section 30;
- (l) the Environmental Protection Agency shall be responsible for section 31; and
- (m) the Registrar General's Department, Ghana Patent Registry and the Copyright Office shall be responsible for section 32.

(2) Without prejudice to other penalties under any other enactment or law, a person who breaches any of the guiding principles under this Act shall be liable to an administrative penalty of not less than one thousand penalty units and not more than five thousand penalty units, depending on the severity of the infraction.

Regulations

- 36.** The Minister may, by legislative instrument, make Regulations:
- (a) on specific matters relating to enforcement and compliance of the general guiding principles;
 - (b) on specific measures related to penalties for breach of the Act;
 - (c) to prescribe the procedure for collaboration with other public institutions;
 - (d) to prescribe matters related to administrative decision-making;
 - (e) on codes of practice;
 - (f) generally, on matters for the effective implementation of the Act.

Interpretation

- 37.** In this Act, unless the context otherwise requires,

“algorithm” means a set of instructions designed to accomplish a task;

“artificial intelligence” means technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision-making, creativity and autonomy;

“block-chain based technology” means an advanced decentralised digital record or digital ledger of transactions, that enables recording of transactions, tracking of assets, and sharing of records across computer networks in a transparent and immutable way;

“Court” means High Court of Ghana;

“cloud technology” means technology that delivers computing services and offers on-demand access to computing resources such as physical or virtual services, data

storage, servers, databases, networking, intelligence, analytics, and software over the internet;”

“emerging technology” means novel or evolving systems, tools or methods that have transformative impacts industry, society, economy, and governance, and include but is not limited to:

- (a) Artificial Intelligence
- (b) Blockchain-based technology
- (c) Internet of Things (IoT)
- (d) Cloud technology
- (e) Quantum computing

“emerging technology systems” means newly developed or evolving technological systems of emerging technology that integrate automation, data processing, connectivity, and intelligence.

“Internet of Things (IoT)” means a network of interrelated physical devices, vehicles, appliances and other physical objects that connect and exchange data with other devices and the cloud across wireless networks, and are typically embedded with sensors, processing ability and software and can include mechanical and digital machines and consumer objects;”

“Minister” means Minister responsible for Communication, Digital Technology and Innovations;

“Ministry” means Ministry of Communication, Digital Technology and Innovations;

“quantum computing” means technology that solves complex problems based on principles of quantum mechanics.