

KOFI ANNAN CENTRE OF EXCELLENCE IN ICT BILL

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A BILL ENTITLED

KOFI ANNAN CENTRE OF EXCELLENCE IN ICT BILL, 2025

An Act to establish the Kofi Annan Centre of Excellence in ICT as a centre of Excellence in Information and Communication Technology dedicated to advancing research, innovation, and capacity building, as well as providing consultancy and advisory services in ICT, Emerging Digital Technologies, and related areas.

PASSED by Parliament on..... and assented to by the President.

Establishment of the Kofi Annan Research and Development Centre

1. (1) There is established by this Act the Kofi Annan Centre of Excellence in ICT.
 - (2) The Centre shall be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name.
 - (3) The Centre shall for the performance of its functions have the right to acquire and hold movable and immovable property and enter into a contract or any other transaction.
 - (4) Where there is a hindrance to the acquisition of property, the property may be acquired for the Centre under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Centre.

2. Object of the Centre

The object of the Centre is to serve as the Centre of Excellence dedicated to advancing research, development, innovation, and capacity building, as well as providing consultancy and advisory services in emerging digital technologies and related fields in ICT.

Functions of the Centre

3. 1) To achieve the object, the Centre shall:
 - a) undertake research, development, training and consultancy in ICT;
 - b) grant no objections to public institutions seeking to apply for public funding in ICT research, subject to fulfilment of application requirements;
 - c) collaborate with international organisations on matters of research and development in ICT and emerging digital technologies;
 - d) provide education and training in ICT to public institutions;
 - e) provide consultancy and advisory services in ICT to support public and private sector initiatives;
 - f) represent Ghana in regional and global forums and foster cross border digital co-operation in ICT;
 - g) promote digital inclusion and equitable access to infrastructure and services across Ghana through research, advocacy, training, capacity development, coaching and

mentorship in ICT;

- h) develop and promote standards, best practices and frameworks in software and hardware development in ICT;
- i) monitor and evaluate the impact of ICT projects and grant funded initiatives to ensure alignment with national goals in ICT; and
- j) perform any other functions ancillary to the objects of the Centre.

Powers of the Centre

National ICT Research and Development Mandate

4. (1) The Centre is hereby designated as the National Centre for Research and Development in ICT, in Ghana.
- (2) The Centre shall;
 - a) serve as the primary institution for coordinating research and development initiatives in ICT in the public sector;
 - b) be the national institution for attracting and managing public funding and technical support in ICT research and development from bilateral and multilateral partners, philanthropic foundations, and other international bodies; and
 - c) provide support to public and private sectors engaged in digital innovation and research.

Mandatory Consultation for ICT Training

5. (1) The Centre shall serve as the primary national body for the provision, coordination, and standardization of ICT training for public sector institutions in Ghana.
- (2) All ministries, departments, agencies, metropolitan, municipal and district assemblies, statutory bodies, public corporations, and other state institutions intending to undertake ICT training for their personnel shall first consult the Centre regarding the availability and capacity to provide the required training.
- (3) Where the Centre confirms that it has the capacity to deliver the requested training, the institution shall procure such training from the Centre.
- (4) Where the Centre determines that it does not have the capacity to provide the training in whole or in part, the institution may procure such training from an alternative provider, subject to any guidance or standards issued by the Centre.
- (5) Any institution, referred to under section 5(2) that procures ICT training without prior consultation with the Centre, or contrary to the Centre's determination under this section, shall be deemed non-compliant and may be subject to administrative sanctions as may be prescribed by regulations.

Intermediary Role

6. (1) The Centre shall serve as the national intermediary for public institutions in Ghana, responsible for receiving, assessing, coordinating, and disbursing public funding, grants, technical assistance, or other forms of support from international and philanthropic organizations intended to promote research, innovation, or development in ICT.
- (2) Without limiting subsection (1), the Centre shall;
- a) establish a framework for the submission and evaluation of public funding proposals by public institutions;
 - b) assess the technical, operational and financial feasibility of proposed projects of public institutions;
 - c) act as an intermediary or fund administrator for funding to public institutions, where authorized by the funding partner; and
 - d) monitor and report on the implementation and impact of projects financed through public funding.
- (3) A funding agency, development partner or international donor may enter into an agreement with the Centre for the purposes of administering, disbursing or managing public funding in accordance with this section.

No Objection by the Centre

7. (1) A public institution who seeks to apply for, receive, administer or benefit from public funding from any local or international source for research or development project in ICT, shall, prior to applying for such funding, obtain a no objection from the Centre.
- (2) The application shall be in writing and shall be accompanied by;
- a) such documents as shall be prescribed by regulations made pursuant to this Act; and
 - b) prescribed fees.
- (3) The Centre shall keep a repository of public institutions and research and development projects certified under section 7 of this Act.
- (4) The Centre shall issue a no objection where it is satisfied that;
- a) the proposed research and development project is legitimate and aligned with the national development goals in ICT;
 - b) the public institution possesses the requisite capacity to execute the proposed research and development project; and
 - c) the implementation and governance framework of the proposed research and development project meets the standards prescribed by the Centre.
- (5) A no objection granted under this section;
- a) shall be valid only for the specific the proposed research and development project for which it is issued;
 - b) shall not be transferrable;
 - c) shall not constitute a general endorsement of the public institution's other activities; and
 - d) may be subject to such conditions as the Centre may prescribe.

- (6) A public institution who;
- a) applies for, receives, or administers ICT-related public funding in contravention of section 7 of this Act; or
 - b) knowingly misrepresents or omits material information in an application for no objection commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.
- (7) In addition to any penalty imposed under subsection (6) the Centre may disqualify the public institution from applying for a no objection or public funding for a period not exceeding three (3) years.
- (8) The Centre shall, within thirty (30) days of receipt of an application for no objection inform the public institution in writing of the decision of the Centre.

Review of a no objection decision of the Centre

8. (1) A public institution whose no objection application has been denied by the Centre may, within thirty 30 days of receipt of the decision, submit a complaint in writing to the Director-General for a review of the decision. The Director-General shall within thirty (30) days of receipt of the complaint, review the complaint and inform the complainant of the outcome of the review.
- (2) A public institution dissatisfied with the decision of the Director-General under subsection (1) may, within 28 days after the date of receipt of the decision, submit a complaint in writing to the Minister for a review of the decision of the Director-General. The Minister shall within 60 days of receipt of the complaint, review the complaint and inform the complainant of a decision.

Governance of the Centre

Governing Body of the Centre

9. (1) The governing body of the Centre shall be a Governing Board consisting of;
- a) The Chairperson;
 - b) The Director-General of the Centre;
 - c) One representative from the Technical, Vocational Education and Training (TVET) Service, not below the rank of a Director;
 - d) One representative from the Ministry not below the rank of a Director;
 - e) Two persons in academia appointed by the Ghana Tertiary Education Commission, with expertise in ICT, not below the rank of Senior Lecturer;
 - f) Two persons with expertise in ICT, nominated by their professional bodies; and
 - g) Two persons appointed by the President.
- (2) Members of the Board shall be appointed by the President in accordance with Article 70 of the Constitution.
- (3) Notwithstanding any other provision in this section, the composition of the governing board shall include not less than three (3) women as members.

Functions of the Board

- 10.** (1) The Board shall be responsible for the performance of the functions of the Centre, the drafting and implementing of operational policies, general supervision of the management and affairs of the Centre; and such other functions conferred upon it by this Act.
- (2) For the purposes of subsection (1);
- a) establish appropriate structures for the effective and efficient execution of the object of the Centre;
 - b) secure the achievement of the object of the Centre;
 - c) take reasonable and timely action on the reports submitted to it by the Director-General;
 - d) advise the Minister on the drafting of legislative instruments, regulations and policies for the effective implementation of this Act; and
 - e) perform any other functions incidental to the achievement of the aims of the Centre.

Duties and Liabilities of members of the Board

- 11.** (1) A member of the Board shall have the same fiduciary relationship with the Centre and the duty to act in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).
- (2) Without limiting subsection (1), a member of the Board has a duty;
- a) to act honestly in the performance of the functions of that member;
 - b) to exercise the degree of care and diligence in the performance of the functions of that member, that a reasonable person in that position would reasonably be expected to exercise in the circumstances;
 - c) not to use information acquired by virtue of the position of that member as a member of the Board without authorization; and
 - d) not to use the position of the member to gain directly or indirectly, a benefit for that member or for any other person; and
 - e) not to knowingly or negligently cause loss to the Centre.
- (3) A member of the Board who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than six thousand penalty units.

Establishment of centres, units, projects and limited liability entities

- 12.** (1) The Board shall have the power to establish centres, units, projects and limited liability entities with appropriate structures for the effective and efficient execution of the object of the Centre.
- (2) Without limiting subsection (1), the following centres established prior to the commencement of this Act shall continue to operate under this Act as centres of the Centre;
- a) Open Technologies Research and Development Centre, Bolgatanga;
 - b) Smart Technologies & AI Research Centre, Sunyani; and

c) GI-KACE Consult Ltd.

Meetings of the Board

- 13.** (1) The Board shall meet at least once every three months for the dispatch of business at a time and venue 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 extra-ordinary meeting of the Board at a place and time determined by the chairperson.
- (3) The quorum at a meeting of the Board is two thirds of members of the Board or a greater number determined by the Board in respect of an important matter.
- (4) The chairperson shall preside at the 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.
- (7) The proceedings of the Board shall not be invalidated due to a vacancy among the members or a defect in the appointment or qualification of a member.
- (8) The Board shall, subject to this section, determine the procedure for its meetings.

Tenure of office of members of the Board

- 14.** (1) A member of the Board shall hold office for a period not exceeding four 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 Director-General of the Centre.
- (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 Director-General of the Centre, who is absent from three consecutive meetings of the Board without sufficient cause shall cease 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 cause, 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; under subsection (3), or subsection (4), or as a result of a declaration under subsection (6), or 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.

Disclosure of Interest

- 15.** (1) A member of the Board who has an interest in a matter for consideration by the Board shall:
- a) disclose, in writing, the nature of the interest to the Board prior to or at the meeting at which the matter is to be considered; and the disclosure shall form part of the record for the consideration of the matter; and
 - b) not be present at nor 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 in a matter before the Board but;
- a) fails to disclose that interest, and
 - b) is present and participates in the deliberations of the matter.

Committees of the Board

- 16.** (1) The Board may establish committees consisting of members of the Board or non-members of the Board or both and may assign to these committees such functions as the Board may determine.
- (2) The tenure of office of a member of a committee shall be coterminous with that member's term of office on the Board.
- (3) A committee composed of members and non-members of the Board shall be chaired by a member of the Board.
- (4) The provisions of Section 16 on Disclosure of Interest shall apply to members of a committee of the Board.

Allowances for members of the Board and Committees

- 17.** Board members and members of committees of the Board shall be paid such allowances as are approved by the Minister in consultation with the Minister responsible for Finance.

Policy Directives

- 18.** The Minister may give policy directives to the Board in writing, consistent with the provisions of this Act and the Board shall comply.

Administration of the Centre

Director- General of the Centre

- 19.** (1) The Director-General shall be appointed by the President in accordance with Article 195 of the Constitution.

- (2) The Director-General shall be responsible for the day-to-day administration of the Centre and shall be accountable to the Board in the performance of his/her functions under this Act.
- (3) The Director-General shall, subject to the general directives of the Board, be responsible for the effective management and administration of the Centre.
- (4) The Director-General shall hold office on the terms and conditions specified in his/her letter of appointment.
- (5) The Director-General may in writing, delegate a function to an officer of the Centre, except that, such delegation shall not relieve the Director-General of the ultimate responsibility for the performance of the delegated function.
- (6) The Director-General shall be a person of high moral character and integrity with the relevant qualifications and experience related to the functions of the Centre.

Secretary to the Board

- 20.** (1) The Board shall designate an officer of the Centre not below the rank of a Deputy Director as Secretary to the Board.
- (2) The Secretary shall;
 - a) arrange the meetings of the Board;
 - b) record and maintain minutes of meetings of the Board;
 - c) record and maintain resolutions passed by the Board;
 - d) maintain a Register of Board Members' Interest; and
 - e) perform any other functions assigned by the Board.
 - (2) The Secretary, in the performance of the functions under subsection (2), shall be accountable to the Board.

Appointment of other Staff

- 21.** (1) The Centre may employ such staff as may be necessary for the proper and effective performance of its functions.
- (2) The Board shall determine vacancies and qualifications of staff to be recruited in accordance with Article 195 of the Constitution.
 - (3) The terms, conditions and scheme of service of a person employed by the Centre shall be as approved by the Board.
 - (4) The Centre may, on the recommendation of the Board, engage the services of consultants and experts for the effective discharge of the functions of the Centre.
 - (5) Other public officers may be transferred or seconded to the Centre or may otherwise provide assistance to the Centre.

Directorates of the Centre

22. (1) The Board may create such directorates as it may consider necessary for the efficient and effective performance of the functions of the Centre.

(2) The directorates may include:

- a) research and innovation;
- b) studies;
- c) corporate affairs and media relations;
- d) consultancy; and
- e) finance and administration.

Financial Provisions

Internal Audit

23. The Centre shall have an internal audit unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

Funds of the Centre

24. (1) The funds of the Centre shall include:

- a) moneys approved by Parliament for the Centre;
- b) application fees;
- c) administrative penalties;
- d) any other internally generated funds;
- e) grants, donations and loans approved by the Minister responsible for Finance; and
- f) any other moneys approved by the Minister responsible for Finance.

Budget Estimates

25. The Director-General shall prepare budget estimates for each financial year and present the estimates to the Board for its approval not later than four months prior to the end of the financial year.

Bank Account of the Centre

26. The moneys for the Centre shall be paid into a bank account opened for the purpose, by the Centre with the approval of the Controller and Accountant-General.

Borrowing powers of the Centre

27. Subject to section 76 of the Public Financial Management Act, 2016, (Act 921), the Centre may obtain loans and any other credit facilities on the guarantee of the Government from a bank or any other financial institution approved by the Minister responsible for Finance.

Expenses of the Centre

28. The expenses of the Centre shall be charged on the funds of the Centre.

Accounts and Audit

- 29.** (1) The Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.
- (2) The Board shall submit the accounts of the Centre to the Auditor-General for audit at the end of each financial year.
- (3) The Auditor-General shall within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy of the audit report to the Minister and the Board.
- (4) The financial year of the Centre shall be the same as the financial year of the Government.

Annual Report and other Reports

- 30.** (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 Centre 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. The Board shall submit to the Minister any other reports which the Minister may require in writing.

Miscellaneous Provisions

Regulations

- 31.** (1) The Minister on the advice of the Centre may by legislative instrument make regulations to provide for;
- a) forms and supporting documents for applications;
 - b) authorizations;
 - c) certification of ICT products and technology solutions intended for research and development purposes;
 - d) dispute resolution;
 - e) amendment of the penalties specified in Section 7; and
 - f) any other matter necessary for the effective implementation of the provisions of this Act.

Transitional provisions

- 32.** (1) A person in the employment of the Centre immediately before the coming into force of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Centre established under this Act on terms and conditions which are not

less favourable in aggregate to the terms and conditions attached to the post held by the person before the coming into force of this Act.

- (2) The assets, rights, obligations and liabilities of the Centre in existence immediately before the coming into force of this Act are transferred to the Centre established under this Act.
- (3) A contract subsisting between the Centre and any other person and in force immediately before the coming into force of this Act shall subsist between the Centre established under this Act and that other person.
- (4) Any moneys and properties held by or on behalf of the Centre immediately before the coming into force of this Act are transferred to the Centre established under this Act.
- (5) With effect from the coming into force of this Act, the centres, units and the limited liability entities as specified in section 12(2) are centres, units, projects and limited liability entities of the Centre established under this Act.

Interpretation

33. In this Act unless the context otherwise requires-

“Board” means the governing body of the Kofi Annan Research and Development Centre.

“Centre” means the Kofi Annan Centre of Excellence in ICT.

"Development" means the process of designing, improving, testing, or deploying ICT as defined, based systems, platforms, applications, or services, with the aim of achieving technological, educational, social, or economic advancement, and includes activities that support the practical application or scaling of research and innovation outcomes.

“Entity of a public nature” means any body corporate or unincorporated that meets all of the following criteria:

- (i) **Public Function:** The entity performs functions that are governmental, statutory, regulatory, or are otherwise in furtherance of a public mandate or public interest objective;
- (ii) **Public Control or Oversight:** The entity is subject to significant control, supervision, or oversight by a public authority, including the Government of Ghana or any of its agencies;
- (iii) **Public Funding Dependency:** The entity derives a substantial portion of its funding, whether directly or indirectly, from public sources or from funds administered for public purposes;
- (iv) **Non-Profit Distribution Constraint:** The entity does not operate primarily for profit and is restricted from distributing profits or surpluses to private individuals or shareholders;
- (v) **Accountability:** The entity is subject to public accountability mechanisms, such as statutory reporting requirements, audits by a public auditor, or obligations under public procurement or financial administration laws.

An entity shall be deemed not of a public nature if it is privately owned and operated for commercial purposes, and does not satisfy the above criteria.

"ICT" means information and communication technology which refers to all technologies, systems, infrastructure, software, and platforms used for the collection, processing, storage,

transmission and dissemination of digital information and electronic communications. For the purposes of this Act, ICT shall include;

- (i) digital hardware and software systems;
- (ii) information systems and digital applications, especially within government operations;
- (iii) data centres, hosting facilities, electronic and cloud-based infrastructure;
- (iv) digital innovation platforms, and emerging technologies deployed in the public sector;
and
- (v) associated standards, architecture, and interoperability frameworks.

“Minister” means the Minister responsible for Communication.

“Ministry” means the Ministry responsible for Communication.

“Public funding” refers to any financial resources, whether in the form of grants, subsidies, investments, loans, or other financial support mechanisms, allocated, disbursed, or administered, whether by the Government of Ghana or any other party, for the purpose of supporting research and development in ICT, where the ultimate beneficiary is the Government of Ghana, any of its ministries, departments, agencies, statutory bodies, or any entity of a public nature.

"Public institutions" refer to government-established, owned, or controlled entities that carry out administrative, regulatory, developmental, or service delivery functions on behalf of the state, excluding public academic institutions. This includes ministries, departments, agencies, statutory bodies, public authorities, and other entities created by or under an Act of Parliament to serve public sector objectives, other than education and academic research conducted by public universities or colleges.

"Research" means a systematic investigation or inquiry, whether theoretical or applied, conducted for the purpose of discovering new knowledge, validating existing knowledge, or generating solutions within the field of ICT, including data collection, analysis, experimentation, design, and evaluation.