

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

**Ministry of Post
and Telecommunications**

No.: 828/MPT.
Vientiane Capital, 11 March 2015

Decision
on Internet Café Service

- Pursuant to the Law on Telecommunications (amended) No.: 09/NA, dated 21 December 2011.
- Pursuant to the Prime Minister's Decree on the Organization and Operation of the Ministry of Post and Telecommunications No. 303/PM, dated 26 September 2011.

The Minister of Post and Telecommunications issues a Decision:

Chapter 1
General Provisions

Article 1 Objectives

This Decision defines principles, regulations, and measures regarding the monitoring, inspection, and management of Internet café service to ensure service quality to be quick and safe aiming at promoting widely use of the Internet, contributing to national security and development.

Article 2 Internet café service

An Internet café service is a business providing internet access service to general users within a shop or a place that has Internet connection with an Internet service provider.

Article 3 Definitions

Terms used in this Decision have the following definitions:

- 1. Internet café** refers to a shop or a place providing an Internet service through wired or wireless Internet connection with an Internet service provider.
- 2. Wired computer network** refers to the connection between computers or electronic devices using copper or fiber-optic cable;
- 3. Wireless computer network** refers to the connection between computers or electronic devices using radio waves;
- 4. Internet service provider (ISP)** refers to individuals or legal entities who are legally permitted to provide an Internet connection for users.

Article 4 Scope of application

This Decision applies to individuals and legal entities who intend to conduct Internet café business in the Lao PDR.

Chapter 2

Types of and License Issuance for Internet Café Services

Article 5 Types of Internet café service

There are two types of Internet café services:

1. Internet café service type 1

Refers to a business providing specifically internet access service such as Internet shops.

2. Internet café service type 2

Refers to a supply of internet access service to other businesses such as bars, night clubs, shopping malls, restaurants, guesthouses, hotels, hospitals, educational institutes, and other public places.

Article 6 License issuance for Internet café service

After receiving an enterprise registration, the Internet café service operating license shall be requested from Provincial/Vientiane Capital Division of Post and Telecommunications as stipulated in this Decision.

Article 7 Request for a new license

Individuals and legal entities who intend to request a business operating license for Internet café service shall submit the following documents:

1. Request form
2. Enterprise registration certificate
3. A copy of a family book or an ID
4. A certificate of residence issued by a village authority
5. A certificate of shop location
6. A technical certificate
7. A copy of an IT qualification certificate
8. A Copy of a passport for the Internet café service type 2.

Article 8 Expiration date of a license

Business operating licenses for Internet café service are valid for one year starting from the date of issuance.

Article 9 Renewal of a license

The renewal of a business operating license for Internet café service shall be submitted at least 30 days prior to the expiration date together with the following documents:

1. Request form
2. Old business operating license
3. Enterprise registration certificate (if there is any change to the enterprise)
4. A copy of a family book or an ID (if there is any change)
5. A certificate of residence from a village authority (if there is any change)
6. A certificate of shop location (if there is any change)
7. A technical certificate (if there is any change)
8. A copy of an IT qualification certificate (if there is any change)
9. A copy of a passport for the Internet café service type 2 (if there is any change).

Article 10 Change, suspension, or termination of a license

Internet café service providers who intend to change, suspend, or terminate their licenses shall submit the following documents:

1. Request form
2. Old business license
3. Enterprise registration license (if there is any change to the enterprise)
4. A copy of a family book or an ID (if there is any change)
5. A certificate of residence from a village authority (if there is any change)
6. A certificate of shop location (if there is any change)
7. A technical certificate (if there is any change)
8. A copy of an IT qualification certificate (if there is any change)
9. A copy of a passport for the Internet café service type 2 (if there is any change).

Article 11 Consideration for issuing a license

The consideration for issuing a license for Internet café service shall be completed within 10 working days starting from the day of receiving a request form.

In case documents submitted are incorrect or incomplete or do not meet conditions for approval, the requesters shall be informed within 5 working days.

Article 12 Conditions for operating Internet café service

Requesters for operating an Internet café service shall meet the following conditions:

1. Shall have an appropriate location with a space of 2m² per a computer with total shop minimum area of 8m², and be well lit and ventilated (for type 1);
2. Shall ensure users' safety by equipping the shop with a fire alarm, circuit breaker, and other technical equipment based on relevant standards and regulations;
3. Shall have CCTV capable of recording activities of users within a shop or place providing Internet service for not less than thirty days;
4. Shall display a business operating license, service rates, and shop rules for users to clearly see and be able to read;
5. Shall have a computer network with Internet connection in a shop or a place under their responsibilities;
6. Shall have Anti-virus software in each computer;
7. Shall have Internet speed of at least 2Mbps or above;
8. Wireless Internet connection is allowed only for a Wi-Fi system at a frequency of 2.4GHz or 5GHz and Wi-Fi transmission power of no more than 0.05 watts.

Article 13 Implementation of the business conditions

Approved parties shall comply with the business operating conditions as stipulated in Article 12 within sixty days from the day of receiving approval.

Chapter 3

Management and Inspection of Supplying Internet Café Service

Article 14 Authority for the Management and Inspection Internet Café Service

Provincial/Vientiane Capital Division of Post and Telecommunications manages and inspects Internet café service based on their rights and duties as stipulated in this Decision.

Article 15 Rights and duties of authority for the management and inspection of Internet café services

Provincial/Vientiane Capital Post and Telecommunications Divisions have the following duties on managing Internet café service:

1. To accept and consider requests related to Internet café service such as service quality, technical standards and service charges;
2. To collect statistical data on Internet users and internet service providers;
3. To summarize and report implementation results to higher authorities regularly;
4. To issue, renew, and change business operating licenses for Internet café services;
5. To warn, educate, or fine any individuals, legal entities, or organizations that violate this Decision and other relevant laws and regulations;
6. To collect service fees and charges on approval for operating Internet café service business;
7. To determine hours of service based on regulations and the actual situation of each particular local area;
8. To monitor and inspect the implementation of conditions, standards, and regulations as stipulated in this Decision;
9. To implement other duties as stipulated in relevant laws and regulations.

Provincial/Vientiane Capital Post and Telecommunications Divisions have the following rights on managing Internet café service.

1. To suspend and withdraw the business operating license of Internet café service;
2. To guide the implementation of management of Internet café service to lower authorities;
3. To exercise other rights as stipulated in relevant laws and regulations.

Article 16 Rights and obligations of Internet café service providers

Internet café service providers have the following obligations:

1. To operate under the technical management and inspection of the post and telecommunications sector as well as other relevant sectors;
2. To register and extend their business license with the appropriate sectors based on relevant laws;
3. To regularly report on their Internet café service as required by the post and telecommunications sector;
4. To pay tax to the Government according to relevant laws and regulations;
5. To implement other obligations as stipulated in relevant laws and regulations;

Internet café service providers have the following rights:

1. To collect service charges based on service rates shown within their shops.
2. To register a complaint against any management officials who act inappropriately to ensure justice for Internet café service providers based on procedure of legal proceeding;
3. To exercise other rights as stipulated in relevant laws and regulations;

Article 17 Rights and obligations of Internet café service users

Internet café service users have the following obligations:

1. To pay service charges based on the rules;
2. To be responsible for any information data they send and receive which might affect individuals, legal entities, organizations, and society that violate laws and regulations;
3. To implement other obligations as stipulated in relevant laws and regulations;

Internet café service users have the following rights:

1. To receive quality, convenient, quick, and safe service;

2. To register a complaint against Internet café service providers based on procedure of legal proceedings for justice;
4. To exercise other rights as stipulated in relevant laws and regulations;

Chapter 4

Service Fees and Charges

Article 18 Service fees and charges

Service fees and charges for issuing a license for supplying each type of Internet café service shall be implemented as defined in the Presidential Ordinance on Service Fees and Charges promulgated in each period.

Chapter 5

Prohibitions

Article 19 General prohibitions

Individuals, legal entities, or organizations are prohibited from:

1. Providing Internet café services without approval;
2. Adjusting, falsifying, lending, or allowing others to borrow or lease their business licenses;
3. Directly connecting to a foreign Internet network;
4. Using their Internet café as a place for illegal gathering such as gambling, drugs and others that violate laws and regulations;
5. Turning their internet café into a game arcade;
6. Using their computer system to disseminate or spread false or pornographic information for the purpose of confusing, lying, deceiving, and slandering society;
7. Using their Internet café as a base for spreading computer viruses, hacking information, or destroying data of other individuals or legal entities;
8. Having other behaviors that violate laws and regulations.

Article 20 Prohibitions for management officials who manage Internet café services

Officials managing Internet café service are prohibited from:

1. Providing internet café service;
2. Holding, delaying, or falsifying documents related to Internet café services;
3. Exploiting their positions over Internet café service providers for their personal gain;
4. Having other behaviors that violate laws and regulations.

Chapter 6

Awards for Good Performance and Measures against Violators

Article 21 Awards for Good Performance

Individuals, legal entities, or organizations that have outstanding performance in the implementation of this Decision will receive awards or other policies in accordance with regulations.

Article 22 Measures against violators

Individuals, legal entities, and organizations that violate this Decision will be educated, fined, have their business license suspended or withdrawn or have civil or criminal punishment depending on the severity of violations including being liable for any damages incurred.

Article 23 Education Measures

Individuals, legal entities, or organizations that violate this Decision will be educated and warned as following:

1. Civil servants who manage Internet café service business do not facilitate, provide slow service, hold consideration of business license request without reasons, with disrespectful attitude and inappropriate language;
2. Internet café service providers do not facilitate users or violate minor prohibitions.

Article 24 Disciplinary Measures

Officials who manage Internet café service business that violate non-criminal prohibitions stipulated in this Decision and cause minor damages will be subject to the following disciplinary measures:

1. Criticized or warned and a recorded for their violation;
2. Suspended from promotion, increase of salary, or other reward;
3. Removed or transferred to a lower position;
4. Permanently removed from being government officials without receiving any compensation.

Those who are punished shall return all illegally acquired assets to the organization.

Article 25 Fine Measures

Individuals and legal entities that violate this Decision shall be fined as following:

1. Providing services without approval will be fined 5,000,000 Kip;
2. Providing services that contradicts with what has been approved will be fined 3,000,000 Kip;
3. Allowing their business license to be used, leased, or transferred to others without permission will be fined 2,000,000 Kip;
4. Directly connecting to a foreign Internet network will be fined 10,000,000 Kip;
5. Renewing a business license later than timeline 30 days will be fined 500,000 Kip;
6. Repeatedly violating this Decision and still continue violation will be fined double the amount.

Article 26 Suspension or Dissolution

Internet café service providers will be suspended or terminated in the following cases:

1. To operate business not compliant with conditions stipulated in Article 12 of this Decision;
2. To violate prohibitions or obligations of this Decision;
3. To violate relevant laws and regulations.

Chapter 7 Final Provisions

Article 27 Implementation

Provincial/Vientiane Capital Post and Telecommunications Divisions are assigned to implement this Decision for good outcomes.

Article 28 Effectiveness

This Decision is effective from the date of signature and fifteen days after posting on the Lao Official Gazette.

This Decision replaces the Regulation No. 579/PMO.NAPT, dated 10 June 2009.

Minister

[Signature and seal]

Hiem PHOMMACHANH