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Section 3, Sub-section (i) of dated the -----, 2011]

Government of India
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(Department of Information Technology)

NOTIFICATION

New Delhi, the -----, 2011

G.S.R. (E).— In exercise of the powers conferred by clause (zg) of sub-section (2) of section 87, read with sub-section (2) of section 79 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.— (1) These rules may be called the Information Technology (Guidelines for Cyber Cafe) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context otherwise requires,--

- (a) “Act” means the Information Technology Act, 2000 (21 of 2000);
- (b) “Appropriate Government” means Central Government or State Government or Union Territory Administration;
- (c) “Cyber Cafe” means cyber café as defined in clause (na) of sub-section (1) of section 2 of the Act;
- (d) “computer resource” means a computer resource as defined in clause (k) of sub-section (1) of section 2 of the Act;
- (e) “Data” means data as defined in clause (o) of sub-section (1) of section 2 of the Act;
- (f) “Information” means information as defined in clause (v) of sub-section (1) of section 2 of the Act;
- (g) “Intermediary” means an intermediary as defined in clause (w) of sub-section (1) of section 2 of the Act;
- (h) “Licencing Agency” means an agency designated by appropriate government to issue licences to cyber café for their operation;

- (i) "Log Register" – means a register maintained by the Cyber Café for access to computer resource;
- (j) "User" means a person who uses the computer resource and includes other persons jointly participating in using the computer resource in a cyber café.

3. Agency for issuance of licence : Appropriate government will notify an agency to issue license to cyber cafes.

4. Identification of User : (1) Cyber Café shall not allow any user to use its computer resource without the identity of the User being established. The intending user may establish his or her identify by producing a document which shall identify the users to the satisfaction of the Cyber Café. Such document may include any of the following :

- (i) identity card issued by any School or College;
- (ii) Photo Credit Card or debit card issued by a Bank or Post Office;
- (iii) Passport;
- (iv) Voters Identity Card;
- (v) Permanent Account Number (PAN) card issued by Income-Tax Authority;
- (vi) Photo Identity Card issued by the employer or any government agency;
- (vi) Driving License issued by the appropriate government.

(2) When an user cannot establish his/her identify to the satisfaction of the Cyber Café as per sub-rule (1), he/she may be photographed by the Cyber Café using a web camera installed on one of the computers in the Cyber Café for establishing the identity of the user. Such web camera photographs shall be part of the log register which may be maintained in physical or electronic form.

(3) Children without photo Identity card shall be accompanied by an adult with any of the documents as prescribed in sub-rule (1).

(4) In case, the user does not agree to reveal his or her identity or refuses to be photographed as mentioned above, the Cyber Café shall not allow the User to access any computer resource of the Cyber Café.

(5) Cyber Café shall incorporate sufficient measures, to ensure that the identity of user availing or accessing the services of the Cyber Café through any means is established.

5. Log Register: (1) After the identity of the user has been established as per sub-rule (1) of rule 4 above, the Cyber Café shall record and maintain the required information of each user in the log register for a minimum period of one year. Also, Cyber Café may maintain an online version of the log register.

(2) Cyber Café shall prepare a monthly report of the log register showing date-wise details on the usage of the computer resource and submit a hard and soft copy of the same to the person or agency as directed by the licencing agency by 5th day of next month.

(3) The cyber café owner shall be responsible for storing and maintaining following backups of logs and computer resource records for at least six months for each access or login by any user :

- (i) History of websites accessed using computer resource at cyber cafe
- (ii) Logs of proxy server installed at cyber café
- (iii) Mail server logs
- (iv) Logs of network devices such as router, switches, systems etc. installed at cyber café
- (v) Logs of firewall or Intrusion Prevention/Detection systems, if installed.

Cyber Café may refer to “Guidelines for auditing and logging – CISG-2008-01” prepared by Indian Computer Emergency Response Team (CERT-In) for any assistance related to logs. This document is available at www.cert-in.org.in

6. Management of Physical Layout and computer resource : (1) Partitions of Cubicles built or installed if any, inside the Cyber Café, shall not exceed four and half feet in height from the floor level.

(2) The screen of all computers, installed other than in Partitions or Cubicles, shall face 'outward', i.e. they shall face the common open space of the Cyber Café.

(3) Any Cyber Café having cubicles or partitions shall not allow minors to use any computer resource in cubicles or partitions except when they are accompanied by their guardians or parents.

(4) All time clocks in the Cyber Café System shall be synchronized with the Indian Standard Time.

(5) All the computers in the cyber café shall be equipped with the safety/filtering software so as to avoid access to the websites relating to pornography, obscenity, terrorism and other objectionable materials.

(6) Cyber Café shall take sufficient precautions to ensure that their computer resource are not utilized for any illegal activity.

(7) Cyber Café shall display a board, clearly visible to the users, prohibiting them from viewing pornographic sites.

(8) Cyber Café shall incorporate sufficient preventive measures to disallow the user from tampering with the computer system settings.

7. Inspection of Cyber Café : (1) An officer, not below the rank of Police Inspector as authorised by the licensing agency, is authorized to check or inspect cyber café and the computer resource or network established therein at any time for the compliance of these rules. The cyber café owner shall provide every related document, registers and any necessary information to the inspecting officer on demand.