

THE DIGITAL AUTHORITY (TERMS OF EMPLOYMENT AND SERVICE OF OFFICERS)
REGULATIONS , 2020

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THE SECURITY OF NETWORKS AND INFORMATION SYSTEMS LAW OF 2020

Regulations under sections 9 and 45

89(I)of2020. In exercise of the powers vested in it under paragraph (a) of subsection (5) of section 9 and paragraph (b) of subsection (2) of section 45 of the Security of Networks and Information Systems Law , 2020, the Council of Ministers makes the following Regulations:

Short title. 1. These Regulations may be cited as the Digital Security Authority (Terms of Employment and Service of Officers) Regulations, 2020.

PART I

INTRODUCTORY PROVISIONS AND INTERPRETATION

Interpretation. 2.-(1) In these Regulations, unless the context otherwise requires:

"appointing authority" means the SPCA;

"appointment or promotion" means the written appointment or promotion by the SPCA following the written acceptance of the offer for the post;

"Law" means the Security of Networks and Information Systems Law;

"officer" means a person holding a permanent post in the Authority;

"oral examination" means an individual or group oral examination and includes an interview or any other of oral assessment;

"post" means an organic permanent post in the Authority;

"promotion" means a change in the permanent status of an officer which implies an increase in his salary or his inclusion in a higher scale of the office or in a salary scale with a higher ceiling whether or not the officer's pay

is immediately increased by such change, which is effected by the appointing authority upon a written acceptance of the offer by the officer who is promoted and the term "to promote" shall be construed accordingly;

"secretary" means the person serving in the Authority and who is appointed by the Commissioner as Secretary to the Selection and Promotions Council of the Digital Security Authority:

Provided that CECPR may appoint any person for the initial staffing of the Authority;

"Selection and Promotions Council of the Digital Security Authority" or "SPCA" means the Council which is established, constituted and operating in accordance with the provisions of section 9 of the Law.

(2) Any other terms contained in these Regulations and which are not otherwise defined, shall have the meaning assigned to them by the Law.

PART II

STRUCTURE AND POSTS OF THE AUTHORITY

Schemes of service.

3. The general duties, responsibilities and qualifications required for the appointment or promotion to each post shall be prescribed by the schemes of service which shall be drawn up by the Commissioner in the form of Regulations which are submitted to the Council of Ministers and are approved by the House of Representatives.

Categories and number of posts.

4.-(1) The maximum number of permanent posts of the Authority and the expenditure entailed for them shall be prescribed and provided in the Authority's annual Budget.

(2) For the purposes of appointment or promotion, the posts of the Authority shall be divided into the following categories:

- (a) First Entry Posts which may be filled by the appointment of persons who are not serving in the Authority and by officers who are serving in the Authority;
- (b) First Entry and Promotion Posts, which may be filled either by the appointment of persons who are not serving at the Authority, or by the appointment or promotion of officers who are serving **in** the Authority, and/or
- (c) Promotion posts, which may be filled by the promotion of employees who are serving in an immediately lower grade in the Authority.

Qualifications for appointment.

5.- (1) No person shall be appointed at the Authority unless:

- (a) he is a citizen of the Republic or a citizen of another member state, provided that the post does not entail direct or indirect participation in the exercise of public authority and in the protection of general interests of the state, as prescribed by the Council of Ministers,
- (b) he has attained the age of seventeen years and, if he is a citizen of the Republic, who has fulfilled his military obligations, if he had or has been legally exempted from it:

Provided that, in case of a citizen of the Republic who has been lawfully exempted from his military service on grounds of health, said person shall be referred by the SPCA to a medical board, which shall determine whether

he is fit for the post to which he shall be appointed; the said medical board shall be appointed by the Minister of Health and shall be composed of three members, the specialty of whom shall be determined by him:

Provided further that, a citizen of the Republic who has been lawfully exempted from his military service shall submit to the SPCA a recruitment status certificate showing all the changes made to his recruitment status; the format and content of the certificate are specified by the Minister of Defence, in accordance with the provisions of section 63 of the National Guard Law,

19(l) of 2011
128(l) of 2013
94(l) of 2014
2(l) of 2015
98(l) of 2015
110(l) of 2015
82(l) of 2016
101(l) of 2018
85(l) of 2019
91(l) of 2019
47(l) of 2020.

(c) he possesses the qualifications required by the scheme of service of the post for which the appointment is to be made;

(d) he has not been convicted for an offence of a serious nature which entails moral turpitude or dishonesty;

(e) he has not been dismissed or his services were not terminated in the past from the Authority or from the Public Service or from any service or any legal entity governed by public law of the Republic or of the European Union or of any other member state, for a disciplinary offense,

(f) he is certified by a government medical officer as medically fit for the post in question, after a medical examination including a chest x-ray.

(2) The SPCA may, in any special case, for reasons of public interest, authorize that a person who is not a citizen of the Republic or of another member state submits an application for appointment in accordance with the provisions of these Regulations, and in case he is selected, he may be appointed:

(a) on contract for a limited period of time, or

(b) on a permanent basis, if that person had been employed by the Authority on contract for a period of not less than four (4) years.

(3) Subject to the provisions of any other Law, a disabled person who is a candidate for appointment to a post and holds all the qualifications required by the scheme of service, shall be preferred, if the SPCA is satisfied that —

(a) he has the abilities to perform the duties of the post,

(b) when compared to the other candidates, he is not inferior in merit and qualifications:

Provided that, when the SPCA decides in relation to the disabled person, it may ask for and take into account expert opinion.

(4) For the purposes of this Regulation:

"disabled person" means a person born with or suffering either from a partial or total physical disability as a result of a subsequent incident and such disability is the result of severe disfigurement or severe amputation of the upper or lower limbs or as a result of myopathy, paraplegia, quadriplegia or loss of hearing in both ears or by any other serious cause which results in a substantial reduction of physical ability and allows him to exercise only a limited number of wage- earnings jobs.

PART III
SELECTION, APPOINTMENTS, PROMOTIONS,
TERMS OF SERVICE

Selection and
Promotions
Council of the
Digital Security
Authority.

6.- (1) The SPCA shall be the appointing authority for filling the permanent posts in the Authority.

(2) The decisions of the SPCA shall be taken by majority of votes.

(3) Where a member of the SPCA has a special relationship or relationship by blood or by affinity up to the fourth degree, or is in acute hostility with a person who is a candidate for appointment or promotion, he shall not participate in the evaluation process and in such a case, the SPCA shall act with the two remaining members and by the addition of the non-incapacitated hierarchically superior permanent member of the Authority, and must hold a post higher than the post that is being filled:

Provided that, in case the Chairman is the member of the SPCA who is unable to participate in the selection process, the Deputy Commissioner shall assume the duties of chairman:

Provided further that, in case the SPCA acts with two members, the Chairman of the Council shall have the casting vote.

Secretary of the
SPCA.

7.-(1) During the selection process, the SPCA shall be assisted by a Secretary who shall be appointed by the Commissioner.

(2) The Secretary shall, on the instructions of the SPCA, be responsible for the selection process, to inform the SPCA and to make available to it any document or correspondence or evidence for the performance of its duties.

(3) (a) The Secretary attends and takes the minutes without any active participation and leaves at the time the decision is taken by the SPCA.

(b) The minutes of each meeting shall be signed by the SPCA and kept in a confidential minutes file

Applications for appointment.

Table .

8.-(1)(a) Applications for appointment to First Entry Posts or First Entry and Promotion Posts shall be completed by hand or electronically by the interested parties according to the announcement and shall be submitted to the Commissioner, by the form set out in the Table or by completing an electronic form, as provided in the relevant announcement, and within the deadline specified in the relevant announcement.

(b) An official birth certificate, as well as copies of certificates of academic and other qualifications of the applicants, including certificates of previous experience must be attached to the application.

(2) If the application is made for more than one post, a separate form must be completed for each post.

(3) Applications shall be delivered to the Authority against receipt or shall be sent by registered mail or electronically, as specified in the announcement.

(4) Only applications duly submitted will be considered for filling vacancies.

(5) Applications which are submitted to the Authority, on the Authority's website or delivered to the Post Office for dispatch to the Authority within the deadline specified in the relevant announcement shall be considered to have been submitted in due time.

Procedure for filling of First Entry Posts and First Entry and Promotion Posts.

9. -(1) Vacancies for First Entry Posts or First Entry and Promotion Posts shall be filled following the publication of an announcement in the Official Gazette of the Republic.

(2) The advertisement of the post shall give full particulars of the scheme of service and shall specify the deadline for the submission of applications.

6(I) of 1998
73(I) of 1998
52(I) of 2001

(3) For posts which fall within the scope of the Evaluation of Candidates for Appointment to the Public Service Law, the procedure specified in this Law shall be followed; for the remaining posts, the evaluation procedure specified in the following paragraphs of this Regulation shall be followed.

(4) Before the submission of applications by candidates, the SPCA shall decide whether candidates will be subjected to a written or oral examination and/or both:

Provided that, in case the SPCA decides to carry out a written examination, it may prescribe a grade of success in the written examination in which case candidates who fail shall be excluded from the next stages of the procedure:

Provided further that, in case the SPCA decides to carry out both a written and an oral examination at the same time, it shall also decide the weight that it will be given to each examination.

(5) When it is decided to carry out a written examination, the results shall be published in the Official Gazette of the Republic.

(6) The SPCA, assisted by the secretary, shall prepare a list of candidates who hold the qualifications provided by the scheme of service.

(7) The SPCA may assign to a Service or a specialized office or a recognized professional body or organization or a member or members of staff of the Authority the preparation of subjects and the marking of papers of a written examination.

(8) The SPCA will invite the candidates who hold the qualifications to an oral examination or in the event that a written examination will also be

carried out, it will invite the successful candidates in the written examination, in accordance with the level of success which is set before the competition, in order of merit, according to their score.

(9) During the oral examination, the SPCA may be assisted either by a person of the Authority or by other persons or by representatives of organizations who, due to their special knowledge, are in a position to give assistance to it in ascertaining the level of knowledge of the candidates in the subject of the examination.

(10) The general impression of the SPCA in respect of the candidates' performance in the oral examination shall be recorded in the minutes and shall be justified.

(11) The SPCA shall, having regard to the results of the written and/or oral examination of the candidates, whichever has been conducted, the qualifications of the candidates in relation to the duties of the post, the content of the personal files and the files of the Annual Appraisal Reports of the candidates who are officers of the Authority, as well as the other particulars of the applications, prepare a reasoned report for all candidates and a list of candidates it considers the most suitable, according to its reasoned judgment.

(12) The list drawn up shall apply to all the posts which have been published or to any other posts with the same title which have become vacant or created within one year from the date of preparation of the list.

Procedure for
filling of
Promotion
Posts.

10.- (1) Promotion posts will not be announced but will be filled by promoting an officer who serves in the immediately lower post in the Authority.

(2) The SPCA shall examine and evaluate the personnel files and the annual service report files of employees who are candidates for promotion and will decide on the promotion of the most suitable candidate, by applying, *mutatis mutandis*, the criteria of the public service for the time being in force in accordance with the provisions of subsection (3) of section 35 of the Public Service Law.

1 of 1990
71 of 1991
211 of 1991
27(I) of 1994
83(I) of 1995
60(I) of 1996
109(I) of 1996
69(I) of 2000
156(I) of 2000
4(I) of 2001
94(I) of 2003
128(I) of 2003
183(I) of 2003
31(I) of 2004
218(I) of 2004
68(I) of 2005
79(I) of 2005
105(I) of 2005
96(I) of 2006
107(I) of 2008
137(I) of 2009
194(I) of 2011
78(I) of 2013
7(I) of 2014
21(I) of 2014
100(I) of 2015
148(I) of 2017
151(I) of 2017
152(I) of 2017.

Permanency.

11.- (1) A permanent post will be filled either permanently or on contract for a certain period of time.

(2) Permanent posts do not receive pension.

(3) Permanent posts receive pension only when they are occupied by officers who are employed by the Authority and who previously held these rights as officers in the public service or a service or organization of the wider public sector, having been appointed to a permanent post in the public service or in the wider public sector for the first time before 1 October 2011.

97(I) of 1997
 3(I) of 1998
 77(I) of 1999
 141(I) of 2001
 69(I) of 2005
 37(I) of 2010
 94(I) of 2010
 31(I) of 2012
 131(I) of 2012.
 216(I) of 2012
 52(I) of 2015
 183(I) of 2015
 67(I) of 2017
 177(I) of 2017
 16(I) of 2020.

(4) The retirement benefits of the members of staff of the Authority who held permanent posts for the first time before 1 October 2011 and the pensions of the dependents of these members and the families of these members are governed, mutatis mutandis, by the provisions of the Pensions Law and of the Pension Benefits of Government Officers and Officers of the Wider Public Sector including Local Self-Government Authorities (Provisions of General Application) Law in force from time to time.

Offer, acceptance and date of appointment or promotion.

12.-(1) The appointment or promotion to a permanent post shall be made by the Commissioner based on the decision of the appointing authority by a written offer to the person selected for appointment or promotion, as the case may be, and the written acceptance of such person.

(2) The offer shall state the remuneration and other terms of service of the post and shall specify the date from which the appointment or promotion will be effective.

(3) The offer of appointment or promotion shall be made in writing no later than fifteen (15) days from the date that the document containing the offer is sent.

(4) In case the offer is not accepted or the deadline of the fifteen (15) days expires and subject to the provisions of the Evaluation of Candidates for Appointment to the Public Service Law, for posts that fall within the scope of that Law, the relevant provisions concerning the validity of the list shall apply while for the remaining of the posts, the SPCA shall decide whether to proceed with a new offer of appointment as the case may be, based on the list of successful persons, subject to the provisions of paragraph (10) of Regulation 10.

(5) Permanent appointments and promotions shall be published in the Official Gazette of the Republic within forty-five (45) days from the date of acceptance of the offer for the post.

Placement of officers in the salary scale.

13.-(1) Subject to the provisions of the relevant scheme of service, a person who is appointed to a permanent post shall be placed in the first step of the salary scale to which he is appointed:

Provided that the SPCA may, on the basis of the qualifications, work, practice and experience of the person appointed, by applying ,mutatis mutandis ,the criteria applicable in the public service, place him at any point on the scale or combined scales which are provided by the scheme of service of the post.

Appointment and probation period .

14.-(1) A permanent appointment is made on probation for a period of two years:

Provided that, when an officer is appointed on a probationary basis to a permanent post after successful service on a contract in that post with the same title and the service was of two (2) years or more, the Authority may not require a probationary period, unless for the validation of appointment to the post, the relevant scheme of service requires the acquisition of any qualifications which the officer does not possess:

Provided further that, the Authority may reduce the probationary period accordingly:

(a) in the case of an officer who is to retire before the expiry of the two-year probationary period, if he is deemed suitable, and

(b) in the case of an officer who, prior to his appointment, served part of the two-year probationary period in another post of the Authority.

(2) The appointment of an officer serving on probation may be terminated by the SPCA at any time during the probationary period, but prior to termination, a notice of intention to terminate must be given to the officer which contains the grounds for termination and invites him to make any representations, if he so wishes, against such termination.

(3) After the SPCA has considered any representations, it may either terminate the appointment or extend the probationary period for a period of up to one more year, as it may in each case considers appropriate:

Provided that the total time of the probationary period shall not in any case exceed three (3) years.

(4) Within one month of the expiration of the probationary period, the SPCA shall decide whether the appointment of an officer serving on probation shall be confirmed, terminated or extended and in case the appointment is confirmed or terminated, a relevant notice shall be published in the Official Gazette of the Republic.

Appointments
on contract.

15.-(1) Appointments on contract are made with a written contract containing duties, obligations, duration, remuneration and other terms of service of the person appointed.

(2) Any matter that is not specifically mentioned in the contract is regulated in accordance with the Regulations for the time being in force.

(3) Appointments on contract are published in the Official Gazette of the Republic.

General
Provision.

16. For any matters, for which no express provision or reference is made in the Law or in these Regulations, the provisions from time to time in force relating to public officers shall apply, mutatis mutandis.

TABLE
(Regulation 8)

(Digital Security Authority Form 1)

Application for the Appointment or Promotion in First Entry Posts or First Entry and Promotion Posts at the Digital
Security Authority

(To be completed by the applicant)

Posts for which an application is submitted.	<div style="border-bottom: 1px dotted black; height: 40px;"></div>
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(If an application is submitted for more than one post, a separate form must be completed for each post).

1. PERSONAL DETAILS OF THE APPLICANT

Name:

Surname:

(as shown on the identity card)

Current Surname:

.....

(to be completed only in case the surname of the applicant is different from the surname shown on the identity card)

Nationality:

Cypriot ☐ Other ☐

If other, specify which country

Identity Card:

Cypriot ☐ Other ☐

If other, to specify which country

Identity Card Number:

Social Insurance Number:

(To be completed only if the applicant is registered with the Social Insurance Department of Cyprus)

Date of Birth:.....

(attach a copy of the birth certificate)

Country and place of birth:

Profession or occupation:

Correspondence Address:

Street and number

.....

P.O. Box

Municipality

.....

District

.....

Postal Code

Country

Residence Address:

*(to be completed if different from the
correspondence address)*

Street and number

.....

P.O. Box

Municipality

.....

District

.....

Postal Code

Country

Telephone number:

<p>2. Specify if you have completed your military obligations or if you have legally been discharged from them by noting √. (Applicable only for citizens of the Republic of Cyprus)</p>	
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<p>3. (a) Have you been convicted of a crime of serious nature that involves lack of honesty or morality;</p>	
<p>(b) Have you been dismissed or have your services been terminated in the past for a disciplinary misconduct in the public service or in any other service of the Republic or a public corporate body of the Republic of Cyprus or of the European Union or of any other member state of the European Union;</p>	
<p>If yes, specify the nature of the offence/misdemeanor, the date of conviction and the sentence imposed. (In case the sentence of the offence was barred or in the event of dismissal of the disciplinary sentence this point to be ignored)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

<p>4.If you are disabled please note √ and attach confirmation and/or doctors' certificates in which the nature and status of your disability is described.</p>	
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<p>5.If you are a victim or the child of trapped people according to the legislation in force note√ and attach relevant confirmation. (Applicable only for citizens of the Republic of Cyprus).</p>	
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6. EDUCATION

Secondary, Higher, Postgraduate, Professional or other

<i>From</i>	<i>Until</i>	<i>Educational Institution</i>	<i>High School Diploma/ Diploma/ Degree/ Title*</i>
.....
.....
.....
.....
.....

A copy of the high school diploma, diploma, degree or other academic title or professional title to be attached.

Examinations, Governmental and Non-Governmental and Educational Programs for a duration of one month or more **that** you have attended. (Specify the type and the highest level of success and attach the copies of the relevant certificates)

.....

Other qualifications.

.....

.....

.....

.....

.....

.....

7. APPLICANT'S LANGUAGE KNOWLEDGE

(Use the adjectives Excellent, Very Good, Good, Moderate)

	Reading	Writing	Speech
Greek
Turkish
English
Other European Language

8. Profession or occupation from the completion of your education until today:

State the profession/professions or occupation/occupations, chronologically, from the completion of your education until today. (As in the schemes of service for certain posts experience is a required qualification or constitutes an advantage, relevant certificates/data proving experience must be attached. In case these certificates are not attached, the applicant could be considered not to possess the relevant required qualification or advantage).

Duties:
.....
.....
.....
.....

Date of Employment:

10. Provide a list of your certificates, copies of which should be attached.

(The originals to be presented upon request for inspection).

1.
2.
3.
4.
5.
6.
7.
8.
9.
- 10.....

I hereby declare that I have recorded in this form all the information that has been requested, that the information and attachments that I have provided are accurate and true and that the form was completed by me. I understand that any intentional inaccuracy or omission may result in my disqualification or the immediate revocation of my appointment.

I authorize the Selection and Promotion Board of the Digital Security Authority to retain, in electronic or any other form, personal data within the meaning of the

Processing of Personal Data (Protection of Individuals) Law which have been declared in this form for recruitment purposes in the specific position.

Signature

Date:

.. RECEIVED

Seal

PROOF OF RECEIPT

Name and Surname Identity Card Number

position for which an application is made

.....

.....

Date of submission of application.....