

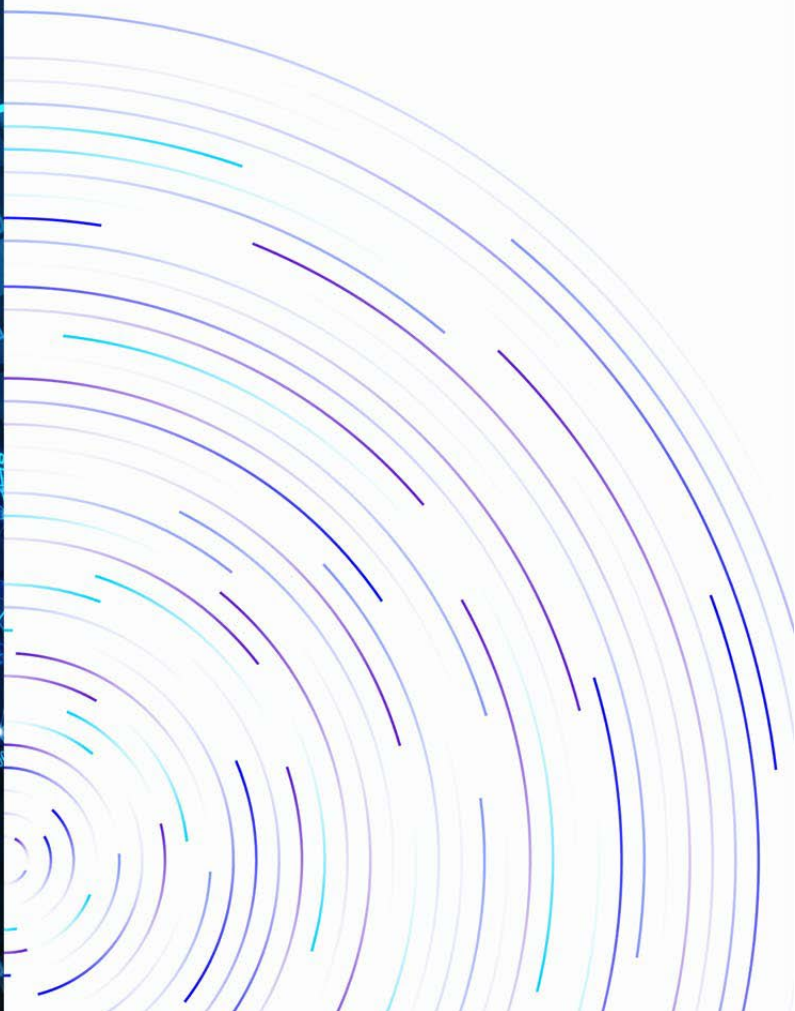


هيئة الاتصالات وتقنية المعلومات  
Communications & Information  
Technology Commission

# Data Centers Regulation

Issued by the Communications and  
Information Technology Commission

Version (1)



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Public Consultation

| Release                                | Issue Date |
|--|------------|
| Data Center Regulations<br>First Draft |            |

Public Consultation

## 1. Introduction

Pursuant to Article 3 of the Communication and Information Technology Commission Ordinance (the Act), the communications and information technology sector must be regulated to, among other objectives, ensure the creation of a favorable atmosphere to promote and encourage fair competition in all fields of communications and information technology.

Cabinet Resolution No. (133) dated 21/5/1424 AH granted the Communications and Information Technology Commission (CITC) the powers to regulate the information technology sector, and entrusted it with several tasks, including:

- Implementing the approved policies, plans, and programs for the development of information technology, and setting appropriate procedures.
- Suggesting systems related to information technology and their amendments and working on adopting them from the competent authorities.
- Issuing the necessary licenses in accordance with the relevant terms and regulations.

Council of Ministers Resolution No. (292), dated 27/04/1441H, in Article Seven, affirmed the continuation of the Ministry of Communications and Information Technology (MCIT) and CITC in accordance with its powers stipulated in the Communications Act and CITC's regulations to regulate the matters related to information technology.

As the information technology sector is currently undergoing rapid change, it requires the authority to adopt Data Center regulation (Regulation) that is detailed in this document. The Regulations aim is to enhance Data Center services in the Kingdom of Saudi Arabia (KSA) and provide regulatory transparency, which in turn will serve a number of digital investment areas, such as Cloud Computing Service Providers, digital content delivery networks and digital platforms, video streaming service operators and video game publishers.

By regulating Data Centers, CITC aims to promote investment and create a fair competitive environment. In addition, the regulation will contribute to improve the quality of Data Center Services, protecting customers and beneficiaries, and optimizing the use of the infrastructure of the communications and information technology sector.

## 2. Definition

The terms and expressions defined in the Telecom Act and its Bylaw and all other CITC regulations shall have the same meaning in this Regulation, unless otherwise required by context, the following terms and expressions shall have the meaning assigned to them hereunder:

- 2-1 **"Data Center"** is a dedicated building or space to centralized accommodation, interfaces, information technology operation and network communications equipment that provides data storage, processing, and transportation services, together with all facilities and infrastructure for energy distribution and environmental control, as well as all necessary levels of flexibility and safety required to provide the availability of the required service.
- 2-2 **"Data Center Services" (or 'Services')** shall mean the collective term of services such as space, power, and cooling provided by Data Center Service Providers to Customers to host servers, network components, storage equipment etc.
- 2-3 **"Data Center Service Provider" (or 'Service Provider')** shall mean any entity which owns or rents, in whole or in part, a Data Center in the Kingdom, and has direct or effective control over the Data Center, and aims to provide Data Center Services for others.
- 2-4 **"Data Center Customer" (or 'Customer')** shall mean anyone who acquires the Services from the Data Center Service Provider.
- 2-5 **"Carrier Neutral Data Center"** is a Data Center facility which enables any connectivity providers to provide network connectivity services to Customers inside and outside the Data Center without any discrimination and are not tied to only one connectivity provider.

## 3. Scope of Regulation

- 3-1 This regulation is for the wholesale or retail Data Centers Service Providers who offer Data Center Services to others in the Kingdom.

## 4. Registration Classifications and Requirements

- 4-1 Service Providers shall register at the CITC portal for each of its Data Centers from where it will be offering commercial Data Center Services to Customers as per the classifications and per minimum standards listed in clauses 4-2, 4-3, and 4-4.

4-2 Data Center Limited Registration

4-2-1 Limited registration will be for Data Centers that are either Tier I certified, hold any Tier design certification only or do not have any certification.

4-3 Data Center Standard Registration

4-3-1 Standard registration is for Tier II constructed certified Data Centers (as recognized by CITC).

4-3-2 The Data Center must have ISO 27001 certification.

4-3-3 The Data Center must be a carrier neutral facility.

4-3-4 Service Providers shall provide energy management and sustainability plans to reduce their energy consumption, carbon emissions and electronic waste.

4-4 Data Center Advanced Registration

4-4-1 Advanced registration is for Tier III or above constructed certified Data Centers (as recognized by CITC).

4-4-2 The Data Center must have ISO 27001 Certification.

4-4-3 The Data Center must be a carrier neutral facility.

4-4-4 Service Providers shall provide energy management and sustainability plans to reduce the energy consumption, carbon emissions and electronic waste.

Table 1: Summary of the types of Data Center registration

| Type<br>Metric                  | Limited  | Standard  | Advanced  |
|---------------------------------|--|---|---|
| Minimum Standard / Requirements | <p>Either:</p> <ul style="list-style-type: none"><li>• Uncertified or</li><li>• Tier I or</li><li>• any Tier Design Certification only</li></ul> | <ul style="list-style-type: none"><li>• Constructed facility Tier II (constructed)</li><li>• ISO 27001</li><li>• Carrier Neutral Data Center</li><li>• Energy management and sustainability plans</li></ul> | <ul style="list-style-type: none"><li>• Constructed facility Tier III or higher Tier (constructed)</li><li>• ISO 27001</li><li>• Carrier Neutral Data Center</li><li>• Energy management and sustainability plans</li></ul> |

## 5. Obligations of Registered Services Providers

- 5-1 Service Providers shall bear the responsibility in front of CITC and its individual Customers for any negative impacts occurred as a result of any acts or negligence by them, its agents, subcontractors, or employees (acting within the framework of their company, employment, or sub-contract with the Service Provider), incurring liability to such Customers under this clause or any other regulations in force in the KSA, irrespective of whether such acts or negligence occurred within or outside the KSA.
- 5-2 Service Providers are not entitled to vacate their contract liability towards their Customers for the losses and damages resulting from a lack of physical security or Data Center outages if such losses and damages can logically be attributed, in whole or in part, to intentional acts, negligence or omission of the Service Provider, its agents, subcontractors or employees acting within the framework of their company, employment or sub-contract with the Service Provider.
- 5-3 A 'best efforts' clause by Service Provider in a contract may not exclude its liability to individual Customers for acts or omissions committed intentionally or through gross negligence.
- 5-4 Regardless of the Clause 5-1, 5-2 and 5-3, Customers may agree to limit the liability of the Service Providers in accordance with their signed contracts.
- 5-5 Service Providers must notify their Customers of any insurance coverage they have against any liability for their Customers. Information on insurance coverage must include at least basic characteristics to enable Customers to assess their exposure to risk and decide on their insurance coverage accordingly.
- 5-6 If, due to any reason, a Service Provider decides to shut down their Data Center, or their registration is revoked or they decide to stop offering the Data Center Services to their Customers, the Service Provider must:
- Notify both CITC and their Customers, electronically and in writing, within fifteen (15) days of such decision.
  - Wait at least three (3) months to stop the Service due to any reason, or mutually agree with Customers, so Customers can plan and migrate to other Data Centers.
  - Force Majeure scenarios are excluded from this clause.
- 5-7 Service Providers are obligated, with respect to Service Level Agreements (SLA) and Quality Standards, to:
- 5-7-1 Notify Customers, upon request, of the actual level of achievement of any SLA convention requirements (if possible) for the last twelve (12) months or the period since the start of the Services contract, whichever is shorter.

- 5-7-2 Provide SLAs to their Customers.
- 5-7-3 Adhere to any rules or guidance issued by CITC in relation to SLAs, business continuity, disaster recovery and risk management for Data Centers.
- 5-8 Service Providers must keep their commercial registration, certifications, and Data Center registration valid at all times.
- 5-9 In case of expiry of any of the documents mentioned in Clause 5-8, Service Providers must inform CITC and their Customers immediately electronically and in writing.
- 5-10 Service Providers shall present, in advance, the financial fees for the services provided, their characteristics and the technical details of the data with complete transparency to Customers and those interested.
- 5-11 Enable other CITC licensed connectivity providers to connect with the Data Center and ensure the Data Center is carrier neutral facility without discrimination.
- 5-12 The validity, interpretation, and construction of the Service Provider's agreements with their Customers shall be governed by and construed in accordance with laws of the KSA. Disputes shall be overseen by the courts of the KSA. If thirty (30) days have passed without any settlement, then the concerned party shall refer the dispute to the relevant court in the KSA to oversee the matter.
- 5-13 Service Providers shall be obliged to provide CITC with any reports or information requested.
- 5-14 Service Providers must cooperate fully with CITC's inspectors, facilitate the inspector to conduct an inspection, and make available the required resources to carry out the inspection. CITC has the right to appoint an independent auditor to conduct inspections, checks and controls on its behalf.

## 6. General Rules

- 6-1 Service Providers must register with CITC through the electronic portal based on the scope of this document.
- 6-2 The registration of the Data Center in the 'Limited' category will be for existing Data Centers and will not be issued for new Data Centers that are being established or under construction after the date of approval of this document.
- 6-3 If the Data Center Service Provider also provides Cloud Computing services commercially, it must register with CITC as a Cloud Computing Service Provider according to the CITC's regulations, separately from its registration as a Data Center Service Provider.



- 6-4 CITC has the right to review the Service Provider's registration compliance, when necessary, with the relevant regulations.
- 6-5 Data Center registration is not transferable to any other entity.
- 6-6 Service Providers should consider their social and environmental responsibility by taking the initiative in reducing their carbon emission impacts, increasing their energy efficiency, and reducing their electronic waste.
- 6-7 Service Providers shall maintain accurate and updated information of their Data Centers with CITC all the times.
- 6-8 CITC will have the right to reject any registration request, at its discretion if the relevant Service Provider does not sufficiently demonstrate that it meets the required minimum technical qualifications, proven experience, quality standards, financial resources, and other conditions.
- 6-9 In case of any non-compliance or violation, Service Providers will be subject to the penalties and fines at the discretion of CITC according to the regulations. CITC may revoke or suspend the registration in accordance with this Regulation.
- 6-10 The Arabic version is the official language in the interpretation and implementation of this regulation. English language may be used to implement this Regulation or part of it. In case there is any conflict in interpretations, the Arabic version shall prevail.
- 6-11 CITC may review or amend this regulation and/or their Annexes as it deems necessary in accordance with CITC regulations.



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