

REPUBLIC OF RWANDA



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REGULATIONS ON SIM CARD REGISTRATION

ISSUED BY

REGULATORY BOARD

RWANDA UTILITIES REGULATORY AGENCY - (RURA)

SERIAL NUMBER 001/ICT/RURA/2013

DATED THIS 16 DAY OF JANUARY 2013

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PREAMBLE:

The Regulatory Board of Rwanda Utilities Regulatory Agency hereinafter referred to as “RURA”;

Given the Constitution of the Republic of Rwanda as amended to date especially in its article 22, paragraph 3;

Given the Law n°39/2001 of 13/09/2001 establishing an agency for the regulation of certain public utilities; particularly Articles 13, point 2 and 5;

Given the Law n° 44/2001 of 30/11/2001 governing telecommunications, especially in its article 3;

Pursuant to Presidential Order n°04/01 of 15 March 2004 determining specific duties of the Regulatory Board in Telecommunication matters, especially in its article 3, points (iii) and (v);

And whereas upon due consideration and deliberation by the Regulatory Board of RURA in its Session of 13Th September 2012;

HEREBY ISSUES THE FOLLOWING REGULATIONS:

CHAPTER I. GENERAL PROVISIONS

Article 1: Purpose

These Regulations determine the mechanisms and process for the registration of SIM Cards of all mobile subscribers in the Republic of Rwanda.

Article 2: Scope

These Regulations shall apply to all licensed mobile operators as well as their current and future subscribers.

Article 3: Definitions

1. Unless the context otherwise requires, the terms used in these Regulations shall have the same meaning, if any, as they have in the Law Governing Telecommunications.
2. The following terms in these Regulations shall have the meanings provided below:

(a) “Corporate body” shall mean an organization or a group of persons that has Legal personality

- (b) **“Effective date”** shall mean the date on which these Regulations come into force ;
- (c) **“Existing subscriber”** shall mean a person who is a subscriber prior to the effective date of these Regulations ;
- (d) **“Licensee”** shall mean a person or operator who holding a license to operate mobile telecommunications services and who holds a database under these regulations;
- (e) **“Non resident”** shall mean someone who does not have Rwandan ID Card or residence permit in the sense of these Regulations;
- (f) **“Operator’s Database”** shall mean subscriber information database, containing the personal data of all Subscribers ;
- (g) **“Regulatory Authority”** shall mean the Rwanda Utilities Regulatory Agency as established by the Law No. 39/2001 of 13/09/2001 establishing an agency for the regulation of certain public utilities as may be amended from time to time;
- (h) **“Regulations”** shall mean these regulations.

CHAPTER II. REGISTRATION

Article 4:Registration

Any licensee operating in the Republic of Rwanda shall register all subscribers and SIM card holders using its network and services in accordance with the provisions of these regulations.

Article 5: Registration requirements

Every Licensee shall record its subscribers’ details as follows:

- (a) Any activation of the licensee’s SIM Card shall be subject to the registration of personal information of individual subscriber wishing to use that SIM Card.
- (b) The SIM Card registration by corporate body shall be subject to a formal request to the concerned licensee through an official letter containing all required information and data. The corporate body may request to register its SIM Card under the name of the SIM

Card user or under its own name. When the SIM Card is to be registered under the name of the Corporate Body, the request for SIM Card registration must contain the information of all users of SIM Card, their ID Number and the associated telephone number.

- (c) Corporate bodies shall be accountable for the accuracy of the data submitted to the licensee for the purpose of SIM registration. The registration of a SIM Card used by more than one person shall be done under the name of the corporate body which has made the application.

Article 6: Registration of existing subscribers

- (1) The registration of existing subscribers shall be done by authorized registration agent. The registration shall be subject to the presentation of original ID Card and physical presence of SIM Card holder.
- (2) The registration of all existing subscribers shall be done within a period of 6 months effective from 4th February 2013.
- (3) The SIM Cards not registered after this period shall be automatically deactivated by the Licensee.
- (4) A deactivated SIM Card may be reactivated upon its registration in accordance with Paragraph 1 of this Article.

Article 7: Registration of non residents

A non resident shall register his/her SIM Card upon presentation of his original travel document. . The registration shall be done manually.

Article 8: Registration of Dependants

Parents or guardians having a valid national ID card shall register their dependants under their names.

Article 9: Prohibition of proxy registration

The proxy SIM Card registration shall not be allowed.

Article 10: Collaboration with national body in charge of citizen identification

During the registration process, the Licensees shall endeavor to keep a good collaboration with the national institution responsible for registration and identification of Rwandan Citizen known as National Identification Agency (NIDA).

CHAPTER III. THE OPERATOR'S DATABASE USE

Article 11: Establishment and maintenance of a Database

- (1) The Licensee shall establish and maintain a database of all registered subscribers' information to be known as "the Operator's Database".
- (2) The operator's Database shall be established in such a manner as to ensure easy access to data by only authorized persons.

Article 12: Management of the SIM Card registration Database

- (1) The management, care and control of the SIM Card registration database shall be under the responsibilities of the Licensee.
- (2) The licensee will not be allowed to use any personal information for other purpose without a prior consent of the concerned subscriber.

Article 13: Operations of the operator's Database

The Regulatory Authority shall have access to SIM Card registration database when deemed necessary.

Article 14: Licensees' right to use subscriber information

The Licensee may use its subscribers' personal information to compile their profiles for statistical purposes.

Article 15: Access to subscriber information by other persons

Notwithstanding the provisions of article 13 of these regulations, an authorized person or institution may be facilitated to have access to the operator's database.

Article 16: Data protection and confidentiality

- (1) Any subscriber whose personal information is stored in the Operator's database shall be entitled to view the said information and to request updates and amendments thereto.
- (2) The subscriber information contained in operator's Database shall be held on a strictly confidential basis and no person or corporate body shall be allowed to have access to any subscriber's information on the operator's Database except where it is provided for in these Regulations.

- (3) Licensees and their agents involved in the registration services shall not under any circumstances retain, duplicate, deal in or make copies of any Subscriber Information or store in whatever form any copies of the subscriber information for any purpose except where it is provided for in these Regulations and other applicable laws in Rwanda.
- (4) Licensees providing registration services and the Regulatory Authority shall take all necessary measures to preserve the integrity and prevent any corruption, loss or unauthorized disclosure of subscriber information(s).
- (5) Licensees shall keep in good faith all personal information(s) retained in accordance with these Regulations.
- (6) Licensees providing registration services shall not retain the personal data of any subscriber after transmission thereof to the operator's Database.

CHAPTER IV. INSPECTION, REGULATORY SANCTIONS AND APPEAL

Article 17: Inspection

- (1) The Regulatory Authority will ensure compliance with these regulations by carrying out inspections.
- (2) The Regulatory Authority reserves the right to place appropriate sanctions on defaulting licensees.
- (3) Without prejudice to other sanctions provided for in other relevant laws, a violation of a defaulting licensee shall be punished in accordance with the provision of these regulations.

Article 18: Failure to register, deregister or transmit subscriber information

- (1) Any licensee who fails to register or deregister any natural person or legal entity commits an offense and shall be liable to a fine of Rfw 1,000,000.
- (2) Any licensee who transmits the details of a subscriber to an unauthorized third party commits also an offense and shall be liable to a fine of Rfw 1,000,000 for each SIM Card.
- (3) A licensee who activates any SIM Card without registering and transmitting the personal information to the operator's Database shall be liable to a fine of Rfw 1,000,000 for each unregistered SIM Card.

Article 19: Non compliance with activation and deactivation requirements

- (1) Any licensee who activates or fails to deactivate a SIM Card as provided for in these Regulations is liable to a fine of Rfw 1,000,000 for each unregistered but activated SIM Card;
- (2) Licensees or agents who uses the subscriber's information in any business, commercial or other transactions without subscriber's consent, are liable to a fine of Rfw 2,500,000 per SIM Card;
- (3) Notwithstanding the provisions of article 14 of these Regulations, any licensee shall not use the subscriber's information unless he has prior consent of the concerned subscriber.

Article 20: Appeal

- (1) The licensee has the right to appeal if not satisfied with the fine imposed by the virtual of these regulations.
- (2) The licensee making the appeal will be given at least seven working days advance written notice of the date of the appeal hearing.
- (3) At the appeal hearing, the grounds of appeal shall be treated as a new complaint and the issues to be considered in their entirety.
- (4) Decisions of the regulatory board on the appeal shall be reached and communicated to the concerned licensee within seven working days from the date of the appeal hearing.
- (5) Decisions by the regulatory board shall be binding subject to the decisions being overruled by a competent court.

CHAPTER V. FINAL PROVISIONS

Article 21: provision

All previous provisions or regulations governing, determining or relating to SIM Card Registration contrary to these Regulations are hereby repealed.

Article 22: Publication

These regulations shall be published on RURA and in the Official Gazette of the Republic of Rwanda.

Article 23: Coming into Force

These regulations shall come into force on the date of signature by the Regulatory Board.

ISSUED AT KIGALI ON THIS 16 DAY OF 01/ 2013

***(Sé)
EUGENE KAZIGE
CHAIRPERSON OF THE REGULATORY BOARD***