



ETHIOPIAN COMMUNICATIONS AUTHORITY

SIM CARD REGISTRATION DIRECTIVE

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SIM CARD REGISTRATION DIRECTIVE

WHEREAS, Article 6(2) of Communications Services Proclamation No. 1148/2019 (“the Proclamation”) confers on the Ethiopian Communications Authority (“the Authority”) the power to implement policies for communications services in Ethiopia;

WHEREAS, Article 54(2) of the Proclamation grants the Authority the power to issue directives for the implementation of the Proclamation and Regulations issued pursuant to the Proclamation;

WHEREAS, Article 51(4) of the Proclamation gives the Authority the mandate to require Telecommunications Operators to register all Subscriber Identification Modules (SIM Card) and to establish a National Subscriber Registry;

NOW, THEREFORE, the Authority hereby issues this SIM Card Registration Directive.

PART I

SHORT TITLE, DEFINITION, OBJECTIVE, AND SCOPE OF APPLICATION

1. Short Title

This Directive may be cited as the “SIM Card Registration Directive No. 11/ 2020.”

2. Definitions

Words and phrases used in this Directive shall have the meaning and application given to them in Communications Service Proclamation No. 1148/2019. In this Directive, unless the context otherwise requires:

- 1) **“Activate”** means to enable access by a subscriber of telecommunications services provided by a Telecommunication Operator or agent.
- 2) **“Agent”** or **“Authorized Agent”** means a person contracted or engaged by a telecommunication operator or by a third party on behalf of a telecommunications operator to carry out the registration of Subscriber Identification Modules (SIM Cards) under this Directive.
- 3) **“Authority”** means the Ethiopian Communications Authority established under Article 3 of the Proclamation.
- 4) **“Central Database”** or **“National Subscriber Database”** means a subscriber information database containing registration information of all subscribers.
- 5) **“Consumer,” “Customer,”** or **“Subscriber”** means any person who receives telecommunications services and pays the corresponding fees for a certain period of time by virtue of an agreement that one enters into or accepts the terms set forth by a service provider.
- 6) **“Deactivate”** means to disable the access of a subscriber to Telecommunications Services provided by a Telecommunication Operator.

- 7) **“Dispute”** means any request for dispute resolution that has been accepted by the Authority for formal resolution.
- 8) **“Guardian”** means any person who, in a written decision by an Ethiopian federal or state court, is legally recognized as having legal capacity to make decisions on behalf of that child or legally classified as a disabled person.
- 9) **“Identification Details”** means details given by a subscriber to a Telecommunications Operator or an agent for the purpose of registration of a SIM Card.
- 10) **“License”** means a license issued by the Authority for the provision of Telecommunications Services.
- 11) **“Licensee” and “Telecommunications Operator”** mean a license issued by the Authority for the provision of Telecommunications Services.
- 12) **“Operator”** means a person who provides any of the specified communications systems and services.
- 13) **“Operator Database”** means a subscriber information database containing registration information of subscribers who are customers of the Operator.
- 14) **“Personal Information”** means the private information and records relating to a customer leading to identify such customer including his/her identity, address, or telephone number and/or traffic and billing data and/or other personal information.
- 15) **“Proxy Registration”** means registration on behalf of a subscriber by a person who legally represents the actual subscriber.
- 16) **“Registration”** means the process of recording the identification details of a person as a subscriber by a Telecommunications Operator or an agent.
- 17) **“SIM Card”** means Subscriber Identification Module, widely known as SIM Card, USIM Card or e-SIM Card, is a card that is inserted into a device such as a cell phone and that is used to identify a subscriber on a communications network and to store data, including phone numbers, contact information, and other technical data.
- 18) **“Subscriber”** means a person who is registered under this Directive and has access to Telecommunications Services provided by a Telecommunications Operator.
- 19) **“Suspend”** means to temporarily disable a subscriber’s access to Telecommunications Services provided by a Telecommunications Operator.

3. Objective

To provide a regulatory framework for the registration of all SIM Card users, and for the control, administration, and management of the National Subscriber Registry managed by the Authority, in the Federal Democratic Republic of Ethiopia (“Ethiopia”).

4. Scope of Application

- 1) This Directive shall apply to all Licensees who actively sell SIM Cards to Subscribers for use in Ethiopia and all persons who use a SIM Card issued by and registered with the

Licensee in Ethiopia but shall not extend to users of SIM Cards issued by foreign licensees, notwithstanding those users who are roaming on the network of a licensee in Ethiopia.

- 2) This Directive further applies to all Licensees who shall establish an Operator Database where its purpose is to store subscriber information in a secure database to protect the subscriber's information.

PART II

NATIONAL SUBSCRIBER DATABASE

5. National Subscriber Database

- 1) The Authority shall establish and maintain a database of all registered subscribers' information in a central database referred to as the "National Subscriber Database."
- 2) The Authority shall:
 - a) Host the National Subscriber Database in a secure location on its premise;
 - b) Provide a platform for the storage of subscriber information;
 - c) Receive and update subscriber information from each Telecommunications Operator on a monthly basis; and,
 - d) Securely access the database for inspection solely to address inquires or to resolve disputes.

6. Access to the National Subscriber Database

The Authority shall hold and protect the subscriber information contained in the National Subscriber Database on a strictly confidential basis and no person or entity shall be authorized to access any subscriber information without the permission of the Authority with the exception of:

- 1) Addressing or investigating disputes, breaches or sanctions;
- 2) At the request of law enforcement where an investigation is pending for the misuse of SIM Cards or other matters pertaining to national security; and,
- 3) To integrate with a Number Portability platform to manage a central clearinghouse and traffic routing protocol.

PART III

SIM CARD REGISTRATION

7. SIM Card Registration Process

- 1) A Telecommunications Operator or authorized agent shall be the only authorized entity permitted to register a subscriber.
- 2) A Telecommunications Operator shall maintain records of the following:
 - a) Contact information and consent forms signed for all its authorized employees employed by the entity directly tasked with issuing and/or managing SIM Cards;

- b) Contact information and consent forms signed for all authorized agents and contractors; and,
 - c) A continually updated list of all SIM Cards sold to its agents and partners for redistribution.
- 3) A Telecommunications Operator shall:
- a) Establish and maintain a database pursuant to Sub-Article (1) of this Article, of all registered subscribers' information in an Operator's Database and submit an updated Operator Database to the Authority on a monthly basis;
 - b) Submit to the Authority, on a quarterly basis or upon request by the Authority, a report of its operations on the maintenance of records of the Operator's Database including care, control and necessary security measures of the subscriber information;
 - c) Provide to the Authority access to its systems, premises, facilities, files, records, and other data to enable the Authority to inspect the effective compliance of this regulation at any given time; or,
 - d) Restrict access to subscriber information unless requested by the Authority, required by law or a court order.
- 4) A Telecommunications Operator or agent who commits a breach under this Directive, shall, on a finding of liability by the Authority, be subjected to a fine to be defined and published by the Authority.

8. Information Required to Register a Subscriber SIM Card

- 1) Full name as it appears on a government issued identification card;
- 2) Government issued identification card, service card, passport, or other government issued/recognized identification card (original and copy);
- 3) Nationality;
- 4) Date of birth;
- 5) Gender;
- 6) Physical address;
- 7) Postal address, where available (optional);
- 8) Where a subscriber has a SIM Card registered to his/her name on a network within Ethiopia, that number shall be registered;
- 9) If registering a minor or a person with disabilities under the care of a guardian, an original and a copy of the birth certificate must be presented;
- 10) If registering for a corporation, a letter duly signed with a corporate stamp or seal by the managing director or the person who is responsible for the day-to-day management of the statutory body; and,

- 11) Where relevant, a certified copy of the Certificate of Registration or Incorporation and a copy of a government issued identification card or passport of at least one director;
- 12) All information provided under this Article that include changes in subscriber information shall be communicated to the Telecommunications Operator or the agent within thirty (30) days of the change taking place.
- 13) Anyone who knowingly provides false information to a Telecommunications Operator or an agent during the registration process will be in breach of this Directive.

9. Verification Requirements by Telecommunications Operators and Agents

- 1) Citizens of the Federal Democratic Republic of Ethiopia and Ethiopian Nationals in possession of a National Origin Identification Card:
 - a) For Ethiopian citizens, an original or certified copy of a valid government issued identification card;
 - b) For Ethiopian nationals in possession of a National Origin Identification Card, an original or certified copy of a valid foreign passport and a valid National Origin ID Card.
- 2) Non-Ethiopians
 - a) Members of the diplomatic community categorized as resident diplomats by the FDRE Ministry of Foreign Affairs:
 - i). An original or certified copy of a valid passport; and,
 - ii). An original or certified copy of a valid diplomatic identity card.
 - b) Non-Diplomatic Foreign Citizens and Nationals Residing in Ethiopia
 - i). A certified copy of a valid passport, and,
 - ii). A certified copy of employment and residence permits issued by the Government of Ethiopia or a Regional State.
- 3) Foreign Non-Government and Not-for-Profit Organizations and Institutions
 - a) Where the subscriber is a non-government organization/institution, it shall present introduction letters from the institution and from the Ethiopian Government Ministry that regulates the institution's presence and work in Ethiopia; and,
 - b) The head of the institutions shall present certified copies of a valid passport or identity cards.
- 4) Visitors
 - a) An original or certified copy of a valid passport;
 - b) A local address (including and where applicable, a commercial establishment providing accommodation), and contact phone number where the visitor can be reached during the visit.

- 5) For a corporate person or a statutory body, certified copies of the following documents:
 - a) Certificate of incorporation and an original national identity card or passport of at least one director; or,
 - b) Certificate of registration and original national identity card or passport of the proprietor or at least one partner, as the case may be.
- 6) It shall be a breach to register a subscriber in violation of this Directive.

10. **Additional Verification Requirements, Updating Subscriber Information, and Maintenance of Such Information in the National Subscriber Registry**

- 1) Telecommunications Operators and authorized agents shall:
 - a) Register a person as a subscriber using a common form that is provided by the Authority;
 - b) Enter the registration details provided by a person in an electronic or physical form;
 - c) Require a person to appear before the Telecommunications Operator or agent in person; or,
 - d) Assign a registered Power of Attorney.
- 2) Updating subscriber information and maintenance of such information in the National Subscriber Registry
A Telecommunications Operator shall:
 - a) Update the information obtained pursuant to Article 7(3) of this Directive in the Operator's Database; and,
 - b) Maintain the registration details obtained in an electronic medium in a secure and confidential manner. The information for each subscriber will be included into the National Subscriber Registry.

11. **Registration of Minors and Adults with Disabilities with a Court Appointed Guardian**

A minor who wishes to register a SIM Card shall:

- 1) Be accompanied by his or her guardian possessing relevant identification details as provided in Articles 9 and 10 of this Directive;
- 2) The Telecommunications Operator or agent shall record the date of birth of the minor when registering the minor's SIM Card;
- 3) A guardian accompanying a minor for the purposes of registering a minor's SIM Card under Article 11 shall be registered as the subscriber of that particular SIM Card until the minor attains the age of eighteen (18);
- 4) Within not less than one (1) month prior to the minor attaining the age of eighteen (18), the Telecommunications Operator shall advise the minor to register as an adult

and shall inform the minor that his or her Telecommunications Services shall be suspended if he or she fails to comply within three (3) months of such notice;

- 5) Where an adult has no legal capacity (unable to take care of himself/herself because of physical or mental disabilities) to transact on his or her own behalf, the requirements of this Directive shall apply with necessary modifications to accommodate such disabilities.

12. Proxy Registration

There shall be no proxy registration of any SIM Card except as otherwise permitted under Article 11 of this Directive

13. Transfer of Ownership of a SIM Card

- 1) When requesting a transfer in ownership of a SIM Card registered in a person's name, a subscriber shall make an application to the relevant Telecommunications Operator informing the Telecommunications Operator of his/her intention to cancel the use of the SIM Card and to transfer the benefits, use, and liability of the SIM Card to a particular person.
- 2) When considering such an application, the Telecommunications Operator shall apply the registration requirements provided in Articles 8, 9, and 10 of this Directive.

14. Providing Access to the Authority to Ensure Compliance With Registration Requirements

A Telecommunications Operator shall grant the Authority access to its system, premises, facilities, files, records and other data to enable the Authority to inspect such systems, premises, facilities, files, records and other data for purposes of ensuring compliance with this Directive and the maintenance of the National Subscriber Registry and other applicable Directives that require inspection.

15. Suspension of Unregistered Subscribers and Notification

A Telecommunications Operator shall:

- 1) Suspend Telecommunication Services of an unregistered subscriber if the unregistered subscriber fails to comply with this Directive after thirty (30) days of enforcement of this Directive or upon notification of the infraction.
- 2) A Telecommunications Operator shall notify all its unregistered subscribers of its intentions to suspend the Telecommunications Services if the unregistered subscriber does not comply with the provisions of this Directive within six (6) months of this Directive coming into force.
- 3) A Telecommunications Operator will use the following methods to notify unregistered subscribers and request compliance by:
 - a) Sending a Short Message Service (SMS) to the unregistered phone number;
 - b) Broadcasting the request on established radio and television channels;

- c) Posting a notice at all outlets that sell the SIM card of the Telecommunications Operator;
 - d) Printing a notice on a newspaper with national circulation rights.
 - e) Publishing notices and postings on the Telecommunication Operator's website and official social media pages.
- 4) A Telecommunications Operator shall reactivate a suspended SIM Card where a subscriber complies with these Directives.

PART IV
SIM CARD DEACTIVATION

16. A Telecommunications Operator Shall Deactivate a Subscriber's SIM Card where:

- 1) Service to the subscriber has been suspended for a period of ninety (90) days;
- 2) Upon request by the subscriber;
- 3) The Telecommunications Operator or the Authority establish that the subscriber has provided false information when registering his/her SIM Card;
- 4) The Telecommunications Operator or the Authority establish that a breach has occurred as specified in Article 19 of this Directive;
- 5) The Telecommunications Operator establishes that the subscriber has not used the SIM Card for 3 months; and,
- 6) A family member or authorized agent of the subscriber presents a death certificate of the subscriber.

17. Lodging a Complaint with the Authority

- 1) Notwithstanding the provisions in Article 8 of this Directive, where an authorized government representative informs the Authority that a subscriber has provided false information for registration of a SIM Card, the Authority shall notify the Telecommunications Operator of the complaint and the intended deactivation of the subscriber's SIM Card.
- 2) Subject to Sub-Article (1) of this Article where a complaint has been made to the Authority, a Telecommunications Operator shall give the subscriber against whom a complaint has been lodged an opportunity to be heard and to respond to the complaint made before deactivating the SIM Card;
- 3) The Authority shall give the subscriber fourteen (14) days to respond to the complaint made against him or her; and,
- 4) Where a SIM Card has been deactivated, the Telecommunications Operator shall retain the records of the relevant subscriber for six (6) months.

18. Requirement to Submit Quarterly Reports on Deactivated Accounts

A Telecommunications Operator shall submit quarterly reports to the Authority on the record of deactivated and suspended subscribers, and shall update the Operator's Database accordingly.

19. Breach Under This Directive

Failure to comply with the provisions in this Directive or the decisions of the Authority, shall be subject to the enforcement provisions in Article 52 of the Proclamation.

**PART V
PENALTIES AND SANCTIONS**

20. Penalties

The Authority shall impose a penalty in the form of fines on a Telecommunications Operator or its agents where they:

- 1) Fail to capture, register, deregister or record the verified details of a subscriber to the Operator's Database as required by this Directive;
- 2) The Telecommunications Operator or its agents activates any SIM Card without capturing, registering, and updating the Operator's Database;
- 3) The Telecommunications Operator or its agents refuse service to a subscriber where a subscriber fulfils all the requirements as listed in Article 6 of this Directive;
- 4) The Telecommunications Operator fails to protect the privacy of the subscriber as required by this Directive; and,
- 5) The Telecommunications Operator is found to be in breach of any part of this Directive.

**PART VI
DISPUTE RESOLUTION**

21. Right to Dispute the Authority's Findings

- 1) A Telecommunications Operator has the right to dispute any fine imposed by the Authority by submitting an appeal in writing to the Authority within seven (7) days from the date of the imposed fine.
- 2) Following the written request, the Authority shall respond to the Telecommunications Operator not later than forty-five (45) days whether:
 - a) The Authority requires additional information from the Telecommunications Operator prior to reaching a decision;
 - b) The Authority has accepted the Telecommunications Operator's appeal; or,
 - c) The Authority has denied the Telecommunications Operator's request and shall inform the Telecommunications Operator's rights to seek resolution of the dispute

in accordance with the procedures established in the Authority's Dispute Resolution Directive.

PART VII

SECURITY AND CONFIDENTIALITY OF SUBSCRIBERS' REGISTRATION DETAILS

22. Security and Confidentiality of Subscriber Information

A Telecommunications Operator shall:

- 1) Take all reasonable steps to ensure the security and confidentiality of its subscribers' registration details;
- 2) Notify the Authority of the steps taken and processes introduced to ensure the security and confidentiality of its subscribers' registration details within thirty (30) days after this Directive comes into force;
- 3) Verify the accuracy and authenticity of information related to a subscriber's details contained in its Operator's Database as required by the Authority from time to time;
- 4) Update the Authority, on a monthly basis, of any subscriber changes to the Operator's Database;
- 5) Notify the Authority of any data breach that compromises subscriber information within seven (7) business days from the discovery of the breach; and,
- 6) Notify the affected subscribers of any data breach including instructions on how to manage the compromise.

PART VIII

MISCELLANEOUS

23. Amendment

The Authority may, at any time it deems it necessary, and consistent with the Proclamation, amend this Directive.

24. Effective Date

This Directive shall come into force on _____, 2020.

DONE AT ADDIS ABABA ON _____ DAY OF _____ 2020

**ENGINEER BALCHA REBA
DIRECTOR GENERAL
ETHIOPIAN COMMUNICATIONS AUTHORITY**