

Electronic and Postal Communications (Sim Card Registration)

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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (SIM CARD
REGISTRATION) REGULATIONS, 2018

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- “customer” means any person who obtains or seeks to obtain services of any kind from a person undertaking activities pursuant to these Regulations and includes subscribers;
- “contract of services” means an agreement entered into between a licensee and a customer for the provision of the licenced services to the customer;
- “dealer” means a person who carry out trade, business or industry in which electronic communications apparatus are assembled, manufactured, imported, bought, sold, hired or exchanged;
- “guardian” means a person who has a charge or control over a child or a person appointed by deed, will or order of the court vested with a duty of taking care and managing the property and rights of the child;
- “licensee” means an entity licensed by the Authority to provide and facilitate provision of postal or electronic communication services, also known as an operator;
- “minor” means a person below the age of eighteen years; and
- “SIM Card” means Subscriber Identity Module which is an independent electronically activated device designed for use in conjunction with a mobile telephone or communication device to enable the user to communicate.

PART II REQUIREMENTS FOR REGISTRATION OF SIM CARDS

Obligation to register SIM card

4.-(1) Any person who owns, controls or intends to use a detachable SIM card, built-in SIM card mobile telephone or SIM enabled mobile communication equipment shall be obliged to register the SIM card or built in SIM card mobile telephone or SIM enabled mobile communication equipment with their respective application service licensees, operators or authorized distributors, agents or dealers in manner set out in the Schedule to these Regulations.

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(2) Any person who sells or in any other manner provides detachable SIM card or built-in SIM card mobile telephone or SIM enabled mobile communication equipment to any potential subscriber shall:-

- (a) register subscribers using a format provided by the Authority; and
- (b) record the particulars of subscribers electronically or using a specified form.

(3) The Authority shall, from time to time, introduce a format for the registration of SIM cards, built-in SIM card mobile phone or SIM enabled mobile communication equipment shall comply with.

Recording subscribers information

5.-(1) The subscriber's information shall be recorded electronically or in the specified form prescribed as follows:-

- (a) if a potential subscriber is a natural person, records:
 - (i) the full name of the potential subscriber;
 - (ii) identity card number or any other document which authentically proves the identity of the potential subscriber; and
 - (iii) residential and business or registered physical address, whichever is applicable.
- (b) if a potential subscriber is a minor, he shall be accompanied by a parent or guardian who shall assist him to provide:-
 - (i) the full name of adult accompanied him;
 - (ii) identity card number or any other document which authentically proves identity of the adult;
 - (iii) residential and business or registered physical address of the adult, whichever is applicable;
 - (iv) full name of the minor;
 - (v) identity card number or any other document which authentically proves the identity of the minor; and

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- (vi) information on proof of parenthood or guardianship of the adult to the minor.
- (c) if a potential subscriber is a legal person, the following information shall be provided:-
 - (i) certified copies of certificate of registration or incorporation;
 - (ii) certified copies of business licence;
 - (iii) certified copies of Tax Payer Identification Number certificate;
 - (iv) certified copies of Value Added Tax, where applicable;
 - (v) registered offices.
- (d) if a legal person obtains SIM cards for his staff, the following additional information shall be provided:-
 - (i) the full name of the staff for whom the SIM card is requested; and
 - (ii) identity card or any other document which authentically proves the identity of the staff.
- (2) The licensee shall retain copies of documents obtained in the format to be determined by the Authority ten years after the subscriber stops using licensee's services.
- (3) Any person intending to own and use detachable SIM card or built-in SIM card device shall avail to the licensee or to the authorised distributor, agent, dealer or any person selling or distributing the detachable SIM card or built-in SIM card mobile telephone or SIM enabled mobile communication equipment all information required.

Right to obtain and use additional information

6.-(1) Any person who sells or, in any other manner provides detachable SIM card or built-in SIM card mobile telephone or SIM enabled mobile communication equipment to any potential subscriber shall obtain from the potential subscriber any other information which the person who sells or in any other manner provides the detachable SIM card or built-in SIM card mobile telephone or SIM enabled mobile communication equipment deems necessary.

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(2) Application services licensees, operators, distributors, agents and dealers authorised to sell or provide SIM cards and detachable and SIM embedded are duty bound to verify all information obtained.

Submission of information by agents

7.-(1) Every licensee shall receive the information from their distributors, agents, or dealers of detachable SIM card or built in SIM card information obtained during registration prior to SIM card activation.

(2) The reporting format shall be determined by the Authority.

**PART III
ACTIVATION AND DEACTIVATION OF SIM CARDS**

Sale of active SIM cards prohibited

8.-(1) A Licensee shall not activate a SIM card on its electronic communication system unless the Licensee has first registered the new subscriber's details pursuant to these Regulations.

(2) A SIM card shall:-

(a) be activated after the subscriber's details have been received and verified by the Licensee;

(b) have a default unlock pin which shall be based on random digits which can only be changed by SIM card owner or subscriber.

(3) A licensee shall deactivate and recycle a SIM card if a SIM card remains in idle state for ninety days consecutively.

(4) Notwithstanding sub regulation (3), the licensee shall not deactivate a SIM card where the subscriber has notified the licensee in writing that the SIM card will remain idle for more than ninety days consecutively but not exceeding a period of twelve months from the date of notification.

(5) A subscriber whose SIM card has been deactivated

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pursuant to sub regulation (3) shall resubmit a fresh request for registration of the same number subject to availability.

(6) A licensee shall establish a mechanism of handling monetary balances of SIM card which is activated in accordance with the National Payment System Act, 2015.

(7) A licensee shall submit to the Authority quarterly reports on deactivated SIM cards in a format to be developed by the Authority.

**PART IV
SALE OF SIM CARDS BY DEALERS AND AGENTS**

Use of distributors, dealers and agents

9.-(1) licensee may use authorized distributors, dealers and agents in selling or distributing SIM cards or built-in SIM card devices.

(2) A dealer, agent or distributor who sells and distribute a detachable SIM card or built-in SIM card shall have evidence of authorisation from the respective licensee.

Requirements for distributors, dealers and agents

10. A licensee shall ensure the authorized distributors, dealers and agents in sub-regulation 9(2) provides him with the following information:-

- (a) business licence;
- (b) Tax Payer Identification Numbers; and
- (c) traceable physical location.

Submission of reports for authorized distributors, dealers and agents

11. A licensee shall, on a quarterly basis, submit to the Authority a verified list of nation-wide authorized distributors, dealers and agents.

**PART V
PROVISION, SUBMISSION AND CHANGE OF INFORMATION AND OWNERSHIP**

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Change of information and ownership to be reported

12.-(1) Any change of information submitted for the purposes of registering a SIM card, built-in SIM card mobile telephone or SIM enabled mobile communication device shall, within fifteen days from the date of occurrence of such change, be registered with a licensee.

(2) A subscriber shall report any change of ownership or possession of a registered SIM card, built-in SIM card mobile phone or SIM enabled communications device to the Licensee.

(3) The owner of a SIM card which was previously owned by another person shall within fifteen days of owning the SIM card, built-in SIM card mobile telephone or SIM enabled mobile communication device have a duty to register the SIM card.

Duty to report loss of SIM card

13. An owner of a registered SIM card, built-in SIM card mobile telephone or SIM enabled mobile communication device shall be obliged to:-

- (a) report loss, theft and destruction of SIM card, built-in SIM card mobile telephone or SIM enabled mobile communication device to the Police and to obtain a Loss Report of preliminary investigation report within seven days of the loss or theft; and
- (b) present the Loss Report to his service provider when requesting a replacement of the SIM card.

Replacement of SIM card

14.- (1) A licensee shall replace a lost or missing SIM card upon:-

- (a) verification of the original registration and ownership of the SIM card; and
- (b) presentation of evidence that the loss has been reported to the Police.

(2) Mobile money transactions on the new SIM card shall be blocked for fourty eight hours after the swap.

SIM swap Information

15. A licensee shall:-

- (a) file with the Authority its SIM swap procedure;

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- Cap
- (b) retain SIM swap information;
 - (c) capture and retain credentials and logs of swapping agents and of any person accessing the SIM swap database;
 - (d) keep the information captured under this sub regulation in a traceable database for a period prescribed in the National Payment Systems Act.

**PART VI
GENERAL PROVISIONS**

Requirement on customer education 16. A licensee shall conduct awareness campaigns on SIM cards registration.

Requirement on Inspection of agents 17. A licensee shall inspect their agents and dealers on monthly basis to ensure compliance to SIM card registration requirements and submit reports to the Authority.

Penalty 18. (1) Any person who contravenes any provision of these Regulations commits an offence and shall on conviction be liable to a fine prescribed under the Act.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

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SCHEDULE

(Made under regulation 4(1))

SIM CARD REGISTRATION FORM

A1: General Information	
<i>Adult Subscriber; Parent/Guardian or Legal Entity Contact Person</i>	
1.	Full Name (<i>First Name, Middle Names, Surname</i>)
2.	Gender
3.	Date of Birth -DD/MM/YYYY
4.	Nationality
5.	ID Number
6.	Type of ID (Approved IDs are listed below)
	A. National ID
	B. Zanzibar Residence ID
	C. Voter's ID
	D. Passport
	E. Driving License
7.	Region (Current Address)
8.	District

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9.	Ward
10.	Postcode
11.	Physical Address: House No, Plot No, Street name
12.	Customer's acknowledge statement (Terms & Conditions)
13.	Mobile Station International Subscriber Directory Number (MSISDN)
A2: General Information for the Case of Minor Only	
1.	Full Name
2.	Gender
3.	Date of Birth -DD/MM/YYYY
4.	Nationality
5.	Relationship with the adult registering on the behalf of the Minor: Parent or Guardian
6.	ID Number Birth Certificate No; Passport No; Adoption Documents(mention)
7.	Type of Approved Minor's IDs / Documents (keep copy)
	A. Birth Certificate of the Minor;
	B. Passport of the Minor; and
	C. Adoption Documents (where applicable)
B: Legal Entity (Company , Corporation, Sole Proprietorship, Non-Government Organization (NGO) or Association)	
1.	Tax Identification Number (TIN) Certificate
2.	Value Added Tax (VAT) Certificate (where applicable) and
3.	Certificate of incorporation (for companies only)

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4.	Certificate of registration (for others like sole proprietorship, NGO, associations etc.)
C: Biographic Information	
1.	Portrait Photograph of the Subscriber / Parent or Guardian/ Legal Entity Contact Person <i>(For the case of Minor subscriber portrait should be captured)</i>
2.	Portrait Photograph ID-Front (Side with Photo & Details)of the Subscriber / Parent / Guardian or
3.	Subscriber's Signature or Parent/Guardian/Legal Entity Contact Person's Signature <i>(signature should be biometric)</i>
D:	Vendor's/Registrar's Information
1.	Vendor/Registrar Name
2.	Vendor/Registrar Code
3.	Company name
4.	Vendor/Registrar Business Location (Post Code) (House Number, street, Ward, District, Region)
5.	Date
6.	Registrar's signature <i>(signature should be biometric)</i>

NOTE:

1. The image to be captured should at least meet the following requirements:-
 - a) Must be in colour;
 - b) The image should show clear front view, full face of a person. The person should be in normal attires, without hat or dark glasses;
 - c) The personal expression should be natural with both eyes open, looking directly ahead. Normal and unexaggerated smiles are accepted, but un-usual expression is not;
 - d) An image depicting a person wearing a traditional face mark or cloth that does not permit adequate identification is not permitted;
2. Legal entity (Corporate Customers) that is intending to use SIM card for:-
 - a) staff use, should provide details as requires in section **A1&C** of the schedule above for each Staff and section **D**of the schedule for the Contact Person. Furthermore, the Legal Entity is responsible to communicate with respective Service Provider

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once a SIM card is issued to a new individual whose registration details specified in section **A1&C** have to be submitted.

- b) other use like GSM enabled systems (for example: security systems, automation systems, tracking systems, Electronic Fiscal Device (EFD) machines, etc.), should provide information as per section **C&D** of the schedule.
3. Customer information shall be maintained by the licensee for a period as stipulated in accordance to the provisions of the National Payment System (NPS) Act 2015. Whenever the customer information is changed or updated (for instance change of IMEI, Address, etc.) such updates shall be made in appending manner such that original information is not deleted.
4. In the case where fingerprint biometric verification is used, the Fingerprint Scanners Minimum Specification should be as below: -

Sensor	Optical biometric scanner
Resolution	500dpi
Active Area	14mm x 22mm
Supported Standard	ISO 19794-2
Template Formats	ANSI/INCITS 378, RAW/Bitmap, WSQ (Optional)
Fingerprint Search	1:1 and 1:N
Fingerprint Verification Time	< 0.8 second
Fingerprint Identification Time	< 1 second

5. In the case where other biometric verification is used, the Authority will provide the minimum specifications.

Dar es Salaam,
3rd January, 2018

MAKAME M. MBARAWA,
*Minister for Works, Transport and
Communications*