



**National Telecommunications Commission**  
**NATCOM**



13 Regent Road, Hill Station, P.O. Box 121, Freetown, Sierra Leone.  
Tel +232 76 526475 / +232 88 216221 / +232 76 630640  
[info@natcom.gov.sl](mailto:info@natcom.gov.sl) | [www.natcom.gov.sl](http://www.natcom.gov.sl)

**FINAL DRAFT**

**SUBSCRIBER IDENTIFICATION AND REGISTRATION  
MANAGEMENT REGULATIONS 2019**

**NATIONAL TELECOMMUNICATIONS COMMISSION  
(NATCOM)**

**OCTOBER 2019**

## ARRANGEMENT OF REGULATIONS

### Table of Content

PART I- PRELIMINARY PROVISIONS.....	4
Title .....	4
Interpretation.....	4
Scope of Application .....	9
Objectives of the Regulations .....	9
PART 2- IDENTIFICATION AND REGISTRATION OF SUBSCRIBERS .....	9
Verification of Subscriber Identity .....	10
Subscriber Registration Process .....	11
Registration and Activation of New Subscribers .....	12
Registration of Existing Subscribers .....	12
Registration of Minors .....	13
Update of Customer Information.....	13
Responsibilities of Licensed Operators .....	14
Registration of Multiple Subscriber Devices .....	15
Transfer or Change of Ownership of UIS Cards .....	15
Loss and Damage of UIS Cards .....	16
Prohibition of Proxy Registration.....	16
Obligation of Licensees to Inform Customers .....	16
PART 3- ESTABLISHMENT OF CENTRAL SUBSCRIBER INFORMATION DATABASE.....	16
Establishment of a Central Subscriber Information Database.....	16
Persons Authorised to Register Subscribers.....	17
Data Protection and Confidentiality .....	18
Release of Personal Information of a Subscriber .....	18
Licensee’s Right to Use Subscriber Information.....	19
Provision of Subscriber Information for Law Enforcement.....	19
Provision of Data for Research, Policy and National Planning.....	19
Provision of Data for ICT Inclusion .....	20
Secure Disposal of Subscriber Information .....	20
PART 4- ENFORCEMENT AND PENALTIES .....	20
Provision of False Information.....	20
Non-Compliance After Entry Into Force .....	21
Suspension of UIS-based Telecommunication Services.....	21

Deactivation of Subscriber’s UIS Card.....	21
Re-Assignment of Previously Registered Subscriber Identification Numbers .....	22
Maintaining Records for Allocating, Rental or Lease of Communications for Use by Third Parties .....	23
Access to Sites and Records.....	23
Penalties .....	23
PART 5- REVIEWS AND AMENDMENTS.....	24
Amendments .....	24
Transitional Provisions .....	25
Revocation .....	25
PART 6- EFFECTIVE DATE .....	25
Effective Date.....	25
SCHEDULES .....	25

**In exercise of the powers conferred upon it by Section 82 of the Telecommunications Act 2006 (as amended) of the Republic of Sierra Leone, the National Telecommunications Commission (NATCOM) hereby makes the following Regulations as statutory instrument:-**

## **PART I- PRELIMINARY PROVISIONS**

### **Title**

1. These Regulations may be cited as the Subscriber Identification and Registration Management Regulations of 2019.

### **Interpretation**

2. The terms and expressions used in these Regulations, which are defined in the Act, shall have the same meaning unless the context requires otherwise.

“Access”	means making available facilities or services of any licensee under defined conditions, on either an exclusive or non-exclusive basis, for the purpose of providing communications services, including access to: <ol style="list-style-type: none"><li>(a) network elements and associated facilities, which may involve the connection of equipment by fixed or non-fixed means, and includes access to the local loop and to facilities and services necessary to provide services over the local loop;</li><li>(b) physical infrastructure, including buildings, cable engineering networks, ducts and masts and poles;</li><li>(c) relevant software systems, including operational support systems;</li><li>(d) number translation facilities, or to systems offering equivalent functionality;</li><li>(e) fixed and mobile networks, in particular for roaming;</li><li>(f) conditional access systems for digital television services; or</li><li>(g) access to virtual network services.</li></ol>
“Act”	means the Sierra Leone Telecommunications Act, 2006 (as amended);

“Activate”	means to allow full access to a Licensee’s Network Service, including the ability to make and receive calls, to send and receive short message services and other range of services usually provided by Mobile or Fixed Telecommunication Service providers and the words “activated”, “activation”, “deactivate” and “deactivation” shall be read and construed accordingly;
“Activation Window”	means the period from the day a subscriber acquires a new line on the network of a licensee, within which a new subscriber is required to register with the relevant licensee and during which, the new subscriber will be granted Access;
"Biometric Information"	“Biometric Information” refers to finger prints and facial image of a subscriber in accordance with the Registration Specifications (as may be amended from time to time) provided by the Commission for the registration of subscribers;
"Central Database"	means subscriber information database, containing the biometric and other registration information of all subscribers;
“Commission”	shall have the same meaning as in the Act;
“Data ”	
“Deactivate”	means to disable the telecommunications services provided by operators;
“Effective Date”	means the date on which these Regulations come into force;
“Existing Subscriber”	“Existing Subscriber” means a person who is a subscriber prior to the effective date of these Regulations;
“Foreign Operator”	“Foreign Operator” refers to a Network Service provider licensed by a telecommunications regulator other than the Commission, to provide telecommunication services in a country other than Sierra Leone;

“Gazette”	means the Sierra Leone Gazette;
“GPS”	
“Guardian”	"Guardian" in relation to a child includes any person who in the opinion of the court has charge or control of the child and is recognized by law as having legal capacity to make decisions on behalf of that child;
“Identification Particulars”	means details given by a subscriber to a telecommunications operator or an agent for the purpose of registration;
”License”	means a written authorization granted by the Commission under this Act;
“Licensee”	means a provider of Mobile or Fixed Telephone Services that utilises a subscription Medium in the Republic of Sierra Leone; the holder of a licence issued under the Act;
“MAC Address”	means Media Access Control Address, a unique number assigned to a Network Interface Controller (NIC) card by the manufacturer;
“Minor”	
“MSISDN”	means Mobile Station International Subscriber Directory Numbers, a number used to identify a mobile phone number internationally. MSISDN is defined by the E.164 numbering plan. This number includes a country code and a National Destination Code which identifies the subscriber's operator
“New Subscriber”	means a person who becomes a subscriber after the commencement of these Regulations;
“Network Service”	shall have the same meaning as in the Act;
“Mobile Telephone Services”	mean telephone services that utilise a subscription medium;
”Personal	refers to the full names (including middle name), gender,

Information"	date of birth, residential address, nationality, state of origin, occupation and such other personal information and contact details of subscribers specified in the registration specifications;
"Operator"	means any juridical person operating an electronic communications network that is open to the public, or providing an electronic communications service to the public;
"Point of Sales"	means any place or point where sale of operator services are done by their sales agents;
"Proxy Registration"	means registration on behalf of a subscriber by a person not being the subscriber;
"Record"	means recorded information, in any form, including data in computer systems, created or received and maintained by a public body in the course of official duties and kept as evidence of such activity;
"Registration"	means the process of recording identification particulars of a person as a subscriber by a telecommunications operator or an agent;
"Sales Agent"	means any person authorised by an operator to sell its services on its behalf;
"Security Agencies"	refers to any or all of the following law enforcement and security agencies: (a) Sierra Leone Police (b) Office of National Security (ONS) (c) the Security Intelligence Support Unit (SISU); and (d) any other law enforcement or Security Agency established by the Government of Sierra Leone;
"Short Message Service (SMS)"	means short message service provided by Telecommunications operators;
"Subscription"	means a Subscriber Identity Module (SIM) smart card, a Removable User Identity Module (R-UIM) smart card, a

Medium”	CDMA Subscriber Identity Module (CSIM) smart card, a Universal Subscriber Identity Module (USIM) smart card, Electronic Subscriber Identity Module (E-SIM) or any other mobile phone subscription medium marketed from time to time by licensees, containing the telephone number of a subscriber, encoded network identification details, the personal identification number and other user data normally provided by a licensee for the provision of Network Services;
“Subscriber”	means a person who subscribes to Mobile or Fixed Telecommunication Services by purchasing a subscription medium or entering into a subscription contract with a Licensee;
"Subscriber Information"	refers to the Biometrics and other personal information of a subscriber recorded and stored by Licensees;
“Subscriber Registration”	means the six months period from the effective date or such other date as the Commission may specify and any extensions thereto that may be announced by the Commission, within which existing subscribers are required to register their Subscription Mediums pursuant to these Regulations;
“Suspend”	means to temporarily disable access, by a subscriber, to telecommunications services provided by a telecommunications operator;
“Telecommunications Operator”	means a person or entity licensed under the Act to own and operate a telecommunications system or provide telecommunications services or both;
“UIS Card”	means an electronic Universal Integrated Service card;
“Website”	the entire collection of HTML files that are accessible through a domain name.



## **Scope of Application**

3. These Regulations apply to:
  - a. the process by which all licensed fixed communications operators register subscribers of fixed telephone communications services;
  - b. the process by which all licensed mobile communications operators register subscribers of mobile communications services using electronic Universal Integrated Service (UIS) cards utilised for delivery of voice, Short Message Service (SMS) and internet data;
  - c. operators and their agents involved in the registration of subscribers for communications services;
  - d. the process by which all internet service providers register subscribers for fixed-wireless broadband internet;
  - e. the process by which satellite service providers register subscribers for satellite communications services;
  - f. maintaining customer records during active service delivery;
  - g. maintaining and disposing of customer records after licensees stop delivering services to customers or on cessation of operations; and
  - h. subscribers of foreign operators who are roaming on the network of a licensee in the Republic of Sierra Leone.

## **Objectives of the Regulations**

4. The objectives of these Regulations are:
  - a. to provide a clear framework for identifying subscribers of electronic communications services and a minimum framework for verifying the identification details provided by subscribers at the time of registration; and
  - b. to establish minimum standards for maintaining customer registration information for legal and national security purposes.

## **PART 2- IDENTIFICATION AND REGISTRATION OF SUBSCRIBERS**

### **Requirements for Subscriber Registration**

5. From the date of commencement of these regulations, all licensed communications service providers must, subject to other applicable sections of these Regulations, and at their own cost, implement a system to obtain, record and store information about subscribers to their services, as described in Section 8 to these Regulations.
6. Any person or legal entity intending to subscribe to communications services described herein shall complete a subscriber application form, which shall be provided by the licensed operator.

7. The data requirements of any subscriber application form provided by a licensed operator shall, at the minimum, include those listed in Schedule 1 to these Regulations.
8. For customers of mobile communications services:
  - a. Where the customer is natural person, the following information shall be required to register for subscription:
    - i. Full Name (including all middle names)
    - ii. Date of Birth
    - iii. Permanent Residential Address
    - iv. Nationality
    - v. Gender
    - vi. Passport sized photograph, clearly depicting the facial image of the customer and or biometric information
    - vii. Identity verification documents, hereinafter stated in Section 9 (a) or 9 (b) of these Regulations
  - b. Where the customer is a corporate legal person or entity, including private enterprises, Government agencies, international and diplomatic missions, the following information shall be provided to register for subscription:
    - i. Full Official Name of Entity
    - ii. Date of Registration or Establishment in Sierra Leone
    - iii. Registered Address of Entity
    - iv. Full Name of Contact Person
    - v. Passport sized photograph, clearly depicting the facial image of the contact person and or biometric information
    - vi. Identity Verification documents, hereinafter stated in Section 9 (c) of these regulations

### **Verification of Subscriber Identity**

9. Pursuant to Section 8 (a) (vi) and 8 (b) (v) of these regulations, the following verification documents shall be required in support of registering a subscriber:
  - a. In the case of a natural person who is a citizen of Sierra Leone:
    - i. An original and valid National Identity Card issued by the Government of Sierra Leone; or
    - ii. An original and valid Driver's License issued by the Road Safety Authority; or
    - iii. An original and valid Passport issued by the Immigration Department; or
    - iv. An original and valid Social Security Card issued by National Social Security Trust (NASSIT); or
    - v. An original and valid Voter Registration Card issued by the National Electoral Commission; or
    - vi. An original and valid birth certificate (in the case of minors); or

- vii. A duly signed letter of reference provided by a person of authority in their community.
- b. In the case of a natural person who is not a citizen of Sierra Leone:
    - i. An original and valid National Identity Card issued by country of origin; or
    - ii. An original and valid Passport or travel certificate issued by the competent authority from country of origin or naturalisation; and
    - iii. In the case of permanent residents, a valid visa, resident permit or work permit issued by the competent Authority in the Republic of Sierra Leone.
  - c. In the case of a legal person or corporate entity:
    - i. Copy of business registration certificate by the Corporate Affairs Commission or the Office of the Administrator and Registrar General for private businesses; or
    - ii. Certificate of Registration of Non-Governmental Organisation; or
    - iii. Certificate or letter of engagement by a Government Ministry or any other legal entity registered in Sierra Leone; or
    - iv. Certificate or Letter of Accreditation from the Ministry of Foreign Affairs for Diplomatic Missions; and
    - v. Affidavit of Authority, to be signed by the Contact Person described in Section 8 (b) (iv).

### **Subscriber Registration Process**

- 10. (1) A licensed operator or sales agent shall register a natural person or a corporate legal person or entity as a subscriber as detailed in Schedule 1 provided to these Regulations.
- (2) A licensee or sales agent shall:
  - i. enter the registration information provided by a natural person in an electronic or manual form;
  - ii. require a natural person to appear before the licensed operator or sales agent;
  - iii. immediately update the information obtained pursuant to Section 8 to the operator's central subscriber information database; and
  - iv. maintain the registration information obtained in a secure and confidential manner.
- (3) It shall be an offence to register a subscriber in contravention of Section 10 (2) of these Regulations.

## **Registration and Activation of New Subscribers**

11. (1) Every licensed operator or sales agent shall register a subscriber's information provided under Section 8 of these Regulations.

(2) Upon the commencement of these Regulations, every service provider shall not activate any new UIS card or subscription device on its network unless the subscriber completes the registration process of subscription in accordance with these Regulations.

(3) Pursuant to Section 11 (2), the activation window of a new UIS card or subscription device shall not exceed eight (8) hours or as directed by the Commission, after the completion of the registration process.

## **Registration of Existing Subscribers**

12. (1) A licensee shall register personal information for existing subscribers within three (3) months of the coming into force of these Regulations.

(2) A licensee shall promote and support the registration of existing subscribers and shall promptly, upon been notified by the Commission, deactivate services provided to any subscriber whose details have not been registered at the expiration of the three (3) months granted by the Commission, after coming into force of these Regulations.

(3) Where an existing subscriber's UIS card is missing or damaged or mobile device is stolen containing a UIS card, he or she shall notify the service provider or sales agent within twenty-four (24) hours of the incidence.

(4) Pursuant to Section 12 (3), the missing or stolen UIS card shall only be replaced for the said subscriber, if identification information exists in the repository for subscribers, otherwise that particular subscriber shall register afresh.

## **Registration of Foreign Subscribers**

13. (1) A Licensed operator that provides international roaming services in the Republic of Sierra Leone to subscribers of a foreign licensee shall enter into roaming agreement with the foreign operator for that subscriber.

(2) The agreement shall provide for the particulars of the subscriber in the records of the network operator during the period that the subscriber use the UIS card in the Republic of Sierra Leone.

(3) For the purpose of Section 13 (1), the activation window of a UIS card shall be in accordance with the free roaming Regulation adopted by ECOWAS Ministers in charge of telecommunications and ICT on 16<sup>th</sup> December 2017, and the Abidjan

Protocol of 28<sup>th</sup> November 2016, for subscribers in ECOWAS Member States that have acceded to the ECOWAS Regulation and Abidjan Protocol.

(4) Notwithstanding regulation 13 (3) of these Regulations, the activation window for a roaming subscriber of other jurisdictions shall be forty-eight (48) hours.

### **Registration of Minors**

14. A licensee shall promote and support the registration of existing subscribers including minors, and shall promptly, upon been notified by the Commission, deactivate services to any subscriber whose details have not been registered at the expiration of the 6 months granted after coming into force of these regulations.
15. A guardian possessing relevant identification in accordance with Section 8 of these Regulations shall accompany any minor who wishes to register a UIS card.
16. A licensed operator or sales agent shall record the date of birth of the minor during the registration of the minor's UIS card.
17. A guardian accompanying a minor to register his/her UIS card pursuant to Section 14 shall be principally registered as the subscriber of the UIS card, until the minor attains the age of maturity.
18. After attaining the age of maturity, a licensed operator shall advise a minor to register his/her personal identification information as the principal user of the said UIS card, within ninety (90) days, and the licensed operator shall inform the minor that his/her services shall be suspended if he/she fails to comply with these Regulations.
19. Where within ninety (90) days, a minor who has gained the age of maturity fails to register identification details in accordance with Section 18, the UIS card shall be suspended and deactivated in the manner prescribed in these Regulations.

### **Update of Customer Information**

20. Where there is a change to any of the information submitted to a service provider pursuant to the requirements of Section 8 or 9, a subscriber shall notify the service provider of such change within 21 clays from the occurrence of the change.
21. The licensed operator shall within a maximum of three (3) days from receiving such a notification, update its subscriber register with the new information provided by the subscriber.

## **Responsibilities of Licensed Operators**

22. Every service provider shall establish and maintain a register of all subscriber registrations known as the Subscriber Register in which information provided under Section 8 shall be recorded.
23. In addition to the subscriber information provided under Section 8, the licensee shall include the following details for each subscriber:
  - a. In the case of mobile communications services, all Mobile Station International Subscriber Directory Numbers (MSISDNs) activated on UIS Cards in the name of that subscriber; or
  - b. In the case of fixed wireless internet services, all Media Access Control (MAC) Addresses of customer radio subscriber modules or primary service routers in the name of that customer.
24. Every service provider shall at the request of the Commission, make available a copy of its register in electronic or paper formats.
25. Where the register is requested in hard copy format, such copies shall not be requested more than once in a quarter.
26. Where the register is requested in electronic format, the Commission may require licensed operators to provide monthly Subscriber Register copies in a format and manner that will be communicated to all licensees.
27. Every service provider shall keep and maintain the register in both paper and electronic copy.
28. All service providers shall ensure that their authorised agents, distributors, or dealers offering telecommunication services shall within seven (7) days from the date of sale, distribution and registration of any telecommunication service submit to the respective service provider all completed registration forms, with supporting verification documents.
29. The Commission shall, at reasonable working hours after giving notice to the service provider, be allowed access to the Subscriber Register as described in Section 22 or any other register or database that has information on activated UIS cards or other forms of activated subscriber devices to ensure compliance with these Regulations.
30. Where a licensee appoints agents and permits its agents to appoint sub-agents or distributors for the sale of its subscriber devices, the licensed operators shall be responsible to conduct due diligence on its agents and shall require its agents to carry out such due diligence on their sub-agents and to put systems in place that will enable the collection of the information described in Sections 8 and 9 of these Regulations.

31. Every licensed operator shall maintain a register of all agents, sub-agents and distributors of subscriber identification devices.
32. The liability for non-compliance of these Regulations by a dealer, agents or sub-agents involved in the registration of subscribers shall rest with the licensed operator.

### **Registration of Multiple Subscriber Devices**

33. From the date of entry into force of these Regulations, no natural person shall be permitted to register more than one (1) UIS card per licensed operator for accessing electronic communications services within Sierra Leone. This number shall not include UIS Cards registered for minors under their names.
34. From the date of entry into force of these Regulations, no natural person shall be permitted to register more than one (1) primary subscriber module per licensed operator for a single location for accessing broadband communications services within Sierra Leone.
35. Where a legal entity intends to register multiple UIS cards for use by its employees, contractors or customers, the MSISDNs for all the UIS cards registered shall be maintained in its name.
36. Multiple registration of subscriber modules shall be permitted for legal entities, provided that the addresses and GPS coordinates of the locations are recorded and maintained.

### **Transfer or Change of Ownership of UIS Cards**

37. A natural person or legal entity shall transfer one or more UIS cards registered in his or her name by making an application to the relevant telecommunications operator informing the telecommunications operator of his or her wish to discontinue the use of the UIS card and to transfer the benefits, use and liability of the UIS card to another particular person or entity.
38. When considering such an application, the telecommunications operator shall abide by the requirements of Sections 8 and 9 as though the transfer was a new application.
39. Where the recipient of the UIS card is an existing subscriber, the MSISDN of that UIS card shall be registered and assigned accordingly.
40. The properly completed application for transfer of ownership shall form part of the requirements for inspection of the Subscriber Register by the Commission.

### **Loss and Damage of UIS Cards**

41. A subscriber who loses his/her UIS card shall make a report to the Police and notify the service provider within forty-eight (48) hours.
42. A subscriber who experiences damage to his/her UIS card shall notify the service provider, with a request for a replacement of the UIS card.
43. The service provider shall determine the terms and conditions for replacement of UIS cards for their customers.

### **Prohibition of Proxy Registration**

44. Prior to registration of a subscriber, operators are required to ensure that applicants present themselves in person to the employee or agent responsible for registration of subscribers.
45. There shall be no proxy registration of any UIS card, except where the applicant provides evidence of being disabled or unable to present themselves for a valid reason, or as otherwise permitted by Executive Order or for the purposes of National Security.

### **Obligation of Licensees to Inform Customers**

46. A licensee shall, from the date of commencement of these Regulations, inform a customer of:
  - a. that customer's obligations in terms of these Regulations;
  - b. the manner in which the obligations have to be complied with; and
  - c. the consequences of non-compliance with these obligations.
47. Where a subscriber is registering several UIS cards or activating a large number of internet connections, the operator shall provide additional information on subscriber obligations for allocation of communication devices to third parties.

## **PART 3- ESTABLISHMENT OF CENTRAL SUBSCRIBER INFORMATION DATABASE**

### **Establishment of a Central Subscriber Information Database**



48. The Commission shall establish and maintain a central electronic database of communications service subscribers, known as the Central Subscriber Information Database (CSID), in which all subscriber information shall be stored.
49. The CSID shall be housed either within the Commission or in another location as may be determined by the Commission and shall provide a platform for processing and storage of subscriber information.
50. The creation of the database shall enable the Commission to:
  - a. monitor service providers' compliance with the provisions of these Regulations;
  - b. assist with the operation of emergency services;
  - c. assist law enforcement agencies to safeguard national security;
  - d. assist with the provision of mobile-based emergency warning systems; and
  - e. authorise research in the sector.
51. All service providers shall, on a monthly basis or at such regular interval as the Commission may specify, transmit to the Commission all subscriber information captured in their subscriber registers within the preceding month or such period as stipulated by the Commission in accordance with these Regulations.
52. The Commission shall issue guidelines on details of subscriber information to be submitted.
53. The Commission shall appoint data controllers either from among its staff or through a service contract with a third party to operate, maintain and ensure authorised use of such data.
54. The Commission shall set up mechanisms that will enable data controllers to conduct periodical compliance audits to verify the accuracy of data submitted by service providers.
55. Data held by the Commission shall be rectified and upgraded from time to time in case of errors and changes in subscriber information.

### **Persons Authorised to Register Subscribers**

56. Every licensed operator shall capture, record and transmit to the central subscriber information database:
  - a. the particulars of all its sales agents;
  - b. all service providers of monetary transactions or subscribers in the Fintech and mobile money ecosystems;
  - c. all UIS cards and electronic devices sold or distributed to its sales agents; and
  - d. the registered subscribers made by the licensed operator and sales agents and any changes made thereto.

## **Data Protection and Confidentiality**

57. (1) Every licensed service providers shall take all reasonable steps to ensure the security and confidentiality of subscribers' registration particulars.
- (2) All licensed Service providers and the Commission shall take all reasonable precautions to preserve the integrity and prevent any corruption, loss or unauthorised disclosure of subscriber information retained pursuant to Sections 8 and 9, and shall take steps to restrict unauthorised use of the subscriber information by its employees or other persons.
- (3) All subscriber information contained in the central subscriber information database shall be held on a strictly confidential basis and no persons or entities shall be allowed access to information on the CSID except authorised personnel.
- (4) Access to any subscriber information stored on the service providers' registers and the CSID shall be prohibited except on the following grounds:
- a. operating emergency call services or assisting emergency services;
  - b. assisting law enforcement agencies or safeguarding national security;
  - c. providing mobile-based emergency warning systems;
  - d. undertaking approved educational, financial, economic, social and research purposes; and
  - e. assisting the Commission to verify the accuracy and completeness of information held by licenced operators.

## **Release of Personal Information of a Subscriber**

58. (1) The release of personal information to law enforcement agencies shall be in accordance with the provisions of the Act, these Regulations and any guidelines issued from time to time by the Commission and in a format to be determined by the Commission.
- (2) All licensed operators shall not release personal information of a subscriber to any thirty party without prior written consent of the subscriber or directives from the Commission.
- (3) No subscriber registration information shall be transferred outside the Republic of Sierra Leone without prior approval by the Commission. Any request for approval to transfer or utilise customer registration information outside the country shall include justification of the purpose for which such data are required to be transferred.
- (4) In the event of any subscriber information being deliberately or otherwise disclosed in violation of the provisions of these Regulations, the service provider shall notify the Commission and take reasonable steps to minimise the effect of the breach as soon as practicable upon becoming aware of a substantive or systemic breach of

security that could reasonably be regarded as having an adverse impact on the integrity and confidentiality of the protected information.

(5) Any person who is aggrieved of any unlawful use of his or her personal data shall have the right to seek legal redress.

### **Licensee's Right to Use Subscriber Information**

59. A licensed operator shall have the right to retain and use its subscribers' information on its network in accordance with the Act and the provisions of these Regulations and any guidelines issued from time to time by the Commission.

### **Provision of Subscriber Information for Law Enforcement**

60. A person, who is an employee of the Commission or licensed operators, or a service provider or an employee of their Agents, has a duty of confidentiality regarding any information obtained or received in accordance with the provisions of these Regulations.

61. Any subscriber information on the CSID or the subscriber register of a service provider, may be provided to a law enforcement agent, provided that a prior written request and warrant or directive from the High Courts of Sierra Leone, is received by the Commission from an official of the relevant law enforcement agency who is not below the rank of a Chief Superintendent of Police or a coordinate rank in the National Security apparatus or any other law enforcement agency.

62. The written request to the Commission pursuant to Section 61 shall indicate the rank of the official of the law enforcement agent, and the purpose for which the subscriber information is required.

63. Notwithstanding the foregoing provisions of this section, subscriber information shall not be released to law enforcement agencies or any other person, where such release of subscriber information would constitute a breach of the Constitution of the Republic of Sierra Leone, any other Act of Parliament or where such release of subscriber information would constitute a threat to national security.

### **Provision of Data for Research, Policy and National Planning**

64. Persons seeking to use subscriber data for approved research purposes are required to apply to the Commission, specifying the reason for which they seek to use the information.

65. Where specific information provided for research purposes may be of a confidential or protected nature, a research approval shall be subject to a condition requiring the researcher to make a contractual and enforceable arrangement to ensure that any

contractor to whom the holder discloses protected information neither uses it for other purposes nor discloses the information.

66. A research approval is subject to a condition prohibiting the researcher from selling or providing customer data to any person for any purpose unless this is authorised.

#### **Provision of Data for ICT Inclusion**

67. Pursuant to the wider objectives of financial inclusion, UIS card registration status of subscribers shall be made available to providers of mobile-based technology services in finance, health care, education, agriculture and public welfare schemes for the verification of customer identification information.
68. The Commission shall develop guidelines for which providers of ICT services can verify the customer details registered for Mobile ICT services.

#### **Secure Disposal of Subscriber Information**

69. If a licensed operator that has an active Subscriber Register should cease to operate, or if any person or entity who is granted the right to use data from the Central Subscriber Information Database completes their use of such data, or where the license of the operator is revoked or authorisation is revoked, they shall be required to securely destroy confidential or protected information within 10 working days of:
- a. the protected information no longer being required for the purpose for which it was disclosed to the holder; or
  - b. the authorisation ceasing or being revoked.
70. The Commission shall supervise the destruction and disposal of the data in a secure and satisfactory manner.

### **PART 4- ENFORCEMENT AND PENALTIES**

#### **Provision of False Information**

71. Every person should ensure that all information entered into the registration form is true and accurate.
72. Any person who provides any information with regard to any details required under this section knowing that such information is false or not having reasonable grounds for believing that such information is true shall be guilty of an offence.

73. If an employee or agent of a licensed operator knows or suspects that an identification document submitted for registration for communications service as required by Sections 8 or 9 of these Regulations is false, he or she must, within 24 hours, report the matter to any police station.

### **Non-Compliance After Entry Into Force**

74. After coming into force of these Regulations, a licensee who activates services for a new subscriber in contravention of the provisions of Section 8 and 9 or who fails to deactivate the services of a subscriber at the end of the 6 months granted herein, commits an offence.

### **Suspension of UIS-based Telecommunication Services**

75. A telecommunications operator shall suspend telecommunications services of an unregistered subscriber, if the unregistered subscriber fails to comply with these Regulations within the period stipulated in Sections 79 and 83.
76. A telecommunications operator shall use reasonable means to notify all its unregistered subscribers of its intention to suspend the telecommunication services if they do not comply with the provisions of these Regulations within the period specified in Sections 79 and 83.
77. A notice under Section 76 shall in the first instance, be in the form of a personal notification from the telecommunications operator to the subscriber and subsequent further notices may be in the form of:
- a. an advertisement in a newspaper of national circulation;
  - b. an advertisement in an electronic medium or media that broadcasts throughout the country; or
  - c. any other form as may be permitted in writing by the Commission.
78. A telecommunications operator shall reactivate a suspended UIS card where a subscriber complies with these Regulations.

### **Deactivation of Subscriber's UIS Card**

79. A telecommunications operator shall deactivate a subscriber's UIS card:
- a. if the subscriber is deemed to be inactive for a period of ninety (90) days;
  - b. if the subscriber is deemed to be inactive in the use of the providers services for a period to be determined by the provider and approved by the Commission;

- c. if telecommunications service to the subscriber has been suspended for any reason for a period of ninety (90) days; upon request by a subscriber; or if the telecommunications operator or the Commission establishes that the subscriber provided false information for registration purposes.
- 80. Notwithstanding Section 79 (d), any person who establishes that a subscriber of communications services has provided false information for registration of a UIS card shall make a report to the Commission and request the Commission to take action to deactivate the UIS card.
- 81. The Commission shall notify the telecommunications operator of the report, with relevant evidence to enable the operator to decide on the veracity of the report prior to deactivating the subscriber's UIS card.
- 82. Where a complaint has been made to the Commission, a telecommunications operator shall give the subscriber against whom a report has been made, an opportunity to be heard and to respond to the report before deactivating the UIS card.
- 83. An internet service provider shall deactivate a subscriber service module or router:
  - a. If the subscriber is deemed to be inactive in the use of the providers services for a period of ninety (90) days;
  - b. if internet services to the subscriber has been suspended for any reason for a period of ninety (90) days;
  - c. upon request by a subscriber; or
  - d. if the telecommunications operator or the Commission establishes that the subscriber provided false information for registration purposes.
- 84. Any person who establishes that a subscriber of communications services has provided false information for registration of an internet service module shall make a report to the Commission and request the Commission to take action to deactivate the UIS card.
- 85. The Commission shall notify the service provider of the report, with relevant evidence to enable the service provider to decide on the veracity of the report prior to deactivating the subscriber's internet service.
- 86. Where a complaint is made to the Commission, an internet service provider shall give the subscriber against whom a report is made, an opportunity to be heard and to respond to the report before deactivating the internet service.

### **Re-Assignment of Previously Registered Subscriber Identification Numbers**

87. Any licensee intending to assign an MSISDN or internet subscriber module which was previously owned by another person to another subscriber, shall have a duty to register that phone number or subscriber module to the new subscriber and remove the information from the original customer's profile.
88. The licensed operator shall adopt a policy, subject to prior approval by the Commission, to deactivate inactive MSISDNs and reassign the numbers to new subscribers. The policy shall clearly state the applicable period of inactivity that would warrant automatic deactivation.

### **Maintaining Records for Allocating, Rental or Lease of Communications for Use by Third Parties**

89. A subscriber intending to utilise one or more Mobile UIS cards, fixed telephone lines or internet connections that has been registered in its name, for allocation to a person or persons in its employment, or a minor, or for rental or lease to persons utilising services delivered by that subscriber as part of its normal service offering, must, before handing over a UIS card or providing access to any telecommunication service, record the particulars as required in Sections 8 (a) or (b) and the date on which the utilisation commenced and the period for which the communications service shall be utilised by such person or entity.
90. The information registered for these third parties must be stored for a minimum period of three (3) years.

### **Access to Sites and Records**

91. (1) Every licensed telecommunications operator shall grant the Commission's personnel access to its systems, premises, facilities, files, records and data to enable the Commission to inspect such systems, premises, facilities, files records and other data for the purposes of ensuring compliance with the Act and these Regulations.
- (2) Any licensee that denies the Commission's personnel access to its systems, premises, facilities, files, records and data pursuant to Section 90 (1), commits an offence.

### **Penalties**

92. (1) Any person who provides information regarding a natural person or corporate subscriber under these Regulations, knowing that such information is false or not having reasonable grounds for believing that such information is true shall be guilty of an offence and shall be liable to a fine not exceeding **Le 5 million** or a period of imprisonment not exceeding **six (6) months or both**.

(2) After coming into force of these Regulations, a licensee who activates services for a new subscriber in contravention of the provisions of Sections **11, 12 and 13**, or who fails to deactivate the services of an existing subscriber at the end of the **six (6) months** granted herein, commits an offence and shall be liable to a fine not exceeding **Le 100,000 (One hundred thousand Leones)** per mobile UIS subscriber and **Le 1 million** per customer for other telecommunications services.

(3) Any licensed operator or sales agent who fails to capture, register, deregister, record or transmit the information of a natural person or corporate subscriber to the Central Subscriber Information Database under these Regulations or as may be stipulated from time to time by the Commission, commits an offence and shall be liable to a fine not exceeding **Le 10 million**.

(4) A licensee who activates a mobile UIS card and any other telecommunications device without capturing, registering, recording and transmitting the information of a natural person or corporate subscriber to the CSID under these Regulations, commits an offence and shall be liable to a fine not exceeding **Le 10 million**.

(5) A breach of the confidentiality provisions by a licensee or sales agent under these Regulations commits an offence and shall be liable to a fine not exceeding **Le 5 million** or a period of imprisonment not exceeding **six (6) months or both**.

(6) Any licensee who retains, duplicates or deals with subscriber's information in contravention of any the provisions of these Regulations, commits an offence and shall be liable to a fine not exceeding **Le 5 million** or a period of imprisonment not exceeding **six (6) months or both**.

(7) Where a licensee or sales agent is found to have utilized a subscriber's information in any business, commercial and other transactions, commits an offence and shall be liable to a fine not exceeding **Le 10 million** or a period of imprisonment not exceeding **six (6) months or both**.

(8) Any licensed telecommunications operator who fails to grant the Commission access to its systems, premises, facilities, files, records and data shall be subjected to a fine of **Le 20 million** per day within the period of denial or a period of imprisonment not exceeding **one (1) year**.

(9) Any licensed operator who fails to transmit subscriber information to the CSID within the stipulated period commits an offence and shall be liable to a fine not exceeding **Le 5 million**.

## **PART 5- REVIEWS AND AMENDMENTS**

### **Amendments**



93. (1) The Commission shall amend and modify these Regulations or any part thereof, at any time, if the Commission deems it necessary.

- (2) Amendments to these Regulations shall be made in accordance with:
- a. the needs and changes in national priorities and Government policies including international treaties, commitments, standards or laws;
  - b. emerging issues of national security;
  - c. changes and advancement in technology; and
  - d. the determination of the Commission to vary or repeal any portion of these Regulations.

### **Transitional Provisions**

94. A licensed telecommunications operator shall ensure that all existing subscribers, who are registered prior to the coming into force of these Regulations, fulfil the requirements of these Regulations within three (3) months of the commencement of these Regulations.

### **Revocation**

95. The Telecommunications Operators (Registration of Subscribers of SIM and UIM Cards) Regulations, 2009 are revoked.

## **PART 6- EFFECTIVE DATE**

### **Effective Date**

96. These Regulations shall come into force on **2<sup>nd</sup> December 2019**, and on the date published in the Sierra Leone Gazette and/or the Commission's website.

## **SCHEDULES**

### **Schedule 1: Minimum Requirements for Registration for Electronic Communications Services**

#### **Form SR1A: Requirements for Registration of a Natural Person**

1	First Name	
---	------------	--

2	Middle Names	
3	Last Name	
4	Date of Birth	
5	Sex	
6	Permanent Address	
7	District	

Additional Requirements

Passport Picture

Type of Identity Verification Submitted [Only one (1) required]

- National ID Card
- Driver's License
- Voter ID Card
- NASSIT Card
- Reference Letter (for rural area subscribers only)
- Birth Certificate (for minors only)
- Visa or resident permits (for non-permanent residents)

**Form SR1B: Requirements for Registration of a Legal Entity**

1	Name of Entity	
2	Registered Address	
3	Date of Registration	
4	Name of Contact person	
5	Address of Contact Person	
6	Permanent Address	
7	District	

Additional Requirements

Photo ID of Contact Person

Type of Identity Verification Submitted [Only one (1) required]

- Business Registration Certificate
- Letter of Registration (NGOs)
- Letter of Accreditation (Diplomatic Missions)
- NASSIT/NRA Registration Certificate