

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

GOVERNMENT NOTICE NO. 112 published on 7/2/2020

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT,
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(SIM CARD REGISTRATION) REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

<i>Regulation</i>	<i>Title</i>
PART I	
PRELIMINARY PROVISIONS	
1.	Citation.
2.	Application.
3.	Interpretation.
PART II	
REQUIREMENTS FOR REGISTRATION OF SIM CARDS	
4.	Obligation to register SIM card.
5.	Procedure for Registration of SIM Cards.
6.	Right to obtain and use additional information.
7.	Submission of other information.
PART III	
ACTIVATION AND DEACTIVATION OF SIM CARDS	
8.	Active SIM Cards.
PART IV	
SALE OF SIM CARDS BY DEALER OR AGENT	
9.	Use of distributor, dealer or agent.

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

10. Requirements for distributor, dealer or agent.
11. Submission of quarterly reports by licensee.

PART V

CHANGE OF INFORMATION OR OWNERSHIP

12. Change of information and ownership to be reported.
13. Duty to report loss of SIM card.
14. Replacement of SIM card.
15. SIM swap information.

PART VI

GENERAL PROVISIONS

16. Requirement on inspection of agent.
17. Fraud prevention.
18. Limitation on ownership of number of SIM Cards.
19. Transitional relating to ownership of more than one
registered SM Card
20. Offence on misuse of information.
21. Penalty.
22. Revocation.

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

GOVERNMENT NOTICE NO. 112 published on 7/2/2020

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT,
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(SIM CARD REGISTRATION) REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (SIM Card Registration) Regulations, 2020.
- Application 2.-(1) These Regulations shall apply to all users of SIM Cards in the United Republic of Tanzania.
(2) Without prejudice to generality of sub-regulation (1), these Regulations shall not apply to users of SIM Cards issued by foreign mobile network service providers roaming on the network of a licensee.
- Interpretation 3. In these Regulations unless the context otherwise requires:
- Cap. 306 “Act” means the Electronic and Postal Communications Act;
- Cap. 172 “Authority” means the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act;
- “activation” means causing a SIM Card to function on a mobile network system;
- “active SIM Card” means a SIM Card that is functioning on a mobile network system;
- “batch of SIM Card” means a group of SIM Cards registered at the same time for electronic communications and requiring a single representative’s NIDA identity with a single biometric verification excluding additional SIM Cards;

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

Cap. 356

“categories of biometric SIM Card registration” includes a company, diplomat, individual, institution, foreigner, minor, refugees, visitor or any other categories as may be determined by the Authority from time to time;

“company biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by company;

“consumer” means any person who uses electronic communications or postal product or services;

“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 licensed services to the customer;

“dealer” means a person who carry out trade, business or industry in which electronic communications equipment are assembled, manufactured, imported, bought, sold, hired or exchanged;

“diplomat” means a person who is in a diplomatic mission to the United Republic as recognised under the Diplomatic and Consular Immunity and Privileges Act;

“diplomat SIM Card registration category” means biometric registration of SIM Cards to be used solely by diplomats;

“diplomatic institution” means a diplomatic accredited international institution to the United Republic;

“diplomatic institution SIM Card registration category” means biometric registration of SIM Cards to be used solely by Diplomatic institutions;

“foreigner” means a non-citizen who is not a diplomat staying in the country for a period of more than six (6) months;

“foreigner biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by foreigners;

“Global System for Mobile Communications Association” which is also known by its acronym as “GSMA” means an international association of service providers of

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

Global Mobile Communication Systems devoted to supporting, standardising, deployment and promotion of these communications systems;

“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;

Cap 54

“Immigration Department” means the department established under the Immigration Act;

“individual biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by a customer for personal use;

“institution” means a government or non-government institution which operates within the United Republic;

“institution biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by institution;

“Integrated Circuit Card Identifier” means a unique serial number that is printed and stored in the SIM Card of a subscriber, and is an internationally standardised way of identifying a SIM;

“International Mobile Equipment Identity” which is also known by its acronym as “IMEI” means is a unique code used to identify an individual mobile telephone in Global Systems for Mobile Communication networks;

“International Mobile Subscriber Identity” which is also known by its acronym as “IMSI” means a unique code used to identify a subscriber on Global System for Mobile Communications network;

“licensee” means an entity licensed by the Authority to provide and facilitate provision of electronic communication services, also known as an operator or service provider;

“machine to machine communications” means a direct communication between devices to exchange information

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- and perform actions without the manual assistance of humans;
- “minor” means a child below the age of eighteen years and above the age of twelve years;
- “minor biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by a minor;
- “mobile communication device” means a device used for mobile communications services including devices which support data services in the mobile networks;
- “Mobile Subscriber Integrated Services Digital Network” which is also known by its acronym as “MSISDN” means a number or telephone number that uniquely identifies a subscription in the service providers’ network;
- “NIDA” is an acronym of the National Identification Authority;
- “NIDA ID” means an Identity Card or National Identification Number which is also known by its acronym as “NIN” issued by the National Identification Authority;
- “PIN” is an acronym of Personal Identification Number;
- “refugee biometric SIM Card registration category” means biometric registration of SIM Cards to be used solely by a refugee;
- “subscriber” means a person or an organization which subscribes services from mobile telecommunication service providers;
- “SIM Card” means Subscriber Identity Module which is an independent electronically activated device designed for use in conjunction with a mobile telephone to enable the user of the mobile telephone to transmit and receive indirect communications by providing access to telecommunications systems and enabling such telecommunications system identify the particular Subscriber Identity Module and its installed information;
- “visitor” means a non-citizen who is not a diplomat and intends to stay in the United Republic for a period of not more than four (4) months; and
- “visitor biometric SIM Card registration category” means biometric

registration of SIM Cards to be used solely by a visitor.

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 or device shall-

- (a) register biometrically the SIM Card or built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device with the respective licensee or authorized distributor, agent or dealer in manner set out in these Regulations;
- (b) ensure that PIN of his SIM Card is not shared with any other person; and
- (c) notify the service provider on the change of user or usage for each SIM Card under his possession.

(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 or device to any customer shall-

- (a) register customers using procedures as prescribed in these Regulations; and
- (b) keep record of the customers details in the database as retrieved electronically from NIDA.

(3) Every licensee shall ensure-

- (a) connectivity to NIDA is available and working all the time;
- (b) connectivity to the Authority's central SIM Card registration database is available and working all the time;
- (c) NIDA verified SIM Card registration details are submitted to the Authority's Central SIM Card registration database automatically during registration process; and
- (d) replacement of a damaged SIM Card upon verification of original registration and ownership through biometric verification.

(4) A person shall not register any SIM Card using other person's National Identity Card except as specified in these Regulations.

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

Procedure for
Registration of
SIM Cards

5.-(1) The procedure for registration of SIM Cards to different categories shall be as follows-

(a) where a customer is an individual, SIM Card shall be registered under an individual biometric SIM Card registration category in the following manner-

- (i) individual shall present to the service provider NIDA identity or number;
- (ii) service provider shall conduct online or electronic fingerprint verification of an individual with NIDA for biometric SIM Card registration;
- (iii) service provider shall keep subscriber's records as per details electronically retrieved from NIDA; and
- (iv) registered SIM Card shall bear the name of the individual;

(b) where a customer is a company, SIM Card shall be registered under company biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-

- (i) the company shall be required to present valid certified copies of Taxpayer Identification Number (TIN) Certificate, Business License and incorporation, compliance or registration Certificate;
- (ii) the company representative shall present to the service provider his NIDA identity;
- (iii) service provider shall conduct fingerprint verification of a company representative with NIDA once for a batch of SIM Cards for biometric SIM Card registration;
- (iv) service provider shall keep the details of the company and company's representative;
- (v) registered SIM Card shall bear the name of the company; and

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- (vi) a company shall notify the service provider on change of company representative for the service provider to register a new representative in accordance with these Regulations;
- (c) where a customer is a company employee, SIM Card shall be registered under company Biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
- (i) a company shall be required to present valid certified copies of Taxpayer Identification Number (TIN) Certificate, Business License and Incorporation, compliance or registration Certificate;
 - (ii) a company employee who is entitled to use the SIM Card shall be required to present to the service provider his NIDA identity;
 - (iii) service provider shall conduct fingerprint verification of company employee with NIDA for biometric SIM Card registration;
 - (iv) service provider shall keep the details of the company and the employee;
 - (v) registered SIM Card shall bear the name of the employee; and
 - (vi) a company shall notify the service provider on change of ownership of SIM Card for the service provider to re-register the new employee in accordance with these Regulations;
- (d) where a customer is an institution, SIM Card shall be registered under institution biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
- (i) the institution representative shall be required to present introduction letter of the respective institution;
 - (ii) the institution representative shall be required to present to the service provider his NIDA identity;
 - (iii) service provider shall conduct fingerprint

- verification of the institution representative with NIDA once for a batch of SIM Cards for biometric registration;
 - (iv) the service provider shall keep details of the institution and of the representative; and
 - (v) registered SIM Card shall be the name of institution;
- (e) where a customer is a minor, SIM Card shall be registered under minor biometric SIM Card registration category in the following manner-
- (i) the parent or guardian shall be required to present minor's certified copy of birth certificate or adoption document or valid passport with valid visa and minor portrait photo;
 - (ii) for a minor who is a national or foreigner, his parent or guardian shall be required to present NIDA identity and service provider shall conduct fingerprint verification of the parent or guardian with NIDA for biometric SIM Card registration;
 - (iii) for a minor who is a visitor, his parent or guardian shall be required to present a valid passport with valid visa and service provider shall conduct fingerprint verification of the parent or guardian with NIDA or Immigration Department for biometric SIM Card registration;
 - (iv) for a minor who is a diplomat, his parent or guardian shall be required to present a valid diplomatic passport and diplomatic ID for SIM Card registration;
 - (v) for a minor who is a refugee, his parent or guardian shall be required to present Refugees identity issued by NIDA and the service provider shall conduct fingerprint verification with NIDA for biometric SIM Card registration;
 - (vi) the service provider shall keep electronically the details of the minor and parent or guardian;
 - (vii) registered SIM Card shall bear the name of a minor;
 - (viii) after attaining the majority age, the minor

- shall be required to re-register using his NIDA identity;
- (ix) service providers shall notify the minor three (3) months before attaining the majority age and shall give three (3) months grace period for re-registration; and
 - (x) in the event where the minor fail to appear for re-registration within the period of three months after attaining the majority age, the service provider shall deactivate the SIM Card from its network;
 - (xi)
- (f) where a customer is a visitor, SIM Card shall be registered under visitor biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
- (i) visitors shall be required to present certified copies of valid passports with valid visa;
 - (ii) visa exempt visitors shall be required to present a certified copy of valid passport;
 - (iii) service provider shall conduct fingerprint verification of visitors with NIDA or Immigration Department for biometric SIM Card registration;
 - (iv) service provider shall keep the details of the visitors; and
 - (v) registered SIM Card shall bear the name of the visitor;
- (g) where a customer is a foreigner, SIM Card shall be registered under foreigner biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
- (i) foreigners shall be required to present NIDA identity;
 - (ii) service provider shall conduct fingerprint verification of a foreigner with NIDA for biometric SIM Card registration;
 - (iii) the service provider shall keep the details of the foreigner; and
 - (iv) registered SIM Card shall bear the name of the foreigner;

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- (h) where a customer is a refugee, SIM Card shall be registered under refugee biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
 - (i) refugees shall be required to present NIDA identity;
 - (ii) service provider shall conduct fingerprint verification of a refugee with NIDA for biometric SIM Card registration;
 - (iii) the service provider shall keep details of the refugee; and
 - (iv) registered SIM Card shall bear the name of the refugee;
- (i) where a customer is a diplomat, SIM Card shall be registered under diplomat biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
 - (i) the diplomat shall be required to present his certified copies of valid passport and valid diplomatic identity for SIM Card registration;
 - (ii) no fingerprint shall be taken during SIM Card registration;
 - (iii) the service provider shall keep the details of the diplomat; and
 - (iv) registered SIM Card shall bear the name of the diplomat; and
- (j) where a customer is a diplomatic institution, SIM Card shall be registered under diplomatic institution biometric SIM Card registration category at customer centres, service providers' shops or agents' shops in the following manner-
 - (i) the diplomatic institution shall be required to present introduction letters from the institution and from the Ministry responsible of foreign affairs;
 - (ii) the diplomatic institution representative shall be required to present certified copies of valid passport and valid diplomatic identity for a batch of SIM Cards registration;

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- (iii) no fingerprint shall be taken during SIM Card registration;
- (iv) the service provider shall keep details of the diplomatic institution and the representative; and
- (v) registered SIM Card shall bear the name of the diplomatic institution.

Cap. 37

(2) For the purpose of paragraph (h), and subject to section 4(3) and (4) of the Refugees Act, the word “refugee” means a person who-

- (a) is outside the country of his nationality or if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality, membership of particular social group or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality to return to the country of his former habitual residence;
- (b) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality; or
- (c) belongs to a group of persons which by Notice in the *Gazette* has been declared to be refugees for the reasons set out in paragraph (i) and (ii) above

(3) Where a SIM Card is used or intended to be used by machines and other Electronic Communication Equipment, such SIM Card shall be registered under company biometric SIM Card registration category at customer centres, service providers’ shops or agents’ shops.

(4) The procedures for registration under sub regulation (2) shall be as prescribed under sub-regulation (1)(b).

(5) In circumstances, where machines and other Electronic Communication Equipment is owned by an Individual, registration of SIM Card shall be under individual biometric SIM Card registration category as prescribed under sub-regulation (1) (a).

(6) In case of a batch of SIM Cards under sub-regulation (4)

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

finger print verification shall be conducted once by service provider regarding such a batch.

(7) where a customer has a defaced fingerprint or has no fingers the procedure for SIM Card registration shall be in the following manner: -

- (a) the customer shall be required to present his NIDA identity for SIM Card registration;
- (b) the service provider shall request NIDA to provide clearance to customer for defaced method of SIM Card registration;
- (c) upon clearance, NIDA shall enable multiple question verification option for that customer;
- (d) the service provider shall apply the multiple question option to verify the customer and shall ask questions as prompted from NIDA database;
- (e) upon answering correctly 2/3 (66%) of the questions, verification shall be considered successful;
- (f) the service provider shall be required to keep NIDA verified records; and
- (g) in the event where NIDA deploys other verification mechanism, the Authority shall provide procedures for such verification as appropriate.

(8) Where customer's names differ or mismatches with NIDA identity names, the procedure for SIM Card re-registration shall be in the following manner-

- (a) the service provider shall base on usage verifications on airtime recharge, voice services, data services and mobile money transactions to verify SIM Card ownership;
- (b) the verification referred to under paragraph (a) shall be done at customer centers, service providers' shops or agents' shops;
- (c) upon receipt of verification requested under paragraph (a), the service provider shall send notification on registration detail changes through

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

Short Message Service within twenty four hours for customer's approval;

- (d) upon customer's approval, the service provider shall effect the change and keep both NIDA and previous registered records; and
- (e) where the service provider has successfully updated the registration details under this regulations the mobile money services shall be suspended for forty-eight hours.

(9) Where a customer whose name is registered by NIDA, changes the name, the customer shall be required to avail such changes to NIDA for rectification of such name and the procedure for re-registration shall be as provided for under sub-regulation (8).

(10) A foreigner, visitor, refugee or diplomat shall not use NIDA ID designated for Tanzanian Nationals for the purpose of SIM Card registration

Right to obtain and use additional information

6.-A customer from Government institution or authorized agent of the Government who requires exemption of biometric SIM Card registration shall apply the following procedure-

- (a) a customer shall write a letter to the Authority to obtain approval for fingerprint exemption and shall provide details for such exception;
- (b) a customer shall be required to present his NIDA identity and the Authority approval to the service provider for SIM Card registration; and
- (c) the service provider shall register SIM Cards as per the approval of the Authority at customer centers, service providers' shops or agents' shops only.

Submission of other information

7.- Any person who sells, register or, in any other manner provides detachable SIM Card or built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device may obtain from the customer any other information related to SIM Card registration.

PART III

ACTIVATION AND DEACTIVATION OF SIM CARDS

Active SIM Cards

8.-(1) A licensee shall not activate a SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device on its electronic communication system unless

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

the licensee has registered the customer's details pursuant to these Regulations.

(2) The details of a registered SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device shall be kept active in the licensee's database after registration has been verified through NIDA database or as stipulated in these Regulations.

(3) Any active SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device that is not verified through NIDA database or as stipulated in these Regulations shall be considered as unregistered and deactivated SIM Card.

(4) A Licensee shall implement a default unlock PIN on a SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device based on random digits which may only be changed by SIM Card owner or customer.

(5) A default PIN shall be enabled and user can set the new PIN as follows-

- (a) insert new SIM in the handset and enter the old PIN available in the SIM package;
- (b) enter a random new PIN and reconfirm on the same until when is successful;
- (c) user shall put their PIN whenever they switch on their devices or change the mobile communication device;
- (d) in case the user enters the wrong PIN ten times consecutively, the SIM shall block permanently and the user may report to Mobile Network Operators Call Centre for assistance.

(6) Where a SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device is not used for communication for more than ninety days consecutively such SIM Card shall be deactivated:

Provided that a licensee shall not deactivate a SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device where the customer has notified the licensee in writing that, such SIM Card will remain idle for more than ninety days consecutively but not exceeding a period of twelve months from the date of notification.

(7) A customer whose SIM Card, built in SIM Card telephone or SIM enabled mobile communication equipment or device has been deactivated shall resubmit a fresh request for registration of the same number subject to availability.

Cap.437

(8) A licensee shall establish a mechanism for handling monetary balances of SIM Card, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device which is activated in accordance with the National Payment System Act.

(9) A licensee shall submit to the Authority quarterly reports on deactivated SIM Cards, built in SIM Card mobile telephone or SIM enabled mobile communication equipment or device in a format to be determined by the Authority.

**PART IV
SALE OF SIM CARDS BY DEALER OR AGENT**

Use of distributor, dealer or agent

9.-(1) A licensee may use authorized distributor, dealer or agent in selling or distributing SIM Cards or built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device.

(2) A distributor, dealer or agent who sells and distribute a detachable SIM card or built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device shall have a written evidence of authorisation from the respective licensee.

Requirements for distributor, dealer or agent

10. Every licensee shall ensure that authorized distributor, dealer or agent referred to under sub-regulation 9(2) provides the following information:

- (a) business licence;
- (b) Tax Payer Identification Numbers;
- (c) physical location which may include street name, house number or postcode;
- (d) mobile phone numbers, email address and any other means of contact; and
- (e) NIDA identity of contact person.

Submission of quarterly reports by licensee

11. Every licensee shall, on a quarterly basis, submit to the Authority a verified list of national-wide authorized distributors, dealers or agents.

PART V
CHANGE OF INFORMATION OR OWNERSHIP

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 equipment or device shall, within fifteen days from the date of occurrence of such change, be registered with a licensee.

(2) Every customer shall report any change of ownership or possession of a registered SIM card, build-in SIM Card mobile telephone or SIM enabled communications equipment or 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, register the SIM Card.

Duty to report loss of SIM Card

13. The owner of a registered SIM Card, built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device shall be obliged to-

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

Replacement of SIM Card

14.- (1) A licensee shall replace a lost, stolen, destroyed or damaged SIM Card upon-

- (a) verification of the original registration and ownership of the SIM Card; and
- (b) submission of the destroyed or damaged SIM Card, built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device; or

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- (c) presentation of loss report from the police station.
- (2) A licensee shall ensure that the surrendered destructed or damaged SIM Cards are kept for a period of not less than twelve months.

SIM swap information

15.- A licensee shall-

- (a) file with the Authority its SIM swap procedure;
- (b) retain SIM swap information;
- (c) keep in custody the destructed or damaged SIM Card, built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device;
- (d) capture and retain credentials and logs of swapping agents and of any person accessing the SIM swap database;
- (e) keep the information captured under this sub regulation in a traceable database for a period prescribed in the National Payment Systems Act.

Cap. 437

PART VI
GENERAL PROVISIONS

Requirement on inspection of distributor, dealer or agent

16. Every licensee shall inspect his distributor, dealer, or agent on monthly basis to ensure compliance to SIM Card registration requirements and submit quarterly reports to the Authority.

Fraud prevention

17. In case of fraud, every service provider shall be required to-

- (a) cooperate in good faith to prevent, whenever possible, instances of fraudulent or unauthorized activities during biometric SIM Card registration;
- (b) cooperate to identify and pursue action against the perpetrators of the fraud;
- (c) ensure prevailing data protection and privacy laws applicable to the situation, and any other company or business laws which may be appropriate are observed and complied;

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

- (d) compensate a victim of any material loss suffered from fraudulent activity associated with biometric SIM Card registration of which the service provider failed to identify the responsible customers;
- (e) where the National identity is identified to be involved in fraudulent activities, the licensee shall notify NIDA; and
- (f) upon notification under paragraph (e) the identified National identity shall be flagged by NIDA for ninety (90) days to prevent its further use on fraudulent activities.

Limitation on ownership of number of SIM Cards

18 (1) A person intending to own and use SIM Card, built-in SIM Card mobile telephone or SIM enabled mobile communication equipment or device shall be allowed to register-

- (a) in the case of an individual-
 - (i) not more than one SIM Card from each licensed mobile network operator for use on voice, short message and data services;
 - (ii) not more than four SIM Cards from each licensed mobile network operator for use on machine to machine communication; and
- (b) in the case of company or institution-
 - (i) not more than thirty SIM Cards from each mobile network operator for use on voice, short messaging and data services;
 - (ii) not more than fifty SIM Cards from each mobile network operator for use on machine to machine communication.

(2) The SIM Cards registered for the purposes provided under sub regulation (1) (a) shall not be used interchangeably.

(3) Notwithstanding sub regulation (1), an individual, a company or an institution may be allowed to register and own more than the specified SIM Cards upon submission of written application and approval from the Authority

(4) Any person who contravenes this regulation, commits an offence and shall, upon conviction, be liable-

- (a) in the case of an individual, to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months or to both and shall be liable to a fine of not less than seventy-five thousand Tanzanian shillings for every day during which the SIM Card was used or possessed; and
- (b) in the case of a company or institution, to a fine of not

less than fifty million Tanzanian shillings and shall be liable to a fine of not less than one hundred and seventy-five thousand Tanzanian shillings for every day during which the SIM Card was used or possessed.

Transitional
relating to
ownership of
more than one
registered SIM
Card

19.-(1) Where-

- (a) an individual owns more than one SIM Cards under one licensee, the licensee shall notify such person that from the date of publication of these Regulations up to 30th June, 2020, he has to choose one among the SIM Cards that shall remain active;
 - (b) a company or institution owns more than the required number of SIM Cards referred to under regulation 18(1)(b) from one licensee, the licensee shall notify such company or institution that, from the date of publication of these Regulations up to 30th June, 2020, such company or institution shall be required to choose among its SIM Cards owned, the required number that shall remain active.
- (2) Upon the individual, company or institution comply with the requirement of the notice under sub regulation (1), the licensee shall deactivate the other SIM Cards.
- (3) Where there is a default in terms of sub regulations (1)-
- (a) in the case of the individual, company or institution, the licensee shall deactivate all the SIM Cards after the expiry of the specified time;
 - (b) in the case of default to deactivate SIM Cards owned by-
 - (i) an individual, the licensee who fails to comply with, the licensee shall be liable, upon conviction to a fine of not less than fifty million shillings;
 - (ii) company or institution, the licensee who fails to comply with, the licensee shall be liable, upon conviction to a fine of not less than fifty million Tanzanian shillings.
- (4) Where a SIM Card is deactivated under sub regulation (3)(a), an individual, company or institution which wishes to renew extra number SIM Cards, shall be required to make new application to the Authority in the manner prescribed in these Regulations.
- (5) Where an application under sub-regulation (4) is granted, the applicant shall contact the licensee for issuance of such numbers of SIM Card as requested from the Authority.

Electronic and Postal Communications (Sim Card Registration)

GN No. 112 (contd.)

Offence on
misuse of
information

20. Any licensee, dealer or agent who misuses information of a customer for SIM Card registration commits an offence and upon conviction shall be liable to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months or to both.

Penalty

21.-(1) Any person who contravenes any provision of these Regulations which no specific penalty is provided for, commits an offence and shall on conviction be liable to a penalty prescribed under the Act.

(2) Notwithstanding subregulation (1), where a person commits an offence under these Regulations, the Director General of the Authority may, where such person admits in writing, compound such offence in the manner prescribed in the Act.

Revocation
GN No. 18 of
2018

22. The Electronic and Postal Communication (SIM Card Registration) Regulations, 2018 are hereby revoked.

Dodoma
6th February, 2020

ISACK A. KAMWELWE,
*Minister for Works, Transport and
Communications*