



**REGULATION/R/ICT/RURA/2023 GOVERNING THE
SIM CARD REGISTRATION IN RWANDA**

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DRAFT

The Regulatory Board;

Pursuant to Law n° 22/2012 of 15/06/2012 determining the publication, notification and commencement of official acts;

Pursuant to Law n° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning, especially in Article 2 and 20;

Pursuant to Law n° 24/2016 of 18/06/2016 governing Information and Communication Technologies;

Emphasizing the necessity of SIM card registration by all subscribers in order to promote user accountability;

Having reviewed Regulation N°004/ICT/RURA/2018 on SIM card Registration; Based on the recommendations made during the consultative meeting held on /.... /2023 between RURA and different stakeholders in communication sector;

Upon due consideration and deliberation in its session of /.... /2023;

HEREBY ISSUES THE FOLLOWING REGULATION

CHAPTER ONE: GENERAL PROVISIONS

Article one: Purpose of this Regulation

The purpose of this Regulation is to put in place mechanisms and process for registration/deregistration of SIM Cards and SIM swaps of all mobile telephone subscribers in Rwanda.

Article 2: Definition of terms

For the purpose of this Regulation, the following terms shall have the following meaning:

1° Activate: enable access by a subscriber to telecommunications services provided by an electronic communication service provider;

2° Corporate body: organization or a group of persons that has Legal personality;

3° Dependent: A person who is under the age of acquiring ID or passport

4° Effective date: the date on which this regulation comes into force;

5° Guardian: any person who, in the opinion of the court, has charge or control of the child and is recognized by the law, as having legal capacity to make decision on behalf of that child;

6° ID: National identity Card;

7° KYC: Know Your Customer

8° Licensee: a person or an operator who holds a license to operate mobile telecommunication services;

9° NIDA: National Identification Agency;

10° Operator's database: a subscriber information database, containing the personal data of subscribers;

11° OTP: One Time Password

12° Premise: These are Service centres and connect shops

13° Regulatory Authority: Rwanda Utilities Regulatory Authority

14° SIM: Subscriber Identity Module

15° SIM Swap: the process of replacing an existing SIM with a new one, moving the existing number to the new SIM

16° Functional Data: These are relevant data which will be used to determine whether the Applicant is eligible for telecom service. This data will be retrieved by the MNO from Verification service entities (NIDA, RRA and the DGIE) database for the purpose of its telecom operations with respect to the applicant identity verification.

17° Travel documents: ID, passport or any valid travel documents recognized in the Republic of Rwanda

Article 3: Scope of application

This Regulation shall apply to all licensed mobile operators and any other electronic communications service provider who provide their service using SIM cards, as well as their subscribers in the process of SIM Registration/Deregistration and SIM swap.

CHAPTER II: SIM CARD REGISTRATION PROCESS AND REQUIREMENTS

Article 4: Sim card registration

Any licensee operating in Rwanda shall register all SIM cards holders, using its network services, in accordance with the provisions of this regulation and shall inform its Sim card applicants of the related terms and conditions.

Article 5: Obligations of the Licensee to its subscribers

Any SIM card registration shall follow these obligations;

- a. Register the SIM Card in an authorized registration premises and SIM card registration shall be subject to the presentation of proof of identification and physical presence of SIM Card holder. In case of SIM card owner absence, the notified letters from notaries or embassies shall be presented.
- b. Capture biometric data including; personal details, facial image and thumb.
- c. Retrieve functional data from NIDA, RRA and DGIE in the verification process for new SIM Registration and SIM Swaps.
- d. Every additional SIM card registration, an applicant must receive a Short Message Service request for approval to the primary SIM card.
- e. Ensure SIM card activation duration for foreign applicants are aligned to the VISA duration. To extend the SIM activation period beyond the VISA duration, applicant must obtain the permit/ Visa from Director General of Immigration and Emigration.
- f. The MNOs will inform the subscriber of the due expiration dates SIM cards services deactivation not later than five (5) days to the expiration date
- g. Ensure a back-end authentication for a failed finger print validation by the back-end office staff.
- h. The staff registering the SIM card applicants should be identified by unique identifier and all activities carried out in the registration system should be logged. In any case, a unique identifier shall never be used by a different person
- i. Ensure the collection of staff details doing SIM registration are captured and saved in the MNO Data Base which shall include but not limited to biometric, picture, names, criminal records
- j. Ensure that staffs doing SIM registration are approved by the competent authority.
- k. Subject to compliance with data protection law, MNOs shall confidentially retain subscriber information including but not limited to biodata.

Article 6: Record keeping

All licensees are required to keep records of:

- a. Electronic record of the documents used in SIM Registration as proof of authentication
- b. Details of all SIM cards sold
- c. Identification of all registered subscribers and any change made thereto
- d. Keep applicants' details in the database as retrieved electronically from National Identification Agency
- e. Keep staff details involved in SIM Cards registration process

Article 7: Individual subscriber's information

The activation of the licensee's SIM Card is subject to the registration of personal information of individual subscriber wishing to use that SIM Card.

Personal information shall include the following:

- a. Full names;
- b. Date of birth;
- c. Identity Card number;
- d. Registered telephone number;
- e. Sex
- f. Live Facial image
- g. Thumb

Article 8: SIM Card Registration Process

Sim card registration for individuals will be done after verification of their biometric data and ID (National ID, Refugee, work permit issued by National Identification Agency, passport and travel documents) or valid travel documents.

The licensee shall inform the applicant the terms and conditions of using SIM Cards.

a. In case SIM registration is done with biometric data capture and ID (Rwandan Citizen)

- I. Individuals shall present to the service provider their ID cards (proof of identity).
- II. The service provider shall conduct electronic biometric verification of an individual against NIDA records for biometric SIM registration and verify the returned data versus the physical appearance of the applicant.
- III. The service provider shall take a live finger print of the applicant and match it with the subscriber's information retrieved from NIDA. Further, the facial image shall be compared with the one retrieved from NIDA.
- IV. The SIM card registration shall have the same KYC as NIDA database.

b. In case of a failed fingerprint capture – exceptional for Rwandan Citizen:

- I. The applicant shall be required to present his NIDA identity for SIM Card registration;
- II. The service provider shall verify the returned data from NIDA versus the physical appearance of the applicant.
- III. The service provider shall take a live facial image of the applicant
- IV. In case the finger print fails (bad finger print image), the SIM card will be activated upon clearance from the MNO dedicated back-end support staff of Sim cards registration.
- V. In case the applicant is living with a disability making finger print capture not possible, the staff shall indicate this in the system and back-end office staff shall verify the application and approve it.
- VI. In the event where NIDA deploys other verification mechanism, the Regulatory Authority shall provide procedures for such verification accordingly.

c. In case of using biometric and passport; (For foreigners),

- I. MNO's shall inform foreign applicants that the activation period of the SIM card is linked to Visa duration.
- II. The foreigner will provide biometric data and the passport, an authentication request will be sent to the Director General of Immigration and Emigration (DGIE). In response, DGIE will return facial image, visa expiration date, names and date of birth.
- III. The service provider shall verify the return data from DGIE versus the physical appearance of the applicant.
- IV. The service provider shall take a live facial image and biometric data of the applicant and match it with the passport information.
- V. The SIM card shall be activated after verification with KYC in the DGIE database
- VI. The SIM card shall be active for the duration of the visa and before its deactivation; the service provider shall check the user's VISA status from DGIE.
- VII. SIM Card reactivation notice shall be sent to the foreign subscriber 5 days prior to the expiry date.

d. In case of Foreigners with failed fingerprint.

- I. MNO's shall inform foreign applicant that the activation period of the SIM card is linked to Visa duration.
- II. The foreigner will provide the passport number and nationality; an authentication request will be sent to DGIE. In response, DGIE will return facial image, visa expiration date, names and date of birth.
- III. The service provider shall verify the return data from DGIE versus the physical appearance of the applicant.
- IV. The service provider shall take a live facial image of the applicant and match it with the passport information.
- V. In case of the applicant with defaced fingerprint or disabled, the staff shall indicate this in the system and SIM card shall be activated after verification with KYC in the DGIE database.
- VI. In case the finger print fails (finger print image not readable), the SIM card will be activated upon clearance from the MNO back-end office staff. The SIM card shall be activated within 48 hours.
- VII. The SIM shall be active for the duration of the visa and before its deactivation; the service provider shall check the user's VISA status from DGIE.
- VIII. SIM Card reactivation notice shall be sent to the foreign subscriber 5 days' prior the expiry date.

Article 9: Registration of dependents

Parents or Guardians are required to register the dependents' simcard under their valid identification document by following procedures identified in article 7(a) of this regulation. The dependent is required to re-register their sim card in their names within 2 months after the dependant acquiring ID card. Failure to do so shall lead to de-activation of the sim card.

Article 10: Recording corporate body information

The corporate body must request to register its SIM Card under the Corporate name or the SIM card users.

The SIM Card registration by corporate body is subject to a formal request to the licensee, through an official letter duly signed by the chief executive officer or any other person responsible for daily management of the corporate body and cc the Regulatory Authority.

e. Incase SIM registration is done for Corporate (Companies, Faith based Organizations and NGO's) with biometric data capture and ID

- I. The institution representative shall be required to present Legal Instrument showing evidence of establishment and bears a letter of attorney from the official representative authorizing him/her to register SIM cards for the company
- II. The service provider shall authenticate the TIN number through RRA. For those without TIN number can only register as individuals.
- III. The service provider shall conduct biometric verification of the corporate representative and register their ID/ PASSPORT at the SIM registration centre.
- IV. The service provider shall take a live facial image of the applicant and match it with the ID/Passport information.
- V. The representative shall be given the number of requested SIM cards and shall be activated upon verification from the back-end office staff.
- VI. In case of a disability or defaced finger by the applicant, the registering staff shall indicate this in the system and SIM card shall be activated upon verification from the back-end office staff.
- VII. In case the finger print fails (finger print image not readable), the SIM card will be activated upon clearance from the MNO back-end office staff and the SIM card shall be activated within 48 hours.

f. Incase SIM registration is done for Foreign Company, Embassy or UN Agencies

- I. The foreign company, Embassy or UN agency shall submit official letter requesting SIM card and a verbal note from the Ministry of foreign affairs clearing the status of the applicant.
- II. The applicant twill be issued with the requested SIM card.

g. Incase SIM registration is done for Government Agencies

- I. The government institution representative shall be required to present an official letter of attorney authorizing him/her to register SIM cards for the institution/agency.
- II. The service provider shall authenticate the TIN number through RRA.
- III. The representative shall be given the number of requested SIM cards and shall be activated upon verification from the back-end office staff.

Article 11: Responsibility of a corporate body under Sim Card registration process

Corporate bodies must be accountable for the accuracy of the data submitted to the licensee during SIM registration process. They are also required to deregister inactive registered SIM Cards upon dissolution.

Article 12: Change of subscriber's details

In case the subscriber's details have been changed and the subscriber requests the changes to be reflected in the license's database. The licensee shall check all requirements as stipulated in article 7 (a &c).

Article 13: Prohibition of proxy registration

The proxy SIM Card registration shall not be allowed.

CHAPTER III: TRANSFER, DEREGISTRATION OF THE SIM CARD AND OTHER SAFETY MEASURES.

Article 14: Transfer of SIM Cards

SIM card shall only be transferred to another individual subscriber after 10 years of being inactive. However inactive SIM cards shall be recycled after 90 days of being dormant.

Condition for SIM SWAP

- I. The damaged SIM Card will be replaced upon verification of original registration KYC and ownership through biometric verification.
- II. The service provider shall retrieve the SIM card information, take new biometric data and authorize the sim swap.
- III. Capture and retain credentials and logs of swapping staffs and of any person accessing the SIM swap database.

Conditions for SIM Deactivation:

- I. SIM cards associated to terrorist crime and genocide should burnt/black-listed and never be transferred to another person.
- II. SIM Card registered under a deceased must be deactivated during the death registration process after querying NIDA API database

Article 15: Deregistration of Sim Card and transfer to the new user

SIM card deregistration will be made by the qualified staff after confirming that the ID belongs to the previous user and then transfer the telephone number (MSISDN) to the new user, by following normal registration procedures provided in Article 7 of this regulation. Both the applicants shall be required to be physically available.

Article 16: Period of keeping transfer consent form

The licensee has the responsibility to keep all transfer consent forms and related information at least, for a period of two years (02) after the transfer.

Article 17: Establishment of a central shared Staff database

Every Licensee shall establish a clear internal procedure to curb illegal SIM registration. A central shared Staff database established and hosted by the Regulatory Authority must be populated by licensees with details of staffs, in order to monitor their conduct and behavior at the market.

Security and Law Enforcement agencies as well as NIDA must have access to that central shared Staff database.

Article 18: Verification of SIM card registered under the ID

The Licensees are required to establish a system allowing their subscribers to identify number of registered SIM allocated under their identification per MNO and across MNOs through a USSD code in order to minimize cases of fraudulent SIM card registered under their names. This system must also allow subscribers to deregister unrecognized or undesired numbers from any licensee.

Article 19: Registering a new number to an existing subscriber

1. The new SIM Card will be added to the existing simcard, upon validation of the applicant's fundamental Sim registration records through biometric authentication.
2. Obtain consent from applicant via SMS requesting the applicant for approval to register the new SIM card number
3. Trigger OTP to applicant
4. An SMS notification shall be sent to the primary number indicating all numbers registered under that ID in the new database.
5. Update applicant's SIM Registration records

Article 20: Limitation of number of SIM cards

The limit of sim card ownership per each Licensee is as follows;

- I. Rwandans registering with a NIDA ID are allowed to have three (3) SIM card per MNO.
- II. Foreigners registering under their passport are allowed to have one (1) SIM card per MNO.

If there is a justified need of an additional SIM card, a subscriber is required to seek approval from the Regulatory Authority.

Article 21: SIM Card deregistration process

A licensee shall deregister a SIM card upon the request of the subscriber, after verifying and confirming the MNO's KYC records match with the SIM card registration information.

All records concerning SIM Card de-registration must be kept at least six (6) months, from the effective date of de- registration.

A family member or any other person, upon presentation of the death certificate of the subscriber, must deregister a SIM card of a person declared dead within thirty (30) days after the death declaration.

Article 22: Synchronization between mobile telecom operator database and identity validation entities

The Licensees shall keep a good collaboration with the Identification Authorities responsible for registration and identification of Rwandan and Foreign citizens.

MNOs shall synchronize their database with the national Identification centre for automatic verification of the applicant.

Article 23: Requirement for Registration Premise

- I. Optimized database Capacity to allow effective verification of applicant records from the respective authentication entity.
- II. Ensure connectivity to ensure harmonization of the MNOs KYC Records and NIDA, RRA and DGIE Database to improve the integrity of the SIM Registration Database.
- III. Ensure a secured, proprietary location with a recognisable brand which has a consistent identity of SIM registration or SIM SWAP service throughout the service provided.
- IV. Ensure dedicated seats for the sim applicants' population, with basic level of lumens to warrant accent lighting for live photos.

CHAPTER IV: THE OPERATOR'S DATABASE USE

Article 24: Responsibility of Licensee in relation to establishment and maintenance of Operator's Database

Under this regulation, the Licensee has the following responsibilities:

- I. Establish and maintain a database of all registered subscribers' information, to be known as "the Operator's Database", this database will be in such a manner as to ensure easy access to data by only authorized persons by the Laws and relevant regulations.
- II. It will also provide control of the SIM Card registration database with necessary security measures in place.

Article 25: Use of personal Information

For effective verification of applicant biometrics data including but not limited to facial images and thumbs or any other biometrics approved by the Regulatory Authority shall be utilized subject to data Protection Law and the supporting infrastructure.

The licensees are prohibited to use any personal information of their subscribers without prior consent of the concerned subscriber, for any reason outside the scope of the license and other existing laws and regulations.

Article 26: Access to operator's Database by the Regulatory Authority

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

The licensee shall authorize the Regulatory Authority's officers access to its systems, premises, facilities, files, records and other data to enable the Regulatory Authority to inspect the effective compliance of this regulation.

Article 27: Access to subscriber's information by other persons

Third parties shall not be allowed to access subscriber information unless required by the law or a court order.

Article 28: Data protection and confidentiality

For the purpose of data protection and confidentiality, the following shall be taken into consideration:

1. Any subscriber whose personal information is stored in the Operator's database shall be entitled to view the MNO KYC Records and to request updates and amendments thereto;
2. The subscriber's information stored in the operator's database shall be held on a strictly confidential basis and no person or corporate body shall be allowed to access to any subscriber's information on the operator's database except where it is provided for in this regulation or unless ordered by the competent court;
3. Licensees providing registration services shall take all necessary measures to preserve the integrity and prevent any corruption, loss or unauthorized disclosure of subscriber information
4. Licensees shall keep all personal information retained in accordance with this Regulation;
5. Licensees providing registration services shall not retain the personal data of any subscriber after transmission thereof to the operator's database.

CHAPTER V: INSPECTION, REPORTING, REGULATORY SANCTIONS AND APPEAL

Article 29: Inspection

The Regulatory Authority reserves the right to monitor, inspect and place appropriate administrative sanctions on defaulting licensees.

Without prejudice to other sanctions provided for in other relevant laws, a violating licensee shall be punished in accordance with the provisions of this regulation.

Article 30: Reporting of illegal SIM Registration and SIM Swap

Under this regulation, the Licensee shall immediately report to the Regulatory Authority all illegal SIM registration / SIM swaps occurred within 48 hours of their occurrence and steps taken to resolve the issue.

Further, the licensee must compile all other Sim cards incidents occurred and submit them on monthly basis.

Failure to report on time any incident of illegal Sim Registration/Swap shall lead to Administrative fine of Two Million Rwandan Francs (2,000,000 Rwf) for each incident occurred.

Article 31: Non-compliance with activation, deactivation and Sim Swap requirements

Any licensee who activates or fails to deactivate a SIM Card as provided for in this Regulation is liable to administrative fine of one million five hundred thousand (1,500,000) Rwandan francs for each unregistered but activated SIM Card.

Any licensee who does not follow the procedures or controls in place for SIM cards registration/Swap is liable to an administrative fine of two million (2,000,000) Rwandan francs per each committed fault.

Any licensee or its agent who does illegal Sim Swap is liable to an administrative fine of Ten Million Rwanda Francs (10,000,000 Rwf) and liable to the payment of stolen money in his/her MOMO account or Bank account.

A licensee staff or licensee who uses the subscriber's information in any business, commercial or other transactions, without subscriber's consent, the licensee is liable to an administrative fine of two million five hundred thousand (2,500,000) Rwandan francs per SIM Card.

Notwithstanding the provisions of this regulation, any licensee staff who shall breach any other provision of this regulation, the licensee shall be liable to an administrative fine of two million (2,000,000) Rwandan francs.

Article 32: Appeal to the Regulatory Board

There is a right of recourse available to any concerned-licensee dissatisfied by a fine imposed by virtue of this regulation.

The licensee making the appeal will be given at least seven (7) working days' advance written notice of the date of the appeal hearing.

At the recourse hearing, the grounds of appeal shall be treated as a new complaint and the issues shall be considered in their entirety.

Decisions of the Regulatory Board, following the appeal, are communicated to the concerned licensee within seven (7) working days from the date of the appeal hearing.

Decisions of the Regulatory Board shall be binding, unless there are overruled by a competent court.

CHAPTER VI: FINAL PROVISIONS

Article 33: Transition period

All existing Licensees are required to comply with the provisions of this regulation in a period of two (02) months, effective from the date of the signature by the Chairperson of the Regulatory Board.

Article 34: Repealing provision

All prior provisions contrary to this regulation, especially regulations N°004/ICT/RURA/2018 on SIM card Registration, are hereby repealed

Article 35: Commencement

This regulation shall come into force on the date of its signature by the Chairperson of the Regulatory Board.

Kigali, on /...../ 2023

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CHAIPERSON OF THE REGULATORY BOARD