

SUBSCRIBER IDENTITY MODULE REGISTRATION
REGULATIONS, 2011

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IN exercise of the power conferred on the Minister responsible for Communications, by section 97 of the Electronic Communications Act, 2008 (Act 775), and acting on the advice of the Authority, these Regulations are made this 24th day of November, 2011.

Activation of Subscriber Identity Module

1. (1) A network operator or service provider shall not activate a Subscriber Identity Module for a subscriber, unless the subscriber,

- (a) completes registration of the Subscriber Identity Module in accordance with these Regulations; and
- (b) complies with the directives given by the Authority under the Act and the National Communications Authority Act, 2008 (Act 769) on the registration of the Subscriber Identity Module.

(2) A network operator or service provider who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of

- (a) two thousand penalty units, and
- (b) one thousand penalty units for each day the offence continues.

Registration of Subscriber Identity Module

2. (1) A network operator or service provider shall register a Subscriber Identity Module of a subscriber.

(2) A subscriber shall, for the purpose of the registration of the Subscriber Identity Module of that subscriber, furnish the network operator or service provider with the following information:

- (a) the name and residential or occupational address of the subscriber;
- (b) the date of
 - (i) birth, in the case of an individual;
 - (ii) incorporation, in the case of a body corporate; or
 - (iii) registration, in the case of a partnership or an unincorporated body of persons; and
- (c) an identification document.

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(3) A network operator or service provider shall not request information on the spouse or child of a subscriber for the purpose of the registration of the Subscriber Identity Module.

(4) Where a registered subscriber assigns a Subscriber Identity Module to an individual, that registered subscriber shall

(a) provide the network operator or service provider with the registration particulars specified in subregulation (2) in respect of the person to whom the registered Subscriber Identity Module is assigned at a particular time, and

(b) give notice in writing within seven working days to the network operator or service provider of the date the assignee ceased the usage of that Subscriber Identity Module.

(5) On receipt of the Subscriber Identity Module, the assignee shall give notice in writing to the network operator or service provider of the receipt of the Subscriber Identity Module assigned.

(6) Where a subscriber and the assignee have complied with subregulation (4) and (5) respectively, a person to whom a Subscriber Identity Module is assigned is deemed to be responsible for any use to which the Subscriber Identity Module is put.

(7) A network operator or service provider shall establish and maintain a system for the registration of a Subscriber Identity Module without any charge to the subscriber.

(8) For the purpose of this regulation, "assignee" means the person to whom a registered subscriber assigns a Subscriber Identity Module.

Change in subscriber information

3. Where there is a change in the information used by a subscriber to register a Subscriber Identity Module, that subscriber shall notify the network operator or service provider of the change.

Use of subscriber information

4. (1) A network operator or service provider shall not use the information of a subscriber for a purpose inconsistent with these Regulations or any other law.

(2) A network operator or service provider who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of not more than two thousand penalty units.

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Non-disclosure of subscriber information

5. (1) A network operator or service provider or an employee or agent of a network operator or service provider shall not disclose the information of a registered subscriber.

(2) Despite subregulation (1), a network operator or service provider

(a) may disclose the information of a registered subscriber to a third party for direct marketing purposes if that network operator or service provider has the prior written consent of that subscriber; or

(b) shall disclose the information of a registered subscriber if the network operator or service provider is ordered by a court or authorised under any other law to disclose the information.

(3) A network operator or service provider shall create an avenue for the registered subscriber, who consents to the release of that subscriber's information to a third party for direct marketing, to opt out of that direct marketing by sending a text message to a prescribed code of the network operator or service provider.

Subscriber Identity Module record of roaming service

6. (1) A network operator or service provider that provides international roaming service in the country to a subscriber from another country shall enter into an agreement with the network operator or service provider of that subscriber.

(2) The agreement shall provide for the particulars of the subscriber in the records of the network operator or service provider during the period that the subscriber uses the Subscriber Identity Module in the country.

Quality and standard of Subscriber Identity Module

7. A network operator or service provider shall ensure that its Subscriber Identity Module conforms to the quality and standard set by the Authority.

Directives

8. The Authority may issue directives pursuant to the Act on matters related to the registration of a Subscriber Identity Module.

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Transitional provision

9. (1) A network operator or service provider shall, on the expiration of the thirtieth day after the commencement of these Regulations, disconnect a subscriber whose Subscriber Identity Module is not registered in accordance with these Regulations.

(2) A network operator or service provider who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of

(a) two thousand penalty units, and

(b) one thousand penalty units for each day the offence continues.

Interpretation

10. In these Regulations, unless the context otherwise requires,

"direct marketing" means a form of advertising that allows communication to a subscriber using an advertising technique including mobile messaging, email, interactive consumer website, online display advertisement, a flier, catalogue distribution, promotional letter or out door advertising;

"identification document"

(a) for a citizen, includes

(i) a valid driver's licence;

(ii) a valid national health insurance identification card;

(iii) a valid passport;

(iv) a valid voter identification card;

(v) a valid national identity card; or

(v) any other valid form of identification document the Authority may determine by publication in the *Gazette* and a daily newspaper of national circulation;

(b) for a non-citizen, means a valid passport or other travel document; and

(c) for a corporate body, means a certificate of incorporation;

"roaming service" means a service provided by a person licensed by the Authority which enables a subscriber to use a subscribed and registered mobile number for a service

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provided by a network operator or service provider in a territory outside the country;

"spouse" includes multiple spouses in a polygynous marriage;

"subscriber" means a person who contracts with a network operator or service provider to acquire a Subscriber Identity Module for use; and

"Subscriber Identity Module"

(a) means a subscriber identification device that securely stores a service-subscriber key which is used to identify a subscriber on a mobile telephony device, and

(b) includes a mobile phone, computer and other similar device.

HARUNA IDDRISU M.P.

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