



CRANicles

Communications Regulatory Authority of Namibia



**COMMENCEMENT OF MANDATORY SIM CARD
REGISTRATION IN NAMIBIA**



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EDITORIAL

DEAR ESTEEMED STAKEHOLDER,

Thank you for taking time to read through this special edition of our newsletter, the CRANicles, which focusses on the mandatory SIM card registration process which is under way in Namibia.

The commencement of the mandatory SIM card registration is effective 01 January 2023 and will end on 31 December 2023. Customers are therefore reminded to register their SIM cards at their mobile service provider as these conditions apply to Namibian nationals and visitors for the duration of their stay in our country.

CRAN urges all SIM card holders to register their SIM cards before 31 December 2023 to enjoy the full benefit of ICT products and services, by so doing, you will not lose your number.

Esteemed readers, I trust that you find this special edition of the CRANicles informative and useful, and I encourage you to provide us with your views, comments and/or queries by sending an email, for the attention of the editor, to communications@cran.na.

‘Pushing ICT Forward in Namibia’!

Katrina Siken
Head: Corporate Communication



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“I commend our operators for undertaking this significant national project for the benefit of ICT consumers until 31 December 2023”.

Greetings Valued Stakeholder,

Mandatory SIM card registration is not a new concept as it is in line with international best practices. On 01 January 2023, CRAN joins over 150 countries from across the world that have implemented mandatory SIM card registration in line with the provisions of the Communications Act (No. 8 of 2009), which now makes it mandatory for mobile service providers to register all existing and newly purchased SIM cards before use.

SIM card registration is pivotal in safeguarding ICT consumers from falling victim to mobile money fraud and mobile and digital identity theft. It is aimed at facilitating the investigation of crimes committed with the aid of mobile devices.

There are other benefits consumers derive from SIM card registration that are a direct result of having a digital identity. Moreover, there has been an increase in the use of digital and/or online services, providing opportunities for Namibians to embrace



virtual teaching and learning, mobile banking, and online shopping.

The benefits of registering your SIM card outweigh the fears associated with the registration process and that of providing your data to your service provider. CRAN is satisfied that operators have sufficient modalities in place to safeguard consumer data. We urge consumers to register their SIM cards to benefit fully from ICT product and service offerings.

Mobile service providers have a period of 12 months to conclude the registration of all existing customers until 31 December 2023. The information of new customers must be registered within three (3) months (from the date of sale) as unregistered SIM cards will be deactivated after 31 December 2023.

Furthermore, Namibia is in the final stages of consultation on the Data Protection Bill and any further matters pertaining to data protection must be referred to the various mobile operators and the Ministry of Information and Communication Technology (MICT) as the custodian of the Data Protection Bill.

I commend our operators for undertaking this significant national project for the benefit of ICT consumers.

“Pushing ICT Forward!”

Emilia Nghikembua
Chief Executive Officer



*“SIM card registration is pivotal in safeguarding
ICT consumers from falling victim to
mobile money fraud”...*

THE IMPORTANCE OF SIM CARD REGISTRATION AND PROTECTION OF PERSONAL DATA

By: Phillipus Shilongo

As of 01 January 2023, Namibia joined 185 countries in the world, who provide mandatory SIM Registration. CRAN launched the National SIM Registration Awareness Campaign from 07 June 2022 to 31 December 2022, to educate consumers on the importance of SIM Card Registration. During the campaign, CRAN discovered that consumers, through the utilisation of their mobile devices, face the following enormous challenges due to unregistered SIM cards.

Mobile money fraud

Consumers are frequently exposed to irrelevant or unsolicited messages, sent either online or directly from unknown mobile numbers for the purpose of fraudulently soliciting money from consumers or phishing. Consequently, many consumers have become victims of money theft from electronic money transfer services, using their mobile phones. This happens when fraudsters call consumers, either impersonating electronic transaction officials or pretending to be family members, with the intention to deceive them to send money or other personal details. In the absence of SIM card Registration, the identity of these perpetrators is unknown and law enforcement is often constrained in bringing them to task. The introduction of SIM card registration will lead to more effective and efficient identity verification processes, which enhances personal security and law enforcement.

Mobile and digital identity theft

The occurrence of cyber-crimes is on the rise, some of which is attributed to the lack of SIM Registration. One specific occurrence is identity theft. This normally occurs when individuals steal the information of consumers, using personal information such as transactional information. The information is used to make unlawful transactions, which results in consumers defrauded and losing money or other valuable goods. Therefore, the mandatory registration of SIM cards will boost consumer confidence in the utilisation of electronic transactions, because authorities will have an additional legal tool against online fraudsters who use unregistered mobile numbers to commit identity theft.

Conclusion

SIM card registration is therefore, a timely development for Namibia, primarily designed to protect consumers, especially in the wake of the unprecedented rise in the utilisation of e-commerce, fintech and other technology-based services and products. One of CRAN's objects is to promote technological innovation and the deployment of advanced facilities and services in order to respond to the diverse needs of commerce and industry. CRAN believes that this objective cannot be fulfilled, in the absence of SIM Card Registration, which is one of the basic tenets of ensuring digital consumer identity and verification.

SIM Card Registration is thus the gateway for consumers to enjoy the fruit of innovation and other advanced facilities presented in the market. Consumer identity makes the customer more appealing to the service providers, in order to receive better services and products. It also eliminates the presence of unknown numbers, and hence lowers the probability of online related criminals.

CRAN thus urge all consumers to register their SIM cards, in order to enjoy the availability of a wide range of high quality, reliable and efficient telecommunications services as provided by our licensees.

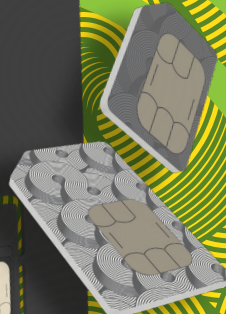


*Phillipus Shilongo, Legal Advisor: Adjudication, Enforcement & Litigation -
CRAN*

REGISTER YOUR SIM IN 2023 TO KEEP YOUR NUMBER

SIM card registration will be required by law from 1 January 2023. The deadline for registration is **31 December 2023.** Failure to register will result in the disconnection of your mobile phone number.

Visit your mobile service provider to register your SIM card.



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THE IMPORTANCE OF SIM REGISTRATION

By: Geneva Hanstein



Geneva Hanstein, Legal Advisor: Corporate Advice & Legislative Drafting - CRAN

During the campaign, consumers raised concerns on the protection of their personal information because of the requirements for registering their SIM cards.

Namibia is in the final stages of consultation on the Data Protection Bill. The Bill provides for the establishment of a Data Protection

Supervisory Authority, that will, amongst others, protect the rights of individuals when their personal information is processed.

The Bill further provides for the lawful processing of personal data and the restrictions in terms of when personal data may be processed,

as well as the security measures regarding integrity and confidentiality of personal data. Pending the finalisation of the Bill, the public has raised concerns on how data will be protected.

Consumers are frequently exposed to irrelevant or unsolicited messages, sent either online or directly from unknown mobile numbers for the purpose of fraudulently soliciting money from consumers or phishing. Consequently, many consumers have become victims of money theft from electronic money transfer services, using their mobile phones. This happens when fraudsters call consumers, either impersonating electronic transaction officials or pretending to be family members, with the intention to deceive them to send money or other personal details. In the absence of SIM card Registration, the identity of these perpetrators is unknown and law enforcement is often constrained in bringing them to task. The introduction of SIM card registration will, therefore, lead to more effective and efficient identity verification processes, which enhances personal security and law enforcement.

With the implementation of SIM card registration, mobile operators have put in place measures for the protection of consumers' personal data. This is done through compliance with international security standards, such as the International Organization for Standardization (ISO) 27001, local statutes, policies and procedures and regulations on data protection. Operators further conduct audits to ensure adherence to all internal processes and procedures. Furthermore, mobile operators also ensure that they have back-up processes in place, as well as the implementation of internationally accredited firewall systems, which monitors their system for any possible cyber threats, damage, or misuse of the system.

Access to the personal data of customers is limited to authorised personnel and is obtained at the highest level only. Mobile operators further conduct audits on their systems to track user's access on the systems and promptly address any unprocedural occurrences. For interception purposes, the data is released only after the operator receives a request duly authorised by a judge or magistrate to obtain that the stored information from the mobile operators as set out in the Criminal Procedure Act, (No. 51 of 1977) and Namibia Central Intelligence Service Act, (No. 10 of 1997).

CRAN is satisfied operators have sufficient modalities in place to safeguard consumer data. Evidently, this is achieved through the implementation of international best practice internal policies and procedures to ensure information and systems security. With the ever-evolving technologies, mobile operators, shall continue to be innovative and to consistently identify frameworks to protect consumers, as well as ensuring compliance to international security standards. CRAN is therefore satisfied that mobile operators have strict data protection measures in place to ensure the protection of personal data, pending the finalisation of the Data Protection Bill.

Therefore, CRAN wishes to inform all ICT consumers that their data is securely stored and managed by the mobile operators and consumers are encouraged to register their SIM cards. Mandatory SIM Card registration which commenced on 01 January 2023, will run for a period of 12 months. All SIM cards not registered by 31 December 2023 will be deactivated.

SIM CARD REGISTRATION FREQUENTLY ASKED QUESTIONS (FAQs)

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1. What prompted the move to SIM card registration?

- On 15 March 2021, the Minister of Information and Communication Technology in terms of Part 6 of the Communications Act (No. 8 of 2009) published Regulations, which authorised CRAN to impose additional conditions on mobile service providers to enable the registration of SIM cards in Namibia. These conditions were imposed by CRAN on 28 April 2022. The new conditions and Regulations were drafted in consultation with all relevant stakeholders to ensure the successful implementation of part 6 of the Communications Act (No. 8 of 2009), which has been in existence for more than 10 years.



2. Is SIM card registration required in other countries around the world?

- Mandatory registration and identification of cellphone users when purchasing SIM cards is in line with international practices. As of January 2021, 157 countries around the world have already implemented mandatory SIM card registration. 'Mandatory' means that SIM card registration is required by law in these countries. Namibia is one of two African Countries that has not yet implemented SIM card registration.
- Countries require cellphone users to register SIM cards, because unregistered SIM cards are increasingly being used to carry out phone-based fraud, identity theft and other criminal activities. SIM card registration gives citizens a digital identity which enables them to access technology enabled banking, financial and other services.

3. What is done to ensure that SIM card registration does not lead to spying?

- The Communications Act (No. 8 of 2009) and its new Regulations regarding SIM card registration are not about interception – or so-called 'spying' – and do not authorise or introduce interception. Instead, lawful interception is provided for in the Criminal Procedure Act of 1977 and the Namibia Central Intelligence Service Act of 1997. Therefore, interception has been taking place in Namibia for many years, as guided by these laws.
- SIM card registration requires customers to register a SIM card in their name to access cellphone services and other related products. It is also an important tool for preventing phone-based fraud, identity theft and other criminal activity. This is not the same thing as 'spying' or 'government surveillance.' Law enforcement agencies can only access a customer's call data if a crime has been reported and a warrant has been issued by a judge.

4. Is it true that CRAN prescribed new conditions to mobile service providers on 28 April?

- Yes. On 28 April 2022, the CRAN imposed additional conditions on mobile service providers to coordinate the registration of SIM cards in Namibia and to store call data of all customers for five years. This was done to comply with the new Regulations of the Communications Act (No. 8 of 2009). The Additional Licence Conditions were approved by the CRAN Board of Directors and signed off by the Board Chairperson.
- The new conditions are part of implementing Part 6 of the Communications Act (No. 8 of 2009), which has been in existence for more than 10 years. The conditions were published as General Notice No. 180, in Government Gazette No. 7797, on 28 April 2022.

5. Do mobile service providers have the capacity to store the communication history of all their SIM card clients for five years?

- Mobile service providers such as Paratus, MTN, MTC and TN Mobile, were consulted during the drafting of the additional licence conditions required in terms of the Communications Act (No. 8 of 2009). These additional licence conditions include the storage of call data for five years and SIM card registration.
- Therefore, mobile service providers are fully aware of their legal obligation to store call data and register SIM cards and will make the necessary operational and technical arrangements to ensure compliance with the law.

6. Does SIM card registration enable mobile service providers to listen to their clients' cellphone conversations and to give third parties access to these conversations?

- No, the nature of the network configurations makes it impossible for mobile service providers to listen to the conversations of their customers or to store these conversations. SIM card registration does not change this.
- The new Regulations required in terms of the Communications Act (No. 8 of 2009) state that mobile service providers must store call data records. Call data records DO NOT contain the actual conversations between SIM card holders. Instead, they include information about the date, time and duration of calls, similar to information given on an itemised bill. This type of information is already being stored by mobile service providers. The only new requirement is that information must now be stored for five years.
- The other new requirement is that each pre-paid SIM card must be registered to a customer's name to give them access to mobile services and related products. Registration of post-paid SIM cards is not a new requirement – these are automatically registered when customers enter into subscription contracts.
- In addition, the new Regulations – or any other part of the Communications Act (No. 8 of 2009) for that matter – do not give mobile service providers or the government the power to intercept communications or to 'spy' on customers. The only laws that authorise and set the parameters for interception are the Criminal Procedure Act of 1977 and Namibia Central Intelligence Service Act of 1997. Interception has thus been taking place in Namibia for many years and was not introduced by the Communications Act (No. 8 of 2009).
- Finally, the Namibia Central Intelligence Service Act of 1997 states that interception can only take place once a crime is reported to law enforcement agency and a warrant is issued by a judge. Even in terms of this law, it is not mobile service providers that intercept communication, but rather law enforcement agencies.

7. How does SIM card registration impact free speech and privacy in Namibia?

- SIM card registration does not negatively impact the free speech or privacy of Namibians. It does not give mobile service providers or the government the power to 'spy' on cellphone users or intercept communications without reasonable cause.
- Communication can only be intercepted when a crime is reported and a warrant is issued by a judge, as authorised in the Criminal Procedure Act of 1977 and the Namibia Central Intelligence Service Act of 1997. In other words, this interception does not fall under the new Regulations of the Communications Act of 2009 and is not carried out by the mobile service providers.
- It is also important to remember that the Namibian Constitution permits limitations on constitutional freedoms, including the freedom of speech and the right to privacy, if national security and public safety are threatened, for example when a crime is committed. Even in such instances, there are laws that prescribe what law enforcement can and cannot do to protect Namibians against any unlawful infringement of their rights.

8. What information is required for SIM card registration?

- The name of the customer, his/her address of ordinary residence, and his/her Namibian ID, passport or any other official identity document issued by the government of any other country are required for SIM card registration.

9. What is the process for the registration of SIM cards for minors?

- A mobile service provider may not conclude a contract allowing a minor or a person under legal guardianship to obtain a SIM card, unless the minor or person under legal guardianship is accompanied by his/her parent or legal guardian with authentic proof of such parenthood or guardianship.
- Where the minor does not have a parent or legal guardian, the minor can obtain a SIM card if accompanied by a teacher from the school the minor attends, a community leader from the area where the minor resides, a religious leader from a church the minor attends or a caretaker of the minor, provided that such teacher, community leader, religious leader or caretaker has made a sworn statement declaring that the minor does not have a parent or legal guardian and stating the capacity in which he/she accompanies the minor.

10. What is the process for the registration of SIM cards for individuals who reside in informal settlements and do not have a physical address?

- Where a person resides in an informal settlement and cannot provide an address, the mobile service provider may accept any other address, including that of a school, church or retail store, where a person usually receives his/her post, for the purposes of SIM card registration.

11. In which instances may an individual not be registered or remain registered as a customer of a mobile service provider?

- A person may not be registered or remain registered as a customer of a mobile service provider if that person:
 - a) is deceased;
 - b) is fictional;
 - c) does not intend to use telecommunications services;
 - d) did not consent to be registered as a customer; or
 - e) is a minor or a person under legal guardianship and the applicable requirements of these conditions have not been met.

12. From when is SIM card registration applicable?

- SIM card registration will be required by law from 1 January 2023 onwards.

13. What is the deadline for SIM card registration?

- Customers must register their existing pre-paid SIM card within 12 months from 1 January 2023. All new SIM cards must also be registered from 1 January 2023 onwards.

14. What happens to SIM cards that are not registered by the deadline?

- If a customer fails to register his/her SIM card within 12 months from 1 January 2023, his/her cellphone service will be suspended for a period of three months. If the customer attempts to use the service during this time, he/she will receive a warning in so far as this is technically feasible.
- If the customer provides the necessary information for SIM card registration during the three-month period of suspension, his/her service will be reinstated, and the customer will be able to keep the cellphone number linked to his/her SIM. If the period of suspension has expired and the customer has not registered his/her SIM card, the mobile service provider will cancel the service and number. The customer must then purchase and register a new SIM card. In this case, the customer will not be able to keep his/her previous cellphone number.



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