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TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND
BROADCASTING REGULATION ACT
NO. 30 OF 2009

- SIM CARD REGISTRATION REGULATION
ORDER NO. 105 OF 2022



REPUBLIC OF VANUATU

**TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND BROADCASTING
REGULATION ACT NO. 30 OF 2009**

**Sim Card Registration
Regulation Order No. 105 of 2022**

Arrangement of Clauses

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REPUBLIC OF VANUATU

**TELECOMMUNICATIONS,
RADIOCOMMUNICATIONS AND BROADCASTING
REGULATION ACT NO. 30 OF 2009**

**Sim Card Registration
Regulation Order No. of 2022**

In exercise of the powers conferred on me by paragraphs 7(4)(da) and (db) of the Telecommunications, Radiocommunication and Broadcasting Regulation Act No. 30 of 2009, I, BRIAN WINJI, Regulator, make the following Regulation.

PART 1 - PRELIMINARY MATTERS

In this Regulation, unless the contrary intention appears:

activate means to allow full access to the electronic communications system of a licensed service provider who provides a cellular mobile telecommunications service, including the ability to make and receive calls and to send and receive short message services;

biometric information means the facial image of the subscriber;

corporate body means a sole corporation, a company or other body corporate (whether incorporated in Vanuatu or outside of Vanuatu), an unincorporated body of persons, a public body, and includes government department, agency or authority;

deactivate means to stop full access to the electronic communications system of a licensed service provider who provides a cellular mobile telecommunication service.

electronic communications service means a service which provides to users the ability to send or receive electronic communications.

identification card means any form of identification card such as driver's licence, National Identity Card, Vanuatu National Provident Fund identity card or work

PART 1 - PRELIMINARY MATTERS

identification card with subscriber information relating to aspects of a person's identity;

licensee means a person who holds either a licence issued pursuant to the Act or a prior licence for the purposes of providing telecommunication services;

PART 2 - SUBSCRIBER INFORMATION DATABASE

1. Establishment of the subscriber information database

- (1) A licensee must establish a subscriber information database.
- (2) The subscriber information database will contain the records and store subscriber information in accordance with the requirements of this Regulation and as maybe specify in writing by the Regulator from time to time.

2. Management of the subscriber information database

- (1) The subscriber information database must be segregated across electronic communication systems and housed in a central location, providing a platform for central processing of all subscriber information in such a manner as to ensure easy access to data by authorized personnel and subscribers.
- (2) The subscriber information acquired by a licensee, or its agents remains owned by the subscriber to whom it relates.
- (3) A licensee is responsible for managing and protecting subscriber information.
- (4) A licensee is responsible for the ownership, care, control, and management of the subscriber information database.

3. Data protection and confidentiality

- (1) A subscriber information contained in the subscriber information database is confidential.
- (2) Subject to this clause and any other Act, a licensee must not duplicate, use, release subscriber information, make copies of any subscriber information or store, in whatever form, any copies of the subscriber information for any other purposes.
- (3) A subscriber may request a licensee to view and received his or her subscriber information from the subscriber information database.
- (4) A licensee must publish in a manner that is accessible to its subscriber the details of how a subscriber may obtain access to relevant subscriber

records electronically at no cost to the subscriber and must always keep such details up to date.

- (5) A licensee must provide the details relating to a subscriber under subclause (3) in a form that is accessible to its subscribers.
- (6) A licensee must not retain the personal data of any subscriber recorded on the registration form under Schedule 1 more than 7 days after transferring the data to the subscriber information database.
- (7) A licensee who contravene subclauses (2) and (6) commits an offence punishable by a fine not exceeding VT20,000,000.

4. Complaint process

- (1) A licensee must publish details of the process of lodging a complaint by the subscribers to the licensee in relation to the management and authorized access to a subscriber's registered information.
- (2) A licensee must publish the details of the process of the complaint under subclause (1) in a form that is available to all the subscribers whose information is included in the database.
- (3) Once a licensee receives a complaint, the licensee must:
 - (a) register the complaint and advise the Regulator of the details of the complaint by the end of the next working day, after the complaint has been received; and
 - (b) resolve the complaint within 5 working days of receiving the complaint; and
 - (c) respond to the complaint.
- (4) A licensee must advise the Regulator of the status of the complaint within 10 working days of receiving the complaint and such times as maybe required by the Regulator.

5. Operation of subscriber information database

- (1) A licensee must process and store in its subscriber information database subscriber information received by the licensee as required under this Regulation.
- (2) Where a SIM Card has been deactivated, the licensee must keep the records of the relevant subscriber for a period of 6 months from the date of deactivating the SIM Card.
- (3) A licensee must erase the subscriber information after the period of 6 months under subclause (2).

6. Request for subscriber information

- (1) For the purposes of this clause, security agency means Vanuatu law enforcement agencies.
- (2) A licensee must provide the subscriber information on the subscriber information database to a security agency if the request is in the form prescribed in Schedule 2.
- (3) The following persons are persons authorized to access or receive subscriber information on the subscriber information database:
 - (a) staff of a licensee whose duties include transferring information to and operating the subscriber information database; and
 - (b) subscribers requesting his or her own information on the database; and
 - (c) officers of a security agency; and
 - (d) an authorized representative of a corporate body.
- (4) A licensee who discloses the details of a subscriber to a person who is not a person authorized under subclause (3), commits an offence punishable by a fine not exceeding VT20,000,000.

PART 3 - SIM CARD REGISTRATION

7. Licensee to register all subscriber

- (1) A licensee must register all its subscribers in accordance with this Regulation.
- (2) The licensee must, at its own cost, implement a process to obtain, record and transmit to its subscriber information database, subscriber information of subscribers and any biometric information in accordance with specifications prescribed in Schedule 1.

8. Registration of existing subscribers

- (1) For the purposes of this clause;
 - (a) existing subscriber means a subscriber on a licensee's electronic communications services system prior to the commencement of this Regulation;
 - (b) registration grace period means a period of 12 months from the commencement date of this Regulation or such other date which the Regulator may determine in writing, within which existing subscribers will be required to register SIM Card information in accordance with this Regulation;
- (2) A licensee must register, capture, and transmit to its subscriber information database within the registration grace period:
 - (a) the identification number of any SIM Card that is to be activated by the licensee at the request of an existing subscriber; and
 - (b) biometric information and other required subscriber information of the existing subscriber.
- (3) The collection of subscriber information must be in the form prescribed in Schedule 1.
- (4) A licensee must deactivate a SIM Card after the registration grace period.
- (5) A licensee who contravene subclause (4) commits an offence punishable by a fine not exceeding VT20,000,000.

9. Registration of corporate body as subscriber

- (1) For the purposes of this clause, an “authorized representative” includes a senior officer of a corporate body or a legal practitioner employed by the corporate body.
- (2) If a subscriber is a corporate body, a licensee must register:
 - (a) the biometric information and other subscriber information from valid identification cards or documents of an authorized representative nominated by the corporate body; and
 - (b) the name and address of the authorized representative and the corporate body; and
 - (c) where applicable, the registration number of the corporate body.
- (3) A corporate body register as a subscriber must inform the respective licensee of any changes to the information under subclause (2) as soon as practicable.

10. Purchasing a SIM Card

- (1) A person who intends to purchase a SIM Card, must produce his or her valid identification card or document to the licensee.
- (2) Despite subclause (1), a person who cannot produce his or her valid identification card or document must be:
 - (a) physically present when intending to purchase a SIM Card; and
 - (b) accompanied by another person who is to provide his or her valid identification card or document and confirm the identity of the person intending to purchase the SIM Card.
- (3) A licensee must activate a SIM Card and grant full access to a person upon being registered as a subscriber.
- (4) A licensee must not activate a SIM Card and grant full access to a person if he or she is not register as a subscriber.
- (5) A licensee who contravene subclause (4), commits an offence punishable by a fine not exceeding VT20,000,000.

11. Registration of person under the aged of 12 years

- (1) A person who intends to purchase a SIM Card and is under the age of 12 years must have his or her SIM Card registered under the name of his or her parent or guardian.
- (2) The parent or guardian under subclause (1) must:
 - (a) produce his or her valid identification card or document when purchasing a SIM Card on behalf of the person under the age of 12 years; and
 - (b) provide his or her written consent allowing his or her child under the age of 12 years to own a SIM Card.
- (3) A licensee must record the information on a subscriber identification card who is under the age of 12 years.

12. Registration of roaming SIM Card

- (1) For the purposes of this clause, "roaming SIM Card" means a SIM Card which enable a mobile device to be used outside the geographical coverage while on a foreign (visited) network.
- (2) A non-resident travelling into Vanuatu must register his or her roaming SIM Card together with his or her subscriber information, using a valid passport and provide local residential address and the contact detail of the local residential address.
- (3) A licensee must retain operational information relating to the telecommunication service and the details of telecommunication services provided by a foreign telecommunications service operators for a minimum period of 6 months or such longer period as maybe determined by the Regulator, from time to time to assist Vanuatu security agencies in performing their functions.

13. Proxy Registration

- (1) Subject to clause 10, a licensee must not allow a person to register using his or her personal details to another person as the owner of a SIM Card.
- (2) A licensee who contravene subclause (1), commits an offence punishable by a fine not exceeding VT20,000,000.

PART 3 - SIM CARD REGISTRATION

14. Limit to active SIM Card

- (1) A licensee must ensure that individual subscribers may own only up to a maximum of 3 active SIM Cards concurrently, and that these SIM Cards are permitted to access the licensee's network services on the date of registration.
- (2) A licensee who contravene subclause (1), commits an offence punishable by a fine not exceeding VT20,000,000.

15. Regulator may request information from a licensee

- (1) The Regulator may in writing, request a licensee to provide information and statistics drawn from its subscriber information database.
- (2) A licensee who fail to provide the information and statistics requested under subclause (1), commits an offence punishable by a fine not exceeding 20,000,000VT.

16. Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 9th day of June, 2022.


BRIAN WINJI
Regulator



SCHEDULE 1
REGISTRATION FORM

Information Required

1. SIM Card number: _____

2. Individual Subscriber Information

(a) Name of person: _____

(b) Gender: _____

(c) Age: _____

(d) Whether Vanuatu Citizen: _____

(e) Passport Issuer, Number and Expiry (if applicable): _____

(f) Residential address: _____

(g) Contact phone number: _____

(h) Identification Card or Document type(s), including details for reputable person if relevant: _____

(i) Identification Card or Document number(s), including details for reputable person if relevant: _____

(j) Parent or Guardian (if applicable): _____

3. Corporate registration

(a) Corporate Name: _____

(b) Corporate number (if applicable): _____

(c) Name of Authorised Person: _____

(d) Position of Authorised Person: _____

(e) Identification card or Document type of Authorised Person: _____

SCHEDULE 1

(f) Identification card or Document number of Authorised Person: _____

4. Date of Registration: _____

5. Name and Position of Licensee Registration Officer: _____

SCHEDULE 2

REGISTERING OFFICER'S DECLARATION

Prescribe Form (Clause 5) of the regulation

I (full name) _____ of postal address _____ being duly appointed and authorized as an agent of _____ (telephone operator),

Confirm that I had inspected the identification documents presented by _____ appearing in person before me to register SIM-card Number _____ and verified that the identification document represents the said person.

I also confirm that I have entered the correct information per my documents. I have further taken copies of all relevant documents presented to me to register the stated SIM card and annexed the documents to this Form (the customer Registration form).

Registration Officer's Full Name _____

Registration Officer's National Identification Card Number _____

Made on the _____, 20_____

Approve by Attorney General: _____

Approve by the Regulator: _____