

Supplement No. 7

23rd February, 2018

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 8 Vol. 99 dated 23rd February, 2018

Printed by the Government Printer, Dar es Salaam, by Order of Government

GOVERNMENT NOTICE No. 55 published on 23/02/2018

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 65)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (CENTRAL
EQUIPMENT IDENTIFICATION REGISTERS) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
THE EQUIPMENT IDENTIFICATION REGISTERS

4. Powers of the Authority.
5. Establishment of EIRs and network licensee obligations.
6. Means of connection to CEIR.
7. Access to CEIR.

PART III
EQUIPMENT BLACKLISTING PROCEDURES AND ASSOCIATED
CHARGES

8. Formation of Damaged, Lost and Found Desk.
9. Blacklisting process.
10. Reporting Procedures for lost mobile equipment.
11. Status of blacklisted equipment.
12. Reporting procedures for lost and found equipment.
13. Reporting procedures for damaged mobile equipment.
14. Charges on lost or found equipment.
15. IMEI reprogramming.
16. Inspection and Audit.

PART IV
GENERAL PROVISIONS

17. Non-discrimination treatment.
18. Compliance and penalty.
19. Revocation.

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 65)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (CENTRAL
EQUIPMENT IDENTIFICATION REGISTERS) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Central Equipment Identification Register) Regulations, 2018.
- Application 2. These Regulations shall apply to network service licensees who offer mobile services.
- 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;
- “blacklist” means all IMEI or ESN which is reported as lost, stolen, destroyed or non compliant;
- “blacklisting” means the process of rendering a mobile telephone inactive by any mobile cellular operator, and to deliberately disable any access which any person in control of the said mobile telephone may have, to any of the network services licensees;
- “Call Data Records” “in its acronym CDR” means subscribers records with detailed call history for a specific period;

“Central Equipment Identification Register” “in its acronym CEIR” means a shared electronic database of all Equipment Identification Registers of all network service licensees, which holds unique pairs of phone numbers and IMEIs or ESNs in form of three lists, which are white list, black list and grey list;

“colour lists” means white, grey and black lists;

“data” means the information to be shared between the CEIR and the network service licensees on IMEI information of stolen or lost equipment;

“Duplicate IMEI” means an IMEI which is used by more than one mobile device simultaneously on any given network, regardless of whether or not the relevant IMEI is genuine (original) or not genuine;

“equipment” means mobile telephone as identified uniquely by its IMEI or ESNs;

“Equipment Identification Register” “in its acronym EIR” means an electronic database which holds unique pairs of phone numbers and IMEIs or ESNs in form of three colour lists as available within the infrastructure of the network service licensee;

“electronic communication” means radio communication or, as appropriate, the communication of information in the form of the electronic speech or other sound, data, text or images, by means of guided and unguided electromagnetic energy;

“electronic communication number” means the number, sign or other mark which a network service licensee in its delivery of electronic communication services uses for identification of electronic communication facilities in order to connect between the place of transmission and the place of reception, or for identification of the type of content of transmission the electronic communication facility is to deliver;

“grey list” means IMEI or ESN entries that are being tracked by the network service for evaluation or other purposes but are not

blocked from service;

“IMEI or ESN flushing” means re-programming of the mobile device with aim to give a new identity other than its original;

“International Mobile Equipment Identification” in its acronym IMEI” means a unique code used to identify an individual mobile telephone in Global Systems for Mobile communications networks;

“Mobile device” means a handheld device uniquely identified by its IMEI or ESNs and used by subscribers for communications;

“network service” means a service for the carrying of information in the form of speech or other sound, data, text or images by means of guided or unguided electromagnetic energy but does not include services provided solely on the customer side of the network boundary;

“Network Service Licensee” means a holder of a network service licence;

“Report Book” or in its acronym RB means the report as applied to the procedures of the Tanzania Police Force which include the reference number for reported lost, found or damaged telephone;

“Non-Compliant IMEI codes” means IMEI codes that fall outside the approved GSMA TACs codes;

“subscriber” means a person who receives a network service under an agreement with or pursuant to terms and conditions established by a network service licensee;

“Subscriber Identity Module (SIM)” means an integrated circuit that is intended to securely store the international mobile subscriber identity (IMSI) and the related key used to identify and authenticate subscribers on mobile telephony devices;

“white list” means any unique pairs of subscriber number and IMEI

numbers as captured by a licensee of electronic communication service where IME or ESN is not in the black list;

“whitelisting” means the process of activating a new or re-activate a once stolen or lost mobile telephone for accessing network services of the network services licensees after the said mobile telephone has been recovered.

PART II
THE EQUIPMENT IDENTIFICATION REGISTERS

Powers of
the
Authority

4. The Authority shall maintain and control the Central Equipment Identification Register (CEIR) by:-

- (a) ensuring that it is kept up-to-date all the time;
- (b) ensuring that it is in-line with the national electronic communication numbering register;
- (c) ensuring that all IMEI colored lists or ESNs entries are maintained;
- (d) ensuring that updates from operators’ EIRs are shared to all EIRs;
- (e) ensuring that subscribers are able to verify their mobile device IMEIs through the Authority’s websites or through SMS Short code.

Establish-
ment of EIRs
and network
licensee
obligations

5. Each network service licensee shall:-

- (a) set-up an internal Equipment Identification Register (EIR) at their own cost within the timeframe prescribed by the Authority;
- (b) at all time submit their EIR colour lists to the CEIR;
- (c) ensure that redundancy of the EIR and its connectivity to the CEIR is maintained in order to provide continuous availability of the blacklisting, gray listing and whitelisting services;
- (d) ensure that procedures are in place to deal with the blacklisting request for lost, stolen, damaged and non-compliant mobile devices as well for gray listing and whitelisting requests;

Electronic and Postal Communications (Central Equipment Identification Registers)

GN. No. 55 (contd...)

- (e) ensure that all blacklisting, gray listing and whitelisting requests are updated to the CEIR as well as instructions from the CEIR are updated to the EIRs;
- (f) maintain an accurate, reliable and updated database of their IMEI color list at all times;
- (g) ensure that all active subscribers are able to report their lost, stolen or recovered cellular mobile devices at all times;
- (h) ensure that all who have placed requests for blacklisting, gray listing or whitelisting are able to obtain the status of such requests;
- (i) ensure that network access is denied to all mobile devices with duplicate or non-compliant IMEI codes; and
- (j) provide information as required by the Authority.

Means of connection to CEIR

6. A Network service licensee shall connect their EIRs to the CEIR using the appropriate, secured protocol and facilities.

Access to CEIR

- 7.-(1) The Authority shall have full access to the CEIR.
- (2) Network licensee shall have access to CEIR for data read only.

**PART III
EQUIPMENT BLACKLISTING PROCEDURES AND ASSOCIATED CHARGES**

Formation of Damaged, Lost and Found Desk

8. There shall be established a dedicated Damaged, Lost and Found Desk at designated police stations.

Blacklisting process

9. Each network service licensee shall establish and implement a user verification mechanism to ensure that correct mobile devices are blacklisted and avoids fraudulent blacklisting of other mobile devices.

Reporting procedures

10.-(1) A subscriber who has lost or a subscriber whose mobile device is stolen shall:-

Electronic and Postal Communications (Central Equipment Identification Registers)

GN. No. 55 (contd...)

for lost
mobile
equipment

- (a) report to the police station and notify the relevant network service licensee for blocking the SIM card from any further use;
- (b) report the stolen or lost phone to the network service licensee where he will be furnished with Blacklisting Reference Number (BRN).

(2) Upon receipt of report under this regulation, the respective network service licensee shall blacklist the reported stolen or lost equipment through own EIR and automatically share the updated list to the CEIR.

(3) CEIR shall automatically broadcast the IMEI or ESN reported to it under sub regulation (2) to all other EIRs for blacklisting.

Status of
blacklisted
equipment

11. Any blacklisted equipment shall remain unusable to any network service licensee that uses CEIR unless reported otherwise by police.

Reporting
procedures
for lost,
damage and
found
equipment

12.-(1) If a mobile device is lost, damaged or lost and recovered it shall be reported to police.

(2) Upon receipt of report under this regulation, the police shall:-

- (a) immediately issue an RB or other written proof to the person reporting the lost, damaged or lost and found mobile device;

(b) report to the CEIR operator for white listing.

(3) The CEIR operator shall automatically broadcast the IMEI or ESN of the lost and found mobile device to all network service licensees that are connected to the CEIR for white listing.

Reporting
procedures
for damaged
mobile
equipment

13.-(1) Any subscriber whose mobile device has been damaged beyond repair shall report to Damaged, Lost and Found Desk operated by police for disposal procedures.

(2) The disposal procedures shall be done according to the directives of the agency responsible for environmental management.

Electronic and Postal Communications (Central Equipment Identification Registers)

GN. No. 55 (contd...)

Charges on lost or found equipment

14.-(1) A network service licensee shall not charge its subscribers on reporting stolen, damaged or lost mobile telephone.

(2) Police shall not impose any charge to any subscriber or person reporting stolen, lost, damaged or recovered mobile device nor to the owner on collecting recovered mobile telephone.

(3) For the case of whitelisting, if a lost or stolen mobile device is recovered:-

(a) the mobile device shall be reported by the owner to the police;

(b) the police shall immediately issue an RB or other written proof to the person reporting the found equipment;

(c) the person who reported the found mobile device shall notify the relevant network service licensee for white listing process to commence.

IMEI reprogramming

15. No person shall be allowed to reprogram IMEI codes of mobile devices.

Inspection and audit

16. The Authority shall inspect and audit the relevant records and systems of the relevant network service licensees from time to time to ensure the compliance with these regulations.

PART IV
GENERAL PROVISIONS

Non-discrimination treatment

17.-(1) The network service licensee whose subscriber reports for any stolen, lost or damaged telephone equipment shall block such equipment from accessing its network on a non-discriminatory treatment and shall communicate that information to CEIR.

(2) Other network service licensees shall ensure non-discriminatory treatment on blacklisting mobile telephones as relayed through CEIR.

(3) It is the responsibility of each operator to ensure that the reason for blacklisting of handset is valid and in accordance with the laid down procedures.

Electronic and Postal Communications (Central Equipment Identification Registers)

GN. No. 55 (contd...)

(4) Once reported for blacklisting the network service licensee shall effect blocking of the reported mobile telephone within twenty four hours.

Compliance
and penalty

18.-(1) Any network service licensee who contravenes any of the provisions of these Regulations commits an offence and shall be liable on conviction to a fine not less than five million Tanzania shillings or to imprisonment for a period not less than twelve months or to both.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Revocation
GN 417 Of
2011

19. The Electronic and Postal Communications (CEIR) Regulations, 2011 are hereby revoked.

Dar es Salaam,
30th January, 2018

MAKAME M. MBARAWA
*Minister for Works, Transport and
Communications*