



LEGAL NOTICE NO.

**THE KENYA INFORMATION AND COMMUNICATIONS
(REGISTRATION OF TELECOMMUNICATIONS SERVICE
SUBSCRIBERS) REGULATIONS, 2022**

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THE KENYA INFORMATION AND COMMUNICATIONS ACT
(No. 2 of 1998)

IN EXERCISE of the powers conferred by by section 27(2) (gg),27 (2) (h) and 27D of the Kenya Information and Communications Act, 1998, the Cabinet Secretary for Information, Communication, Technology, Innovation and Youth Affairs, in consultation with the Communications Authority of Kenya, makes the following Regulations—

THE KENYA INFORMATION AND COMMUNICATIONS
(REGISTRATION OF TELECOMMUNICATIONS SERVICE
SUBSCRIBERS) REGULATIONS, 2022

PART I—PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Kenya Information and Communications (Registration of Telecommunication Subscribers) Regulations, 2022.
- Interpretation. **2.** In these Regulations, unless the context otherwise requires—
- No.5 of 2018* “**Act**” means the Kenya Information and Communications Act; No. 2 of 1998;
- “**Authority**” is as defined in the Act;
- “**Deactivate**” means an action by a telecommunication operator of preventing access to telecommunications services by a subscriber;
- “**Identification particulars**” means personal or corporate details given by a subscriber to a telecommunications operator or an agent for the

purpose of registration;

“**Guardian**” is as defined in the Children’s Act;

“**Licensee**” means the holder of a licence issued by the Authority under the Act;

“**Person**” means a natural or a corporate person, a firm, government, State or State agency, any association or partnership;

“**Proxy registration**” means registration undertaken on behalf of a subscriber by a person other than the subscriber being registered;

“**Registration**” means the process of recording identification particulars of a person as a subscriber by a telecommunications operator or an agent;

“**Registration agent**” is as defined in the Act

“**Reactivate**” means to enable access to a telecommunication service to which a subscriber had been previously deactivated

“**Subscriber**” means a person registered under these Regulations;

“**Suspend**” means to temporarily disable access, by a subscriber, to telecommunications services provided by a telecommunications operator.

“**Telecommunications operator**” means a person or entity licensed under the Act to own and operate a telecommunications system or provide telecommunications services or both; and

“**Telecommunication service**” is as defined in the Act;

Object and purpose of the Regulations.

3. The object and purpose of these Regulations is to provide for the process of registration of subscribers of telecommunication services.

PART II— REQUIREMENTS FOR REGISTRATION OF TELECOMMUNICATIONS SERVICE SUBSCRIBERS

Persons authorized to register.

4. (1) A telecommunications operator or registration agent shall register a person as a subscriber in the manner provided for in these Regulations.

(2) It shall be an offence for a person other than a telecommunications operator or registration agent to register subscribers.

Record keeping.

5. (1) A telecommunications operator shall keep a record of—

(a) all its registration agents; and

(b) the registered subscribers made by the telecommunications operator and the telecommunications operator's registration agents and any changes made thereto.

(2) A telecommunication operator issuing SIM cards shall, in addition to records contemplated in regulation (5), keep records of—

(a) all SIM-cards sold to the telecommunication operator's agents; and

(b) information on every registered SIM-card to ensure that each registered SIM-card can be traced to the registering agent.

Reporting.

6. (1) A telecommunications operator shall—

(a) submit to the Authority the records maintained pursuant to regulation (5), on a quarterly basis; and

(b) submit to the Authority a report of its operations on the

maintenance of records under regulation (5), on an annual basis or upon request by the Authority

(2) The Authority shall publish administrative guidelines specifying the manner in which the reports specified under sub-regulation (5) shall be submitted to the Authority.

(3) A telecommunications operator or registration agent who contravenes the provisions of this regulation commits an offence.

Registration.

7. A telecommunications operator or registration agent shall, prior to registration of a subscriber, seek production of the following original identification documents—

(a) for Kenyan citizens who have attained the age of majority, the required identification document shall be any legally recognized identification documents issued by the Government of Kenya.;

(b) for children, the required identification document shall be a birth certificate, in addition to the identification documents of the parent or guardian;

(c) for Foreigners, a Passport or Foreign Nationals Certificate;

(d) for Refugees, a valid Refugee Identity Card; and

No. 12 of 2011.

(e) for Stateless Persons, a birth certificate or a valid identification document issued under the Kenya Citizenship and Immigration Act.

SIM-card registration requirements for children.

8. (1) A guardian or parent who intends to register a SIM-card on behalf of a child shall provide both the guardian's and child's relevant identification particulars.

(2) The guardian shall be registered as the subscriber of that particular SIM-card until the minor attains the age of majority.

(3) The child's birth certificate number, name and age, shall be noted on the child's section of the registration form.

(4) Upon the child attaining the age of majority, they will register their personal identification details in line with these regulations within a period of ninety days.

(5) The telecommunications operator shall periodically inspect the list of SIM cards registered under children and notify them of the requirement to provide their personal identification details within a period of ninety days once they attain the age of majority.

(6) The operator shall, upon the lapse of the ninety-day period, suspend SIM-cards of owners who were previously children but have attained the age of majority and have not updated their registration details.

Repository.

9. A telecommunication operator shall be required to maintain a repository of registration details obtained under regulation (7) in addition to retaining copies of the identification documents used.

Update of records.

10. (1) Where there is a change in any of the details provided by a subscriber under regulation 7, the subscriber shall within thirty days of the change taking place inform the telecommunications operator or a registration agent of the change.

(2) The telecommunications operator shall, upon receipt of the notice to update the records, amend the relevant registration particulars of the subscriber within seven days.

(3) A person, who knowingly provides false information to a telecommunications operator or an agent during the registration process, commits an offence.

Verification.

11. (1) A telecommunications operator or registration agent shall, when registering a person, verify the information provided by the subscriber under regulation 7.

(2) The verification process by the telecommunication operator or agents shall involve authentication of the documents recognized in regulation 7 with existing relevant Government database(s).

(3) It shall be an offence to register a subscriber without verifying the provided registration details.

Registration process.

12. A telecommunications operator or registration agent shall—

(a) enter the registration particulars provided by a person in an electronic or physical form as guided by Form A in the schedule and may require the subscriber to appear in person for registration;

(b) verify documents and identification information presented by a person seeking registration against an official database of the government of Kenya.

(c) update the information obtained pursuant to regulation 10 into the telecommunications operator's database; and

(d) maintain the registration particulars obtained in a secure and confidential manner.

Proxy registration.

13. There shall be no proxy registration of any SIM-card subscribers, except as otherwise permitted under regulation 8.

Transfer of telecommunication service

14. (1) A person may transfer a telecommunication service registered under the person's name by making an application to the relevant telecommunications operator informing of the intention to discontinue the use of the telecommunication service and to transfer the benefits, use and liability of the subscription to a particular consenting person.

(2) When considering such an application, the telecommunications operator shall abide by the requirements of a new application for registration.

- Limit on number of SIM-cards. **15.** (1) A subscriber shall, except when registering a child, register a maximum of ten SIM-cards.
(2) Any telecommunication operator who contravenes this regulation commits an offence.
- Access to systems. **16.** A telecommunications operator shall grant the Authority's officers access to its systems, premises, facilities, files, records and other data to enable the Authority inspect such systems, premises, facilities, files, records and other data for purposes of ensuring compliance with the Act and these Regulations.
- Notification of intent to suspend services **17.** A notice to suspend non complaint subscribers shall in the first instance, be in the form of a personal notification from the telecommunications operator to the subscriber and subsequent further notices may be in the form of—
(a) an advertisement in a newspaper of national circulation;
(b) an advertisement in an electronic medium that broadcasts throughout the country; or
(c) any other form as may be permitted in writing by the Authority.
- Deactivation. **18.** A telecommunications operator shall deactivate a telecommunications service—
(a) if telecommunications service to the subscriber have been suspended for a period of ninety days;
(b) upon request by a subscriber; or
(c) if the telecommunications operator or the Authority establishes that the subscriber has provided false information for registration.
- Reporting of false Registration. **19.** (1) A person who establishes that a subscriber has provided false information for registration of a telecommunication service shall lodge a complaint with the Authority and request the Authority to deactivate the telecommunication service.
(2) The Authority shall notify the telecommunications operator of the complaint and the intended deactivation of the telecommunication service.

(3) Telecommunications operator shall give the subscriber against whom a complaint has been lodged an opportunity to be heard and to respond to the complaint before deactivating the telecommunication service.

(4) Where a telecommunication service has been deactivated, the telecommunications operator shall retain the records of the relevant subscriber in line existing license conditions.

Security
and
Confidentiality.

20. (1)A telecommunications operator shall take all reasonable steps to ensure the security and confidentiality of its subscribers' registration particulars in line with the Act and relevant data protection laws.

(2)A telecommunications operator shall notify the Authority of the steps taken and processes introduced to ensure the security and confidentiality of its subscribers' registration particulars within thirty days of the commencement of these Regulations.

(3)A telecommunications operator shall verify the accuracy and authenticity of the information contained in its database of subscribers' particulars, as required by the Authority from time to time.

PART III-GENERAL PROVISIONS

General penalty or
regulatory sanction.

21. Subject to section 27 (4) of the Act, a licensee who contravenes any provision of these Regulations shall be notified in writing of the contravention and the Authority shall determine the penalty or regulatory sanction to impose.

Transition.

22. (1) A telecommunications operator shall ensure that all existing subscribers, who are registered prior to the coming into operation of these Regulations, fulfill the requirements of these Regulations within six months of the commencement of these Regulations.

(2) A telecommunications operator shall notify all its subscribers found to be non compliant with the provisions of these Regulations of its intention to suspend the telecommunication services if they do not comply within the required period.

(3) A telecommunications operator shall suspend services to a subscriber who fails to comply with the provisions of these Regulations.

A telecommunications operator shall reactivate a suspended telecommunication service where a subscriber complies with these Regulations.

Revocation.

23. The Kenya Information and Communications (Registration of SIM Cards) Regulations, 2015, are revoked.

Schedule

Registration of Telecommunications service Subscriber Form (All information in the regulation that may be missing to be captured in the Form) e.g. The clause on Identification Documents.

1. Type of Registration: (Tick as appropriate)

a) Self

b) For Child

c) For Corporate

2. Type of Original Registration Document Produced and Document Number:
(Tick as appropriate)

i. National ID card

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- ii. Waiting Card
- iii. Birth Certificate
- iv. Passport
- v. Foreign Certificate National
- vi. Refugee Card
- vii. Other Valid Identification Document

viii. CR12 (For corporates)

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ix. Company Letter Signed by Authorized Person

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3. Identification Details (To be Filled by Registering person using original documents ONLY)

i. Full Name/Company Name:

.....

ii. Child's Name and age (For Child Registration ONLY)

.....

iii. Gender

.....

iv. Current Physical Address:

a) Estate/Village

.....

b) Road

.....

c) Ward

.....

d) County

.....

v. Postal address (if available)

.....

vi. Type of biometric data collected

.....

4. Alternative contact information

a)

b)

c)

d)

5. Verifications Done For :(Tick as appropriate)

a. Identification Document

b. Biometric data

6. Registration Officer's Details

a) Full
Names:

.....

b) National ID
Number:

c) Telephone
Number:

7. Registration Officer's Declaration

I confirm that I have seen the original identification documents, verified the documents, as well as the biometric data captured using the national databases, and I have entered correct information as per the documents provided and kept copies of the original documents presented as required.

Signature:

Date:

Made on the, 2022.

JOE MUCHERU,
Cabinet Secretary,
Ministry of ICT, Innovation and Youth Affairs.