

INFORMATION & COMMUNICATION TECHNOLOGIES AUTHORITY
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Ref. ICTA/RSICT/TO/3/2006

19 May 2006

THE TELECOMMUNICATION ORDER (3 of 2006)

The ICT Authority in the exercise of its statutory functions under the Information and Communication Technologies Act 2001 as amended hereby issues the following Directive pursuant to section 17(3) combined with section 18(m) of the said Act.

1. Short Title

This Directive shall be referred to as the 'Records of Customers of ICT Services Providers - Telecommunication Order 3 of 2006'.

2. Keeping of records of customers

- 2.1 Any public operator/service provider, duly licensed under the ICT Act 2001, engaged in providing an information and communication service, including a telecommunication service, to the public, shall keep records of details and particulars of all his Customers.
- 2.2 The records shall contain such details and particulars as shall allow the identity of every Customer to be readily ascertainable.
- 2.3 No person accessing the services of a provider of an information and communication service, including a telecommunication service, shall, as from the coming into force of this Directive, have his service(s) activated, unless he has registered with his service provider pursuant to paragraphs 2.1 and 2.2 above.
- 2.4 It shall be the obligation of every person using an information and communication service, including a telecommunication service to inform the public operator/service provider as and when his records change so that records kept by the public operator/service provider is up to date.
- 2.5 Every public operator/service provider shall, by public notification inform all users of the service(s) provided by him that they are required to disclose to him full particulars of their identity prior to having the said services activated.

3. Every public operator/service provider shall take appropriate security measures for the prevention of unauthorized access to or disclosure of the data kept under paragraph 2.1.
4. The records kept under paragraph 2.1 shall be made available by the public operator/service provider for inspection, on request, in accordance with the Law.
5. To the extent that it is practically and technically possible, a public operator/service provider shall take all reasonable steps to ensure that no customer uses any service(s) which he supplies for an unlawful purpose.

6. Transitional provision

6.1 Every person who has, prior to the coming into effect of this Directive, been using an information and communication service, including a telecommunication service, without having registered with his service provider, shall, within 60 days after the coming into effect of this Directive, register himself pursuant to paragraphs 2.1 and 2.2 above, failing which, the service provider shall suspend his service, and shall keep it suspended until such time that the registration is completed.

6.2 **Telecom Order 3 of 2004** is repealed and replaced by this Directive.

7. Where a service has been suspended by a public operator/service provider under section 6.1 of this Directive, the person shall not be allowed to effect call (voice and non-voice) origination, except for emergency calls.

8. Effective Date

This Directive shall come into effect on 1st June 2006.

BY ORDER

Dr. M K Oolun
Executive Director
Information & Communication Technologies Authority

To: All Licensees for ICT Services