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Port Louis, MAURITIUS

No. ICTA/DP/TO/03/2004

28 th April, 2004

THE TELECOMMUNICATION ORDER (3 of 2004)

The ICT Authority in the exercise of its statutory functions under the Information and Communication Technologies Act 2001 as amended 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 Providers of ICT services - Telecommunication Order 3 of 2004'.

2. Keeping of records of customers

2.1 Any operator 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 subscribers/ customers.

2.2 The records shall contain such details and particulars as shall allow the identity of every subscriber/ customer to be readily ascertainable.

2.3 Upon subscription to an ICT service or, where applicable, upon purchase of a starting pack or SIM card for provision of a service, a customer shall be required by the service provider to produce his identity card or other similar official document issued by a Public authority for the purpose of verification of his identity.

2.4 No ICT service shall be provided to any person prior to verification by the service provider or his agent or representative of the identity of the person.

2.5 Every service provider shall:-

(i) by public notification inform all unknown users of the service(s) provided by him that they are required to disclose to him full particulars of their identity within 6 months from the date of coming into force of the present Directive, failing which the provision of the service to him shall be discontinued.

(ii) discontinue the provision of service to unidentified customers upon expiry of the period of 6 months from the date of coming into force of this Directive.

3. Every 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 service provider for inspection by the Authority on request.

5. To the extent that it is practically and technically possible, a service provider, including an Internet service provider, shall take all reasonable steps to ensure that no subscriber/customer uses any service(s) which he supplies for an unlawful purpose.

6. The present Directive shall be without derogation and in addition to any other requirements laid down by regulation for the keeping of records for all subscribers/customers of providers of ICT services.

7. Effective Date

This Directive shall come into force on 01 st June 2004.

BY ORDER

N. PARAMESWARAN

Executive Director

Information & Communication Technologies Authority

To: All Licensees for ICT Services