

OCUMENTS

Decree No. 2012/1637 / PM of June 14, 2012 setting out the modalities of subscribers and terminals identificati

The Prime Minister, head of government, decrees:

Chapter I - General provisions

Section I: Of the object

Article 1.- (1) This decree establishes the modalities identification of subscribers and terminals.

(2) It is made pursuant to the provisions of Article 55 of Law no.2010A) 13 of 21 December 2010 governing electronic communications in Cameroon.

Article 2.- Operators are required to identify their subscribers, as well as terminals, at the time of subscription to any electronic communications service.

Section II: Definitions

Article 3.- (1) For the application of this decree, the following definitions are accepted:

- Subscriber Identity Mobile (SIM) card: smart card that fits into the phone and through which the network identifies the subscriber number;
- Operator / operator: any natural or legal person holder of a concession or license and operating a network or providing a communications service electronic open to the public;
- Prepaid service: service offered to a natural person or legal and who uses it in mobile telephony as part of a contract by virtue of which it is duly identified, issues or receives, at least once during a period determined in said contract, a call, a short message (SMS), a multimedia short text message (MMS) or credit recharge;
- Postpaid service: service offered to a person physical or legal and who uses it in mobile telephony under a contract under which al is duly identified, transmits or receives, at least once during of a period determined in the said contract, a call, a short message (SMS), a multimedia short text message (MMS) and the service on presentation of an invoice after consumption.

Chapter II - Identification of

subscribers and terminals and

Sim card activation

Article 4.- (1) Operators are required to require, when submitting subscription to a subscription:

- To natural persons:
- the original and photocopy of an original identity document in validity, or an identity document accepted in Cameroon under international conventions;

- the valid residence permit for foreigners or any document in lieu thereof;
- the exact address of the applicant;
- the identity of the terminal, if applicable.

To legal persons:

- the original and photocopy of an act attesting to the existence legal entity;
- the original and photocopy of one of the identity documents of its legal representative;
- the exact address of the registered office of the legal entity;
- the identity of the terminal, if applicable.

- (2) Operators are required to require, in the event of a subscription a subscription by a minor who does not have a Card National identity, identification of the parent or guardian provided with the documents required in paragraph 1 above.
- (3) Operators are required to keep for ten (10) information relating to the identification of their subscribers.

Article 5.- (1) The operators are required to each constitute a database of identification of their subscribers. (2) The database referred to in paragraph I above contains including the following information:

- the name of the subscriber;
- the address and / or location map, if applicable;
- the numbers of an identity document referred to in Article 4 paragraph 1 above;
- the date of subscription of the subscription.

Article 6.- The activation of the SIM card by the operators can only be made for subscriptions whose holders have been formally identified in accordance with the provisions of article 4 paragraph 1 above.

Chapter 111 - Confidentiality

identification data

Article 7.- Operators take appropriate measures to ensure the protection, integrity and confidentiality of identification data that they hold or process, as well as the information they hold about the whereabouts customers subscribed to their respective networks. Article 8- The operators take technical measures to protect identification data against accidental destruction or unlawful, accidental loss, alteration. dissemination or access unauthorized interception, especially when the processing includes data transmissions in their networks, as well as against any other form of illicit treatment.

Article 9.- The operators ensure that the data identification of the subscriber are not used for the purposes of commercial prosjxx'tion, either by post or by electronic communications, with the exception of

operations concerning the authorized activity and falling under solely from the contractual relationship between operator and subscriber.

Article 10.- (I) Operators are required to bring to the knowledge of their agents, the obligations to which they are subject and the penalties they incur in the event of failure to respect for the secrecy of identification data concerning their subscribers ..

(2) When an operator uses the services of marketing of services, it must ensure, in the relations contractual with the aforementioned companies, to the respect of its obligations relating to the conditions of confidentiality and neutrality with regard to transmitted messages and information communications.

Article 11.- The subscriber must be able to obtain free of charge from of the operator or the operator, as long as he justifies his quality of the subscription holder, the communication of identifying information about him and requiring that these data are rectified, completed, clarified or updated day.

Chapter IV - Theft and loss

cell phones

Article 12.- The operator makes available to users all information relating to the measures to be taken in the event of theft from their cell phones.

Article 13.- (1) The operator sets up a system of blocking of mobile devices declared stolen to return them unusable on all communications networks electronic.

- (2) The operator is required to immediately block the line and the mobile phone so that no one can use upon receipt of this information.
- (3) The operator can be held liable for any wrongdoing on a telephone line stolen or lost mobile that the subscriber has regularly reported.

Article 14.- The subscriber is required to immediately declare from the operator or operator, by any means allowing written record, loss or theft of his cell phone as well than his SIM card. in order to allow the operator to deactivate the relevant SIM card.

Article 15.- If the subscriber has not declared the theft or loss of his cell phone or SIM card, his responsibility is committed for any fraudulent, malicious or public order violation of their stolen or lost SIM card.

Article 16.- The reactivation of the stolen or lost STM card due can only intervene if the subscriber victim of the theft or

the loss of his phone or SIM card has a part identity certifying that he is the holder of the said telephone or said card.

Chapter V - Transitional provisions,

various and final

Article 17. " Operators are required to update available to the Agency, the information from their updated data.

Article 18.- Operators are required to comply with written judicial requisitions addressed to them by the competent authorities, under the conditions set by the laws and regulations in force.

Article 19.- (1) Operators are required to proceed, as soon as the entry into force of this decree, the adaptation of the contract and the general conditions of service offerings, to notify changes to their approved partners and inform the subscribers.

(2) The copy of the contract referred to in paragraph 1 above must be sent to the Agency at least thirty (30) days before the start of force of said contract. The Agency may require the operator to modification of certain provisions provided for in the contract, before any notification to partners and possibly to subscribers.

Artide 20.- (1) Communication network operators electronic have a period of six (6) months from the date of signature of this decree to ensure the identification of all their subscribers.

(2) Subscribers who have not been identified at the end of the period provided for in paragraph 1 above will see their subscription terminated.

(3) At the end of the period referred to in paragraph 1 above, the operators who do not comply with the provisions of this decree will be liable to administrative and pecuniary sanctions provided for by the laws and regulations in force.

Article 21.- Specific texts of the Minister in charge of telecommunications specify, where necessary, the terms of application of this decree.

Article 22.- This decree, which repeals all provisions previous contrary will be recorded, published according to the emergency procedure, then inserted in the Official Journal in French and in English.

Yaoundé, June 1, 4, 2012
The Prime Minister, Chief government