

*Extraordinary*



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**NIGERIAN COMMUNICATIONS ACT NO. 19 OF 2003**  
**REGISTRATION OF COMMUNICATIONS SUBSCRIBERS**  
**REGULATIONS, 2022**



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S. I. No. 86 of 2022

**NIGERIAN COMMUNICATIONS ACT NO. 19 OF 2003**  
**REGISTRATION OF COMMUNICATIONS SUBSCRIBERS**  
**REGULATIONS, 2022**

[22nd Day of July, 2022]

Commence-  
ment.

In exercise of the powers conferred upon it by section 70 of the Nigerian Communications Act, 2003, and all other powers enabling it in that behalf, the NIGERIAN COMMUNICATIONS COMMISSION makes the following Regulations—

PART I — INTERPRETATION, OBJECTIVES AND SCOPE

1. —(1) The terms and expressions used in these Regulations which are defined in the Act shall have the same meaning as in the Act unless the context otherwise requires.

Interpretation.

(2) In these Regulations, unless the context otherwise indicates—

“Act” means the Nigerian Communications Act, No. 19 of 2003 ;

“Activate” means to allow full access to a Licensee’s Network Service, including the ability to make and receive calls, to send and receive short message services and other range of services usually provided by other Communications Service Providers and the words “activated”, “activation”, “deactivate” and “deactivation” shall be read and construed accordingly ;

“Activation window” means the period of 30 days from the day a subscriber acquires a new subscription medium on the network of a licensee and the licensee is unable to immediately validate and verify subscriber information for one week prior to the acquisition of the new subscription medium by the subscriber. Limited Access would be granted to subscribers during the activation window ;

“Biometric information” refers to finger prints and facial image of a subscriber in accordance with the Registration Specifications as contained in the Business Rules (as may be amended from time to time) provided by the Commission for the registration of subscribers ;

“Central Database” means subscriber information database, containing the biometric and other registration information of all subscribers ;

“Commission” shall have the same meaning as in the Act ;

“Communications Services” means telephone or communications services that utilise a subscription medium ;

“Communications Service Provider” means an entity licensed by the Commission to provide communications services in whole or in part of Nigeria, or on a ship or aircraft registered in Nigeria ;

“Constitution” means the Constitution of the Federal Republic of Nigeria, 1999 ;

“*Effective date*” means the date on which these Regulations come into force :

“*Foreign Licensee*” refers to a Network Service provider licensed by a telecommunications regulator other than the Commission, to provide telecommunication services in a country other than Nigeria :

“*General Consumer Code of Practice*” means the General Code (as amended from time to time) attached as Schedule 1 to the Nigerian Communications Commission Consumer Code of Practice Regulations, 2007 (as may be amended from time to time) :

“*Registration Agent*” means a company licensed by the Commission, acting as an agent of a Communications Service Provider, for the registration of subscribers :

“*Licensee*” shall have the same meaning as defined in the Act :

“*Limited Access*” means the limitation by a licensee of services available to a subscriber to receive calls and short message services and making of calls to emergency numbers and the licensee’s call centre only ; For a licensee with an Internet Service Provision Licence, Limited Access for ISP means the limitation by a licensee of services available to a subscriber to the web page of the Service Provider only. For licensee providing fixed line services, Limited Access means the limitation by a licensee of services available to a subscriber to receive calls and short messages services (where applicable) and making of calls to emergency centre numbers and the licensee’s call centre only :

“*Limited Service Status*” means limitation of communications service by a Communications Service Provider to a Customer to receive Short Message Services (SMS) or communication from the Communications Service Provider only to confirm NIN verification of the subscriber ;

“*MSISDN*” means Mobile Station International subscriber Directory Network. This is a number uniquely identifying a subscription in a Global System for Mobile Communications :

“*National Assembly*” means the National Assembly of the Federal Republic of Nigeria :

“*New subscriber*” means a person who becomes a subscriber after the commencement of these Regulations :

“*Network service*” shall have the same meaning as in the Act :

“*NIN*” means the National Identification Number :

“*Personal information*” refers to the full names (including mother’s maiden name), gender, date of birth, residential address, nationality, state of origin, occupation, National Identity Number and such other personal information and contact details of subscribers specified in the Registration Specifications :

“*Registration Specifications*” means the Data Dictionary, Guidelines on Fingerprint Quality, specifications for Digital Image Standards and Quality, the XML Schema, Transmission protocol and the Technical Interface specifications and such other specifications and amendments thereto that may be made or issued by the Commission through Business Rules, from time to time, to guide the registration of subscribers and the interaction of Licensees’ or licensed Registration Agents’ databases with the Central Database :

“*Security Agency*” refers to any or all of the following law enforcement and security agencies :

- (a) Nigerian Police Force,
- (b) the Economic and Financial Crimes Commission,
- (c) the State Security Service,
- (d) the Federal Road Safety Corps,
- (e) the National Intelligence Agency,
- (f) the Office of the National Security Adviser, and
- (g) any other law enforcement or Security Agency established by the Federal Government :

“*subscriber*” means a person, not below the age of 18 years, who subscribes to Communications Services by purchasing a subscription medium or entering into a subscription contract with a Licensee :

“*subscriber information*” refers to the Biometrics and other Personal Information of a subscriber recorded and stored by licensees ;

“*Subscription Medium*” means a Subscriber Identity Module (SIM) smart card, and embedded SIM card and Electronic SIM, a Removable User Identity Module (R-UIM) smart card, a CDMA Subscriber Identity Module (CSIM) smart card, a Universal subscriber Identity Module (USIM) smart card or any other subscription medium marketed from time to time by licensees, containing the telephone number of a subscriber, encoded network identification details, the personal identification number and other user data normally provided by a licensee for the provision of Network Services ; and

Where in these Regulations the context so requires, words in the singular include the plural and words in the plural include the singular.

2. The objectives of these Regulations are to provide —

Objectives.

(a) a regulatory framework for the registration of subscribers to Communications Services utilising subscription medium in the Federal Republic of Nigeria ; and

(b) for the establishment, control, administration and management of the Central Database.

**B 3718**

Scope.

**3.** These Regulations shall apply to all persons and licensees including—

(a) corporate, private and commercial subscribers to Communications Services utilising Subscription Medium in the Federal Republic of Nigeria ; and

(b) subscribers of foreign licensees who are roaming on the network of a licensee in Nigeria ;

provided that subscribers of foreign licensees shall not be required to register where they have registered their subscriber information in the jurisdiction of the relevant foreign licensees, and there exists necessary arrangements between the Commission and the relevant regulatory authority of the foreign licensee to access such subscriber's information.

**PART II — CENTRAL DATABASE**

Establishment and maintenance of a Central Database.

**4.—(1)** The Commission shall establish and maintain a database of all registered subscribers' information to be known as "the Central Database".

(2) The Central Database shall be domiciled within the Commission and shall provide a platform for the central processing and storage of subscribers information.

(3) The Central Database shall be segregated across Network Services in such a manner as to ensure easy access to data by authorised persons in respect of subscribers' information of the different licensees.

Ownership and management of the Central Database.

**5.—(1)** The Central Database shall be the property of the Government of the Federal Republic of Nigeria.

(2) The management, care and control of the Central Database shall be vested in the Commission subject to the provisions of these Regulations.

Operations of the Central Database.

**6.—(1)** Licensees shall on a monthly basis or at such regular intervals as the Commission may from time to time specify, transmit all subscriber information captured and registered within the preceding month or such other period as may be stipulated by the Commission, to the Central Database.

(2) The Administration of the Central Database shall be in accordance with the latest standards issued from time to time by the International Organisation for Standardization in relation to security and management of electronics and personal data.

Licensees' right to use subscriber information.

**7.** A licensee shall have the right to retain and use its subscribers' information on its network in accordance with the provisions of Part VI of the General Consumer Code of Practice for Telecommunications Services and any other instrument issued from time to time by the Commission.

8.—(1) Notwithstanding the provisions of these Regulations restricting access to subscriber information on the Central Database and subject to the provisions of any Act of the National Assembly, subscriber information on the Central Database shall be provided only to Security Agencies : provided that a prior written request is received by the Commission from an official of the requesting Security Agency who is not below the rank of an Assistant Commissioner of Police or a co-ordinate rank in any other Security Agency.

Access to subscriber information on the Central Database by Security Agencies.

(2) The written notice by the Security Agency pursuant to sub-regulation (1) of this regulation shall indicate the rank of the official of the requesting Security Agency and the purpose for which the information is required.

9.—(1) In furtherance of the rights guaranteed by section 37 of the Constitution of the Federal Republic of Nigeria, 1999 and subject to any guidelines issued by the Commission including terms and conditions that may from time to time be issued either by the Commission or a licensee, any subscriber whose personal information is stored in the Central Database or a licensee's database, shall be entitled to view the said information and to request updates and amendments thereto.

Data protection and confidentiality.

(2) The subscriber information contained in the Central Database shall be held on a strictly confidential basis and no person or entity shall be allowed access to any subscriber information on the Central Data base except as provided in these Regulations.

(3) Licensees shall not under any circumstances retain, duplicate, deal in or make copies of any subscriber information or store in whatever form any copies of the subscribers information for any purpose other than as stipulated in these Regulations or in an Act of the National Assembly.

(4) Licensees and the Commission shall take all reasonable precautions in accordance with international practises to preserve the integrity and prevent any corruption, loss or unauthorised disclosure of subscriber information obtained pursuant to these Regulations and shall take steps to restrict unauthorized use of the subscriber information by their employees who may be involved in the capturing or processing of such subscriber information.

(5) Licensees shall utilise personal information retained pursuant to these Regulations, solely for their operations and in accordance with the provisions of Part VI of the General Consumer Code of Practice for Telecommunications Services and any other instruments of the Commission or any Act of the National Assembly regulating the specific purposes for which the personal information may be used.

(6) Licensees may be permitted to retain the biometrics of subscribers, provided that the Commission reserves the right to revoke this permission —



(a) where there is a breach of the confidentiality and integrity of the biometric data ; or

(b) on such other grounds that the Commission may determine from time to time.

Release of personal information of a subscriber.

**10.—**(1) Release of Personal Information to Security Agents shall be in accordance with the provisions of the Act, these Regulations and any Guidelines or Instrument issued from time to time by the Commission and in a format to be determined by the Commission.

(2) Subscribers information shall not be released to a licensee, Security Agency or any other person, where such release of subscribers information would constitute a breach of the Constitution or any other Act of the National Assembly, for the time being in force in Nigeria or where such release of subscribers information would constitute a threat to national security.

(3) Licensees shall not release personal information of a subscriber to any third party without obtaining the prior written consent of the subscriber.

(4) No subscriber information shall be transferred outside the Federal Republic of Nigeria without the prior written consent of the Commission.

(5) For the purpose of sub-regulation (3) of this regulation, the term “third party” shall exclude Security Agencies as defined in these Regulations.

### PART III — REGISTRATION

Registration of new subscribers.

**11.—**(1) Every Licensee shall register a subscriber’s information as specified under the subsisting Business Rules issued in pursuance to the objectives of these Regulations.

(2) From the commencement of these Regulations, Licensees shall in accordance with registration specifications outlined in the Business Rules and at no cost to the subscribers capture, register and transmit to the Central Database the—

(a) biometrics and other personal information of subscribers who request for the activation of the licensee’s subscription medium ; and

(b) in the case of a corporate body or other juristic person, biometrics and other personal information of the authorised representative of the corporate body or other juristic person and the name, address and where applicable, the registration number of the juristic person issued by the Corporate Affairs Commission.

Activation of new subscriptions.

**12.—**(1) Upon the commencement of these Regulations, licensees shall only provide new subscriber with subscription mediums enabled for limited access to their network services and such limited access shall last for the duration of the activation window.

(2) The process of activation of a new subscriber shall include all validation and verification requirements outlined in the Business Rules.

(3) It shall be the responsibility of a new subscriber to, at any time within the activation window, present personal information to the licensee from whom the subscription medium is obtained for registration in accordance with the requirements of these Regulations.

(4) Upon the capturing and registration of the biometrics and the personal information of a new subscriber, the licensee shall verify and validate before activating the subscription medium on its network service and transmit the "subscribers" information to the Central Database.

**13.** A licensee providing Communication Services to a foreigner other than Roaming Services shall register such foreigner in accordance with the Business Rules.

Registration of Foreign subscribers.

**14.—(1)** A licensee may deactivate and deregister a subscription medium upon a request by a subscriber after verification and confirmation of the "subscriber's" information on the subscription medium.

Deactivation and deregistration of a Subscription Medium.

(2) Records on any deactivation or deregistration shall be transmitted to the Central Database by the licensee in accordance with specifications issued by the Commission.

(3) A deactivated subscription medium can only be reactivated after undergoing the same validation and verification process outlined for new subscriptions in the Business Rules.

(4) Where a MSISDN attached to a SIM has been churned in accordance with the provisions of the Quality of Service (QoS) Regulations, the personal information and biometrics of the new subscriber must be updated in the Central Database.

**15.** There shall be no proxy registration of any subscription medium.

Prohibition of proxy registration.

**16.** The number of subscription medium a subscriber can register will be in accordance with the provisions of the Business Rules and the benchmark will be reviewed by the Commission from time to time.

Number of Registrable Subscription Mediums.

**17.** A subscriber shall be liable for activities carried out using a Subscription Medium registered with that subscriber's personal information.

Liability for Subscription Mediums.

PART IV — PENALTIES

Failure to capture, deregister or transmit subscriber information.

18.—(1) Any licensee who fails to capture, or who preregisters, registers, deregisters, or transmits the details of any individual or corporate “subscriber’s” to the Central Database as specified in these Regulations or as may be stipulated from time to time by the Commission is liable to a penalty of ₦200,000.00 for each subscription medium.

(2) A licensee who activates any subscription Medium without capturing, registering and transmitting the personal information to the Central Database commits an offence and shall be liable to a fine of ₦200,000.00 for each unregistered activated Subscription Medium.

(3) A Licensee who fails to verify and validate biometric, NIN and other personal information before activation is liable to a penalty of ₦200,000.00 for each subscription medium in breach of these requirements.

Non-compliance with activation and deactivation requirements.

19.—(1) Any licensee who activates or fails to deactivate a subscription medium in violation of any provision of these Regulations is liable to a penalty of ₦200,000.00 for each unregistered but activated subscription medium.

(2) Where the Commission is satisfied that a body corporate is culpable, the Director, Chief Executive Officer, Manager or Secretary shall also be liable to pay a fine of ₦200,000.00 unless, having regard to the nature of his functions in that capacity and to all the surrounding circumstances, he proves that :

(i) the offence was committed without his knowledge, consent or connivance ; and

(ii) he took all reasonable precautions and exercised due diligence to prevent the commission of the breach.

Dealing with subscriber information in a manner inconsistent with the provisions of these Regulations.

20.—(1) Any licensee, who retains, duplicates or deals with “subscribers” information in contravention of any of the provisions of these Regulations is liable to a penalty of ₦200,000.00 per Subscription Medium.

(2) Where a licensee is found to have utilised a subscriber’s information in any business, commercial or other transactions, such licensee is liable to a penalty of ₦1,000,000.00 per Subscription Medium.

PART V — MISCELLANEOUS

Application of the Business Rules and Registration Specification of the Commission.

21. The Business Rules and Registration Specifications made or issued by the Commission shall apply as a part and parcel of these Regulations.

**22.** The Business Rules and Registration Specifications may be amended separately and will have same effect on the application of the provisions of these Regulations.

Amendment  
of the  
Business  
Rules and  
Registration  
Specifications  
of the  
Commission.

**23.** These Regulations may be cited as the Nigerian Communications Commission (Registration of Communications Subscribers) Regulations, 2022.

Citation.

MADE this 22nd day of July, 2022.

PROFESSOR UMAR GARBA DANBATTÀ, FNSE, FRAES, FAEng, FNIEEE  
*Executive Vice-Chairman*  
*Nigerian Communications Commission*