



## **REPORT OF THE PUBLIC INQUIRY ON THE SIM REPLACEMENT GUIDELINES (AS AMENDED) AND BUSINESS RULES & OPERATIONAL PROCESSES FOR IMPLEMENTATION OF THE NATIONAL POLICY FOR SIM ACTIVATION**

### **1.0. INTRODUCTION**

The Nigerian Communications Commission (the Commission) pursuant to its powers under Section 72 of the Nigerian Communications Act 2003 (the Act) commenced the process of reviewing the SIM Replacement Guidelines (Draft Guidelines) and also developed the Draft Business Rules for the Implementation of the National Policy for SIM Activation (Draft Business Rules).

Based on the Commission's policy of participatory rule-making, the Draft Guidelines and Business Rules were published on its website for comments from the general public, particularly its licensees and other stakeholders.

Further to this, the Commission received submissions from the following stakeholders:

1. Smile Communications Limited
2. Airtel Networks Limited
3. MTN Nigeria Communications Limited
4. Association of Telephone, Cable TV & Internet Subscribers of Nigeria
5. VDT Communications Limited

As required by Section 58 of the Act, a Public Inquiry on the Draft Guidelines and Business Rules was scheduled for October 5, 2021 and a Notice of the Public Inquiry was published in Punch Newspapers and People's Daily Newspapers on Thursday, August 26, 2021

### **2.0. THE PUBLIC INQUIRY**

The Public Inquiry held virtually as scheduled, commencing at 11:00am and was chaired by the Executive Vice Chairman, Professor Umar Garba Danbatta ***FNSE, FRAES, FAEng, FNIEEE***. Mr Adeleke Adewolu, the Executive Commissioner, Stakeholder Management, also attended the Inquiry alongside Alhaji Abdulazeez Salman, a Board Commissioner and Chairman of the Board Committee on Licensing and Chief Uche Onuwde, a Board Commissioner and Chairman of the Board Committee on Finance and Establishment. The Virtual Public Inquiry was attended by about One Hundred and Twenty (120) participants, including Staff of

the Commission, representatives of telecommunications companies, as well as other interested stakeholders.

In his opening remarks, the EC-SM welcomed participants to the forum, and stated that the Public Inquiry is an avenue that enables the Commission develop and review its regulatory instruments by incorporating the comments and suggestions of industry stakeholders. He further added that this process ensures that the regulatory instruments issued by the Commission are in consonance with the best practices in the industry.

The Executive Vice Chairman, Professor Umar Garba Danbatta in his opening remarks stated that the Public Inquiry was consistent with the rule making process of the Commission and also in line with the Strategic Collaboration and Partnership Pillar of the 5 (Five) Point Agenda of the Commission. He also added that the Inquiry was a testament to the commitment of the Commission to keep up with the pace of the dynamic growth in the industry. Subsequently, the EVC enjoined all participants to make their contributions freely and raise issues that will assist the Commission in developing and issuing a regulatory instrument that will continually contribute to the development of the industry and sustain its positive contributions to the Nation's economy.

The Assistant Director, Legal and Regulatory Services Department, Ms. June Nwachukwu, gave an overview of the Draft Guidelines and Business Rules, while Mr. Mohammed Suleh-Yusuf, Senior Manager, Legal and Regulatory Services Department presented the Commission's responses to the comments received from stakeholders prior to the Public Inquiry.

## **A. GENERAL OVERVIEW OF THE SIM REPLACEMENT GUIDELINES AND THE BUSINESS RULES FOR THE IMPLEMENTATION OF THE NATIONAL POLICY FOR SIM ACTIVATION**

The SIM Replacement Guidelines compliments the Registration of Telephone Subscriber Regulations in providing for a regulatory framework for the registration, replacement and modification of SIM in the Communications Sector. The Draft Guidelines is principally intended to prescribe a standard procedure for SIM Replacement to be used by Network Service providers. The purport of the review is to comprehensively review the extant provisions to reflect current realities.

The Business Rules on its part is aimed at aligning existing Regulations, Guidelines, Directives and other regulatory stipulations with the revised National Identity Policy for SIM Card Registration.

## **B. REVIEW OF COMMENTS RECEIVED BEFORE THE PUBLIC INQUIRY**

### **1. Smile Communications Limited**

#### **1.1. Comment**

Smile requested that the Commission review the scope of the Guidelines to reflect the operational processes in the Business Rules. It further recommended that the

Guidelines be made to apply to all subscribers (individual and Corporate, IoT and Machine to Machine including post-paid and pre-paid subscribers) in line with the Business Rules.

Smile stated further that the scenarios as outlined in the Business Rules indicating when a Subscriber's SIM can be replaced should be incorporated in the Guidelines.

**Response**

The Comment is noted and will be duly considered.

**1.2. Comment**

Smile recommended that Paragraph 6.3(1) of the Draft Guidelines be redrafted as follows: "The SIM Replacement Process shall be carried out as outlined in the Business Rules for SIM Replacement.

**Response**

The Comment is noted and will be duly considered.

**1.3. Comment**

Smile recommended that Paragraph 6.4 be redrafted as follows: "Where the Subscriber requesting for the replacement is a Corporate Body or IoT/ Machine to Machine, then the SIM Replacement process must be carried out as specified under the Business Rules issued in pursuance to the objectives of this Guidelines."

**Response**

The Comment is noted and will be duly considered.

**1.4. Comment**

Smile recommended that in respect of SIM Replacement by Proxy, Paragraph 7 be redrafted as follows: "A SIM Replacement may be carried out by Proxy as specified under the Business Rules issued in pursuance to the objectives of these Guidelines".

**Response**

The Comment is noted and will be duly considered.

**1.5. Comment**

Smile recommended that in respect of SIM Replacement of deceased persons, only the NIN of the authorized individual and the MSISDN of the deceased person be provided to the Mobile Network Operator. It further recommended that this process is stated clearly in the Business Rules and need not be in the Draft Guidelines.

**Response**

The Comment is noted and will be duly considered.

**1.6. Comment**

Smile recommended that the provision for Online SIM Replacement be redrafted as follows: "An Online SIM Replacement may be carried out as specified under the Business Rules issued in pursuance to the objectives of this Guidelines"

**Response**

The Comment is noted and will be duly considered.

**1.7. Comment**

Smile recommended that the limited access window provided to subscriber be amended from 2 hours to “reasonable time subject to the resolution of the Service levels”.

**Response**

The Comment is noted and will be duly considered.

**1.8. Comment**

Smile stated that the definition of SIM should be as defined in the Registration of Telephone Subscriber Regulations.

**Response**

For clarity, the Commission believes it is important to also define ‘SIM’ in these Guidelines.

**1.9 Comment**

Smile stated that the term ‘Limited Access’ should be as defined in the draft Business Rules.

**Response**

We are of the view that key terms and clauses should be defined in the main instrument and not in the Business Rules.

**1.10 Comment**

Smile recommended that the term ‘telemaster’ be deleted.

**Response**

Noted

**1.11 Comment**

Smile recommended that the term subscriber information should mean NIMC Foundational Data as outlined in the Business Rules.

**Response**

NIMC Foundational data does not constitute subscribers information and cannot replace it in the Guidelines. This comment is hereby rejected.

**1.12 Comment**

Smile recommended that the SIM Replacement form be reviewed to indicate the current realities and the Business Rules.

**Response**

The Comment is noted and will be duly considered.

**1.13 Comment**

Smile recommended that ‘Maiden Name’ be made optional.

**Response**

Comment noted and will be duly considered

**1.14 Comment**

Smile recommended that the definition of 'Limited Access' in the Business Rules be redrafted as follows: mean limitation by an MNO of communication services available to a customer to receipt of calls and Short Message Services (SMS) and making of calls to Emergency centre numbers and the MNO's call centre only.

**Response**

The Comment is noted and will be duly considered.

**1.15 Comment**

Smile recommended that the definition of 'Limited Service Status' be added to the Definition Section of the Business Rules and be defined as 'limitation by an MNO of communication services available to a Customer to receipt Short Message Services (SMS) or communication from the MNO only to confirm NIN verification of the subscriber'.

**Response**

The definition in the main instruments suffices for the Business Rules.

**1.16 Comment**

Smile recommended that the Commission accede to approving Mobile SIM Replacement.

**Response**

Mobile SIM Replacement will not be in tandem with existing regulatory prescriptions and this comments is not acceptable at this point in time.

**1.17 Comment**

Smile recommended that the General Rules for SIM replacement was not included in the Business Rules for SIM Replacement.

**Response**

Comment noted and will be duly considered

**1.18 Comment**

Smile recommended that Appendix 2 and 2.1 in the Business Rules for SIM Registration/Activation should be replicated in the Business Rules for SIM Replacement.

**Response**

Comments noted and will be duly considered

**2. Airtel Networks Limited**

**2.1 Comment**

Airtel noted that in view of the Sim Activation & Replacement Templates and the

draft Business Rules, only “NIN” is mandatory for SIM replacement.

**Response**

Comment is noted and will be duly considered

**2.2 Comment**

Paragraph 6.4 which provides for SIM replacement by a Telemaster should be redrafted in line with the Draft Business Rules.

**Response**

Comment is noted and will be duly considered.

**2.3 Comment**

Airtel recommended that Paragraph 6.7 which provides for a valid photo identification, should be deleted.

**Response**

Comment is noted and will be duly considered.

**2.4 Comment**

Airtel recommended that in addition to the conditions for SIM Replacement by Proxy as stated in Paragraph 7.1 both Proxy and Owner should be active customers of the MNO wherein the SIM Replacement is to be performed.

**Response**

Comment is noted and will be duly considered.

**2.5 Comment**

Airtel recommended that Paragraph 7.3 be redrafted as follows: A request for a SIM replacement may be made by either the primary telecoms master, the secondary telecoms master or both for MSISDNs registered in the name of a corporate entity, where such Telecoms Master(s) been duly appointed as the entity’s interface with the operator.

**Response**

This comments are not acceptable as it defeats the main aim of making the Primary Telemaster the responsible party for the management of all SIMs under his/her care.

**2.6. Comment**

Airtel recommended the following modifications to Paragraph 7.7 which provides for SIM Replacement of deceased persons:

Paragraph 7.7 (b) – Provision of Letters of Administration of Estate issued by a superior Court of Record, Where the deceased dies intestate or with an unregistered Will

Paragraph 7.7 (c) – Where the deceased person dies intestate the authorized individual must provide the requisite probate letters showing authority to act on behalf of the estate of the deceased person.

Paragraph 7.7(d) – The authorized individual must provide his/her NIN

**Response**

Comments noted and will be duly considered

**2.7. Comment**

Airtel respectfully request the inclusion of “NIN” as one of the information to be provided by the subscriber.

**Response**

Comments noted and will be duly considered.

**2.8. Comment**

Airtel recommended that the term ‘Telemaster’ be redefined as follows: ‘Telemaster means the authorized representatives of a corporate entity who is designated to register lines on its behalf and for its employees’.

**3. MTN Nigeria Communications Plc**

**3.1 Comment**

MTN recommended that Paragraph 4.1 which provides for scenarios wherein a SIM is eligible for replacement be modified to reflect the provisions of the Business Rules.

**Response**

Comments noted and will be duly considered

**3.2 Comment**

MTN noted that the provision for SIM Replacement by proxy is at variance with that of the Business Rules and therefore recommended that it should be aligned with what is obtainable in the Business Rules.

**Response**

Comment is noted and will be duly considered.

**3.3 Comment**

MTN recommended that the Commission replace Paragraph 7.2 in its entirety as it is exhaustively covered in the Business Rules.

**Response**

Comments noted and will be duly considered

### **3.4 Comment**

MTN recommends that in respect of Paragraph 7.7(d) the Commission considers requiring only the NIN of the authorized individual and the MSISDN of the deceased person to be provided to the MNO.

#### **Response**

Comments noted and will be duly considered

### **3.5 Comment**

MTN recommended that the procedure for online SIM Replacement be as specified under the Business Rules

#### **Response**

Comments noted and will be duly considered

### **3.6 Comment**

MTN recommended that the application of 'limited access' be further expanded to cater for a scenario where the default setting of all lines being subject to SIM Replacement, will be in a restrictive limited access state i.e the ability to receive only MNO communication (which includes receiving call or messages from the service provider and texting or calling the service provider). MTN further recommended for the creation of another Limited Access rule where the business rule definition on limited service should apply.

#### **Response**

Comments noted and will be duly considered

### **3.7 Comment**

MTN recommended that **Paragraph 8.2** which mandated the submission of an audit be deleted in view of the fact that the Commission conducts quarterly compliance audits on MNOs for SIM Replacement.

### **3.8 Comment**

The SIM Replacement Form should cater to scenarios stated in the Business Rules.

#### **Response**

Comments noted and will be duly considered

## **4. VDT Communications Nigeria Limited**

### **4.1. Comment**

VDT recommended that the Commission stipulate the extent of liability and the measure of damages or claim against such proxies in the case of perpetrated fraud. An adequate punitive measures should be quantified and clearly stipulated to avoid escape of liability in the event of such and to further make it less encouraging to use a proxy and discourage such fraudulent instances e.g. a criminal conviction



### **Response**

Comments noted and will be duly considered

## **C. REVIEW OF COMMENTS RECEIVED AT THE PUBLIC INQUIRY**

### **1. MTN**

#### **1.1 Comment**

MTN urged the Commission to reconsider permitting Mobile SIM Replacements to cater for vulnerable groups and Very Important Personalities.

#### **Response**

The Commission noted that there was a need to ensure accountability in this regard. Particularly on how to audit the propriety of the SIM Replacement process. Notwithstanding this, it stated that the issue would be reviewed further.

## **D. GENERAL COMMENTS**

Dr. Mohammed Suleh-Yusuf, Senior Manager, Telecoms Laws and Regulations Unit thanked everyone for coming and stated that all comments submitted by stakeholders will be considered by the Commission before the draft regulatory instrument is finalised.

The Public Inquiry ended at about 2:45pm.

**Dated this 5<sup>th</sup> day of October 2021**

**Professor Umar Garba Danbatta, *FNSE, FRAES, FAEng, FNIEEE***  
**Executive Vice-Chairman/CEO**  
**NIGERIAN COMMUNICATIONS COMMISSION**