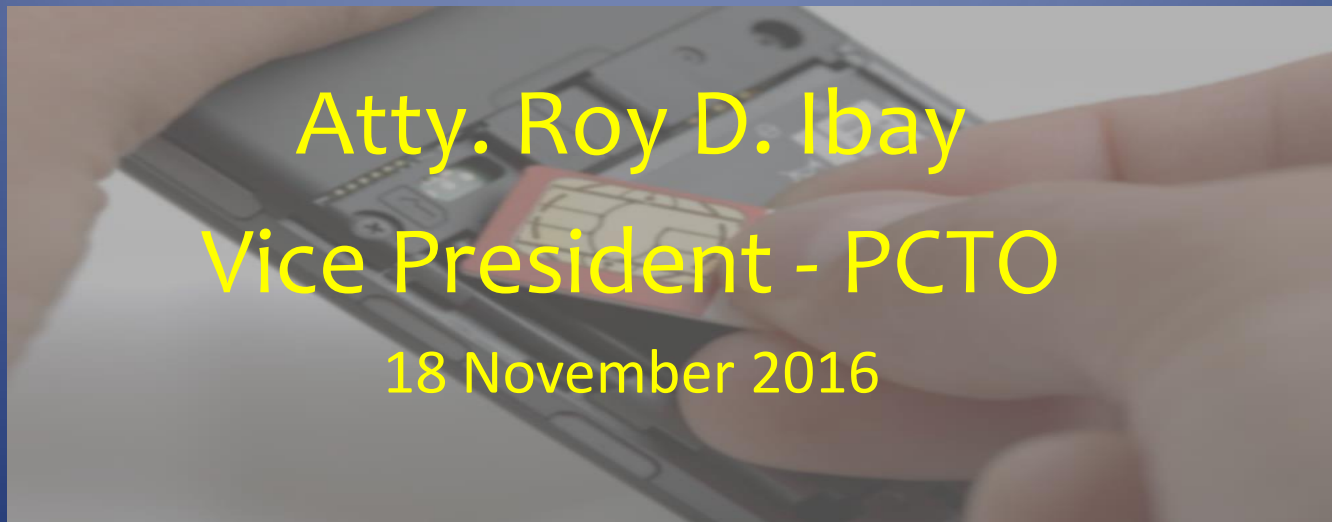




Issues in mandatory SIM registration



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18 November 2016

What is a SIM card?

- A Subscriber Identity Module (SIM) card is a portable memory chip used mostly in cell phones that operate on the Global System for Mobile Communications (GSM) network. These cards hold the personal information of the account holder, including his or her phone number, address book, text messages, and other data.

OTT



SOCIAL NETWORKS



**WEB BROWSING,
e-commerce, etc.**



VOICE CALL

International framework



- **ARTICLE 37 - Secrecy of Telecommunications**
- 1 Member States agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.
- 2 Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties.



human rights

International framework

- **Article 12 - Universal Declaration of Human Rights**
- *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*

International statements on Fair Information Practice Principles (FIPPs) consistent with the Data Privacy Act



- Collection limitation /proportionate – collection of personal information should be limited to relevant matters and necessary to fulfill purpose.
- Accountability/ Transparency - data controllers should be accountable; transparent process
- Access and accuracy – consumers have the right to access their data and update them

- **Use limitation & choice – personal data should not be disclosed except with consent or by law and consumers should exercise right of choice**
- **Security – secure and responsible handling of data**



Philippine Framework

- The Philippine constitution:

“vital role of communication and information in nation building” (Art. II, sec. 14)

“privacy of communication and correspondence as being inviolable, except upon lawful order of the court, or when public safety or order requires otherwise.” (sec. 3, Art. III Bill of Rights)

Civil Code :

“Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief-”

“Art. 32. Any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the following rights and liberties of another person shall be liable to the latter for damages:

(11) The privacy of communication and correspondence;

Personal data collection from private citizens- the case of Ople vs. Torres (G.R. No. 127685 July 23, 1998)

- A.O 308 was issued by President Fidel V. Ramos On December 12, 1996
- *Sec. 1. Establishment of a National Computerized Identification Reference System. Sec. 4. Linkage Among Agencies.* The Population Reference Number (PRN) generated by the NSO shall serve as the common reference number to establish a linkage among concerned agencies.
- “In the last few decades, technology has progressed at a galloping rate. Some science fictions are now science facts. Today, biometrics is no longer limited to the use of fingerprint to identify an individual. It is a new science that uses various technologies in encoding any and all biological characteristics of an individual for identification. **It is noteworthy that A.O. No. 308 does not state what specific biological characteristics and what particular biometrics technology shall be used to identify people who will seek its coverage.** Considering the banquet of options available to the implementors of A.O. No. 308, the fear that it threatens the right to privacy of our people is not groundless.”

Personal data collection from private citizens - the case of Ople vs. Torres (G.R. No. 127685 July 23, 1998)

- “admission that the PRN will not be used solely for identification but the generation of other data with remote relation to the avowed purposes of A.O. No. 308. Clearly, the indefiniteness of A.O. No. 308 can give the government the roving authority to store and retrieve information for a purpose other than the identification of the individual through his PRN.” said order does not tell us in clear and categorical terms how these information gathered shall be handled
- A.O. No. 308 falls short of assuring that personal information which will be gathered about our people will only be processed for unequivocally specified purposes.
- may interfere with the individual's liberty of abode and travel by enabling authorities to track down his movement;
- may also enable unscrupulous persons to access confidential information and circumvent the right against self-incrimination; it may pave the way for "fishing expeditions" by government authorities and evade the right against unreasonable searches and seizures.
- individual lacks control over what can be read or placed on his ID, much less verify the correctness of the data encoded. They threaten the very abuses that the Bill of Rights seeks to prevent.
- The ability of sophisticated data center to generate a comprehensive cradle-to-grave dossier on an individual and transmit it over a national network is one of the most graphic threats of the computer revolution. When information of a privileged character finds its way into the computer, it can be extracted together with other data on the subject. “

Philippine Framework

Other laws :

- Anti-Wire tapping law (R.A. 4200)
- NTC MC 4-06-2007
- DTI Department Administrative Order #8
- Access Device Regulation Act
- E Commerce Act (R.A. 8792)
- Data Privacy Act
- Cybercrime law



Experience in mandatory SIM registration

- Loss of access to communications services when mobile users' SIM cards are deactivated (sometimes without warning) due to failure to register by a required deadline.
- Restricting consumers accessibility to mobile communications by limiting the locations where new prepaid SIM cards can be purchased.

- Emergence of black markets for fraudulently registered or stolen SIM cards
- Increase in mobile users concerns over their privacy and freedom of speech, particularly in the absence of national laws on data protection and freedom of expression.

- SIM Registration must be voluntary
- *NPC may issue guidelines as to government officials (sec.4 of DPA)
- PCTO position on Mandatory SIM registration
 - runs counter to universal service policy
 - is an unpractical and ineffective solution due to the absence of a reliable identification system'
 - is not based on any evidence it would deter criminal activities in the country
 - would face administrative challenges as more than 90 % of SIM cards are prepaid.

The future of SIM is being seamless and SIM less

Cloud SIM became the first sim-less SIM card to be launched for mobiles. Cloud SIM was launched officially in October 2016 through a mobile company, named 'Cloud SIM telecoms' who created the software and infrastructure around the concept of having a mobile without a physical SIM card. 'Cloud SIM telecoms' introduced this innovative concept through a app model which transferred inserting SIM card to downloading a SIM card.



THANK YOU

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