

DECISION No. 20/PC/ARPCE/2025 of 11 June 2025

Laying out the procedure to control the identification of subscribers of the electronic communications operators holding the mobile telephony licences.

The Council of the Regulatory Authority of Post and Electronic Communications,

- Considering the Law no.18-04 of 24 Chaâbane 1439 corresponding to 10 May 2018, laying down the general rules pertaining to Post and electronic communications ;
- Considering the Law no. 18-07 of 25 Ramadhan 1439 corresponding to 1 June 2018, relating to the protection of Relating to the protection of natural persons in the processing of personal data;
- Considering the Law no. 09-04 of 14 Châabane 1430 corresponding to 5 August 2009, laying down special rules for preventing and combating offences pertaining to information and communication technologies;
- Considering the Executive Decrees approving the allocation of licences to electronic communications operators and related terms of reference;
- Considering the Executive Decree no.03-436 of 22 November 2003, defining the modalities for making available, by telecommunications network operators, the telephony directory in written or electronic form of to their users;
- Considering the Presidential decree of Aouel Safar 1443 corresponding to 8 September 2021, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Presidential decree of 14 Dhou El Hidja 1443 corresponding to 13 July 2022, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Presidential decree of 23 Moharram 1444 corresponding to 21 August 2022, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Presidential decree of 23 Joumada Ethania 1444 corresponding to 16 January 2023, appointing the president of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Presidential decree of 9 Dhou El Hidja 1444 corresponding to 27 June 2023, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Presidential decree of 10 Rabie El Aouel 1445 corresponding to 26 September 2023, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;

- Considering the Presidential decree of 19 Chaâbane 1446 corresponding to 18 February 2025, appointing the member of the Council of the Regulatory Authority of Post and Electronic Communications;
- Considering the Ministerial Order of 3 November 2004, defining the characteristics necessary for the preparation of the telephone directory by telecommunications network operators;
- Considering the Decision no.71/SP/PC/ARPT/2015 of 28 October 2015, amended, laying out the terms and conditions to identify subscribers or holders of prepaid SIM/USIM cards;
- Considering the Decision no. 36/SP/PC/ARPT/2016 of 21 March 2016, establishing the conditions for remote migration from one network to another of the same operator for its subscribers holding duly identified prepaid SIM/USIM cards;
- Considering the Decision No. 19/SP/PC/ARPT/2017 of 31 May 2017, on the retention periods for contracts and documents used to identify customers whose subscriptions have been terminated;
- Considering the Decision no.05/SP/PC/ARPCE/2020 of 13 February 2020, on the definition of the prepaid active subscriber to offers of mobile telephony services;
- Considering the internal regulations of the Regulatory Authority of Post and Electronic Communications;
 - Whereas the point 15 of Art.13 of the aforementioned Law no.18-04 of 10 May 2018, that stipulates: *“The Regulatory Authority is responsible for regulating the postal and electronic communications Markets on behalf of the State. In this capacity, its tasks are:*
 - 15. *to ensure that postal and electronic communications operators comply with the legal and regulatory provisions relating in particular to postal services, electronic communications, and cybersecurity”;*
 - Whereas Art.130 of the aforementioned Law 18-04 of 10 May 2018, that stipulates: *“Notwithstanding the provisions of Articles 127 and 128 above, in the event of failure to identify a subscriber by licensed electronic communications operators, the Regulatory Authority shall impose a penalty of one million dinars (1,000,000 DA) on the defaulting operator.*
The Regulatory Authority shall also impose a daily penalty of five thousand dinars (5,000 DA) per unidentified subscriber on the defaulting operator”;
- Whereas the deliberation of the Council of the Regulatory Authority at its meeting held on 10 and 11 June 2025.

DECIDES :

Article 1:

This decision lay out the procedure to control the identification of subscribers of the electronic communications operators holding the mobile telephony licences.

Article 2:

For the purposes of this decision, the following definitions apply:

Subscriber: Any natural or legal person who has validly entered into a contract with an electronic communications operator holding mobile telephony licences, in which they are duly identified, in accordance with the regulations in force, for the provision of electronic communications services.

For subscribers who are legal persons, the subscription to mobile telephony services is carried out by the authorized natural person representing the legal person.

Operator: refers to an electronic communications operator holding mobile telephony licences.

Identification verification file: file (physical or digital) sent by the operator to the Regulatory Authority and consisting of the following documents:

- A clear and legible copy of the subscriber's official identity document, valid on the date of subscription;
- A clear and legible copy of the contract signed by the subscriber and the operator or the authorized representative of its distribution network, which must include the subscriber's address;
- Database relating to the identification of subscribers, maintained by operators.

Database (DB): refers to the database relating to subscriber identification maintained by operators, containing in particular:

- Subscriber's first and last names;
- Subscriber's date of birth;
- Subscriber's exact residential address;
- Subscriber's province of residence;
- MSISDN number;
- NIN or official identity document number;
- Date of service activation;
- Identification of the point of sale.

Reference date: refers to the date on which the sample is finalized.

Effective date of the verification process: refers to the date on which the Regulatory Authority notifies operators of the list of MSISDNs subject to the identification verification process, in order to transmit the relevant identification files duly completed prior to the aforementioned reference date.

Failure to identify: Failure to identify is considered to be the absence of any identifying information, as well as any breach, insufficiency, error, or omission that makes it impossible to determine the subscriber's exact identity and/or their explicit consent, in particular:

- Failure to provide identification documents and/or;
- Failure to provide a clear and legible copy of the official identity document of the subscriber (natural or legal person) to the contract valid on the date of subscription and/or;
- Failure to provide a clear and legible copy of the subscription contract signed by the subscriber and the operator or authorized representative of its distribution network and/or;
- Errors, inconsistencies, and discrepancies between the information contained in the contract, that appearing on the official identity document, and/or that contained in the database, in particular the surname, first names, address, NIN or official identity document number, and MSISDN; and/or
- Omission of information on the subscription contract and/or omission of information on the identification database (surname, first name, address, and MSISDN).

Regularization of identification failure: refers to all steps taken by the operator to remedy the identification failure as defined above, in order to ensure identification in accordance with the provisions of its specifications, in particular by:

- Presenting a clear and legible copy of an official identity document valid on the date of subscription to the contract;
- Presenting a clear and legible copy of the subscription contract signed by the subscriber and the operator or representative of its distribution network;
- Taking responsibility for errors, omissions, inconsistencies, and discrepancies between the information on the contract, the information on the official identity document, and the information in the database, in particular the surname, first names, address, NIN or official identity document number, and MSISDN and/or;
- Responsibility for the omission of information on the subscription contract and/or the omission of information on the identification database.

MSISDN deactivation: refers to the operator's interruption of access to mobile phone services associated with the MSISDN when the latter has an identification defect that cannot be rectified.

Article 3:

Identification checks may be periodic or targeted:

- **Periodic checks:** refers to identification checks carried out on a regular basis, the frequency of which is defined by the Regulatory Authority, in order to ensure that operators comply with the laws and regulations in force.

- **Targeted operation:** refers to identification checks carried out on the basis of information brought to the attention of the Regulatory Authority, in particular in the course of its duties or following events revealing, or likely to reveal, breaches of identification obligations by one or more operators.

Article 4:

The sampling criteria adopted for the subscriber identification verification operation are set as follows:

- **Sample size:** Proportionate to the size of the operator's subscriber base by technology;
- **Sampling technique:** Simple random sampling;
- **Technologies concerned:** the check may cover one or more technologies.

Article 5:

For each case of failure to identify, by the operator, as defined in Article 2 of this decision, the Regulatory Authority shall impose a penalty of one million dinars (1,000,000 DZD) on the defaulting operator in accordance with the legislative provisions in force.

The amount of the penalty to be imposed on the operator for failure to identify shall be calculated as follows:

$\text{The amount of the penalty (DZD)} = \text{Number of unidentified subscribers (unidentified SIM)} \times 1.000.000 \text{ DZD}$
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The imposition of penalties for identification failures is subject to a decision or decisions by the Regulatory Authority, notified to the defaulting operator by registered letter with acknowledgement of receipt, to which is attached the list of MSISDNs with identification failures.

The Regulatory Authority shall also impose a daily penalty on the defaulting operator, amounting to five thousand dinars (5,000 DZD) per unidentified subscriber, which shall run from the date of notification of the decision to apply the aforementioned penalties and shall end on the date on which the operator rectifies the cases of non-identification or on the date of deactivation of the MSISDN concerned by the non-identification.

The operator's declaration regarding the status of regularisation or deactivation shall be verified by the Regulatory Authority.

Article 6:

A daily penalty amount is determined every thirty (30) days from the date of notification of the decision to apply the penalty until the identification issue is resolved or the MSISDNs concerned are deactivated.

The daily penalty for MSISDNs with unresolved identification issues or that have been deactivated is calculated based on the number of days between the date of notification of the decision to apply the penalty (a) and the date of notification by the operator of the documents justifying the resolution or deactivation of the MSISDNs concerned (b).

The daily penalty is calculated as follows:

The amount of the daily penalty (DZD) = Number of MSISDNs with identification errors that have not been regularised or deactivated * (b - a) * 5.000 DZD

Article 7:

The Regulatory Authority shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss, alteration, unauthorised disclosure or access, and against any other form of unlawful processing in accordance with the laws and regulations in force.

Article 8:

The process for verifying the identity of subscribers of licensed electronic communications operators shall be determined by decision of the Director General of the Regulatory Authority.

Article 9:

This decision repeals all contrary provisions, in particular Decision No. 01/SP/PC/ARPCE/2021 of 5 January 2021 on the procedure for verifying the identity of subscribers of licensed electronic communications operators.

Article 10:

This decision shall enter into force on the date of its signature and shall be published in the official bulletin of the Regulatory Authority and on its website.

Article 11:

The Director-General of the Regulatory Authority is responsible for the execution of this decision.

On the behalf of the Council

The President