

This draft intends to seek comments of all those interested on the subject, so as to introduce a mechanism for the registration, maintenance and retention of information of persons using data services through wi-fi hot spots in public places.

All interested are requested send their comments and views on this draft latest by 30th March 2018. Your comments may be sent in writing, or through email to Ms. Erum Latif, Deputy Director (Law & Regulations) PTA Headquarters F-5/1, Islamabad.

E-mail. erum@pta.gov.pk

Pursuant to clause 5.10 of the Telecommunications Policy, 2015 issued by the Government of Pakistan read with clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996) hereby makes the following regulations, namely:

PART- I
PRELIMINARY

1. Short title and commencement. – (1) These regulations shall be called the "**Data Retention of Internet extended to WiFi-Hotspots Regulations, 2018**".

(2) They shall come into force from the date of gazette notification.

Definitions. – In these regulations, unless there is anything repugnant in the subject or context, –

- (a) "**Act**" means the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);
- (b) "**Access Provider**" means Local loop Licensee and Mobile Cellular Licensee;
- (c) "**Authority**" means Pakistan Telecommunication Authority established under section 3 of the Pakistan Telecommunication (Re-organization) Act, 1996;
- (d) "**Consumer**" means any natural or juristic person who is an actual or potential user of publicly available telecommunication Services from an Operator and not the reseller of such Services;
- (e) "**Data Service**" means a telecommunication service that involves electronic transfer of non-voice content;

- (f) **“License”** means for the purpose of these regulations an authorization granted by the Authority for the provision of any Class of services, or Registration certificate issued by the Authority for the provision of registered services shall be deemed to be a license for the purpose of section 20(1) of the Act;
- (g) **“Licensee”** means holder of License issued under these Regulations;
- (h) **“Local Loop (LL) Licensee”** means a person licensed under the Act to establish, maintain and operate a public fixed switched network for the provision of local exchange telecommunication service, and includes Pakistan Telecommunication Company Limited, National Telecommunication Corporation and licensee providing service using Wireless in Local Loop;
- (i) **“Mobile Cellular Licensee”** means a person licensed under the Act to establish, maintain and operate a public mobile switched network to provide wireless-based telecommunication service where the terminal equipment may be connected to the telecommunication system by wireless means and used while in motion, but excluding a person that is licensed to provide service using Wireless in Local Loop;
- (j) **“Person”** includes both natural and juristic persons;
- (k) **“Public WiFi- Hotspots”** for the purposes of these regulations shall mean a facilitation or access between the licensees and consumers mobile devices providing a small boundary network of coverage and conveniences either within the building or limited public places;
- (l) **“Public Places”** for the purpose of these regulations shall mean a street, road, thorough fare, park, garden or other places to which the public have free access and includes a hotel, restaurant, Motel, Mess and Club;
- (m) **“Regulation”** means these regulations issued by the Authority from time to time;
- (n) **“SOP”** means Standard Operating Procedures issued by the Authority under these Regulations from time to time.
- (o) **“Wi-Fi Hotspot”** shall have the same meaning as defined under Class licensing Registration Regulation, 2007.

2. Scope and Applicability. These Regulations shall apply to Access Providers and Class Licensing Registration licensees with the mandate to register, maintain and retain information of person(s) using data services through Wi-Fi Hotspot at public places in the manner as prescribed under these Regulations.

PART-II

Licensee's Obligation for Provision of Wi-Fi Hotspots

3. Provision of Wi-Fi Hotspot. (1) Licensee(s) shall register all the Public Wi-Fi Hotspot and maintain a list.

(2.) Licensee(s) shall ensure to observe technical expertise and arrangements as provided in Class Licensing Registration Regulation, 2007.

(3.) Licensee(s) shall retain information / data of users in the manner as prescribed under these Regulations from Public Wi-Fi Hotspot at the time of extending facility of using data services to general public.

(4.) Licensee(s) shall make available the retained information of Wi-Fi Hotspot's consumer to the Authority or its authorized officer(s) as and when required.

(5.) Licensee(s) shall devise a mechanism Public Wi-Fi Hotspot wherein following minimum information shall be required from the users of Wi-Fi Hotspot an automated mechanism:

- i. Full name of the user
- ii. CNIC number /passport numbers (in case of foreigners)
- iii. Mobile number [*shall be used as Login ID*]
- iv. Acceptance of Terms and Conditions to use of such Data Services facilities
- v. Generation of password through SMS

PART-III

Maintaining log(s) and retention of consumer information

4. Retention of information of consumer.____ The owner of Public Wi-Fi Hotspot shall maintain a log of following information of the users for minimum **six (06) months**.

- i) Full Name of user
- ii) CNIC number/passport numbers (in case of foreigners)
- iii) Mobile Number
- iv) Date & time of login
- v) Date & time of logoff
- vi) IP address allocated to the user
- vii) MAC Address
- viii) Internet Access Log (e.g. Http, POP, IMAP, Skype, etc)

PART-IV

Miscellaneous Provision

5. Awareness Campaign.____ Licensee(s) shall carry out a media campaign to create awareness amongst the existing Public Wi-Fi Hotspot to make requisite arrangements for compliance of these regulations, within three (3) months of the notification of these regulations.

6. Implementation of these Regulations.____ (1) Licensee(s) is required to make all necessary arrangements (if any) to ensure the overall implementation of these Regulations in true spirit.

(2) In case of non-compliance of these regulations the Data Services provided by the licensees to Public Wi-Fi Hotspot shall be terminated / disconnected.

(3) The licensees shall comply with all regulations, decisions, guidelines, procedures and instructions issued by the Authority for the establishment of Wi-Fi Hotspot as well as facilitation to the consumer including all applicable law time being in force in Pakistan.

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