

# Country Report: Biometric Identity, SIM Card Registration, and Telecoms in Tanzania



Digital Agenda for Tanzania Initiative

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DA4TI is a non-profit, non-governmental, non-political, and non-religious organization founded in 2021. The organization's primary objective is the creation of an unencumbered digital society in the areas of digital literacy, digital rights, digital inclusion, digital safety, digital peace, entrepreneurship, and technopreneurship.

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## Executive Summary

**This report focuses on Tanzania and is produced by Digital Agenda for Tanzania Initiative as part of a multi-region research seeking to identify and compare the state of biometrics and digital identity threats, usage, and impact in Africa, the Balkans, Central Asia, Latin America and the Caribbean, and South and Southeast Asia.**

Digital Agenda for Tanzania Initiative (DA4TI) has conducted an analysis and review of legal framework and practices surrounding the implementation of biometric digital identity (BDI) programs in Jamhuri ya Muungano wa Tanzania (United Republic of Tanzania or Tanzania). Since 2013, the country has upgraded its legal identification processes to encompass digital technologies, including biometric technology, and promote their interconnected use for the delivery of public and private services, including mobile connectivity.

Tanzania is recognized for its significant success in facilitating its citizenry to acquire biometric digital IDs and subsequently interfacing its digital ID system with 74 public and private institutions to promote various goals and objectives, such as crime prevention, social protection, and financial inclusion.<sup>1</sup> Integral to this report is the government's push for mobile-based digital identity leveraging mobile network operators (MNOs) capacities. Specifically, the linkage of legal identification with compulsory biometric SIM card registration initiatives remains a core goal of the National Identification Authority (NIDA).<sup>2</sup> These contextual realities inform the report's focus on MNOs given their role in expanding mobile connectivity through SIM card issuance and ensuring respect for digital rights in Tanzania.

Using the research method of qualitative content analysis, the report concludes that there are deficiencies in the development and implementation of Tanzania's legal framework. In turn, these have allowed Tanzanian MNOs to undermine individuals' right to privacy, consequently leading to their failure to respect digital rights. The report's key findings are summarized below and explored in more detail in the report.

## Key Findings

This report identifies core weaknesses in Tanzania's legal framework that have led to MNOs advertent or inadvertent failure to respect the right to privacy and data protection:

1. Presentation by Director General of the National Identification Authority, Ismail Hassan Rumatila, during the 2023 ID4 Africa conference.

2. The NIDA is responsible for the registration and issuance of National Identification Cards to Tanzanian citizens and legal residents. See: <https://procedures.tic.go.tz/objective/380?l=en>.

- **Finding 1:** The Tanzanian government's continuing failure to establish a data protection authority has left room for MNOs handling BDI data to interpret the data protection law on their own, thus undermining the principle of legal certainty.
- **Finding 2:** An ongoing failure by MNOs in Tanzania to provide comprehensive and transparent privacy policies results in non-compliance with the requirement for transparent data processing and violation of data subjects' right to be informed.
- **Finding 3:** Strengthening of a disproportionate surveillance ecosystem resulting from legal requirements for MNOs to submit SIM card databases and support information disclosures to the government.

The report concludes with several recommendations as to how telecommunications (telecoms) companies and the government of Tanzania can leverage the legal framework to promote individual's digital rights.

## Key Recommendations

- **Tanzania's six licensed mobile network operators are urged to:**

Comply with the UN Guiding Principles on Business and Human Rights and Tanzania's 2022 Personal Data Protection Act to protect subscribers' right to privacy and data protection.

- **The Government of Tanzania is urged to:**

Operationalize the 2022 Personal Data Protection Act by establishing the Personal Data Protection Commission (the Commission).

- **Civil society actors in Tanzania are urged to:**

Organize advocacy and awareness campaigns to educate public and policymakers about the centrality of privacy and data protection to BDI programs.

- **Digital rights researchers in Tanzania are urged to:**

Conduct extensive research on the effectiveness of Tanzania's legal and enforcement framework to identify gaps/weaknesses and propose solutions for a privacy-centric BDI ecosystem, with a specific focus on persons with disabilities and the elderly.

The report findings serve as a call to action for stakeholders in Tanzania, highlighting the urgent need to address privacy risks and harms arising from linking BDI systems with SIM card registration drives. We hope this report will be useful in bridging the gaps, creating harmonization in the legal framework, and supporting efforts to raise awareness of digital rights in Tanzania.



## Introduction

The World Bank (WB) and the United Nations (UN) assert that foundational and functional digital identification (ID) systems relying on biometrics for authentication and verification are critical for development goals and access to legal identity, in furtherance of the Sustainable Development Goals (SDGs).<sup>3</sup> Tanzania is touted as the birthplace of the ID4Africa drive and joins the ranks of African nations that are pursuing foundational ID reforms as part of digital economy and digital transformation efforts.<sup>4</sup>

During the 2022 parliamentary budget session, ICT Minister, Mr. Nape Nnauye, highlighted Tanzania's commitment to developing a digital economy, starting from the 2022/2023 financial year. The digital economy encompasses various sectors and digital services, including ICT and telecommunications (telecoms), and aims to enhance Tanzania's digital transformation efforts, address identity theft, fraud, and counterfeiting of official documents, enhance tax collection, facilitate border control, fight corruption, and improve service delivery.<sup>5</sup>

Notably, the success of these data revolution and digital economy projects is heavily dependent on state-state and public-private sector partnerships, and the real-time collection and processing of personal and sensitive personal data, including biometric data. Generally, biometrics in digital ID systems (BDI) add a layer of protection and help government and private sector entities to address fraudulent transactions. Biometric digital identities are also touted for their ability to enhance privacy by providing more secure and accurate identification, reducing the need to disclose personal information repeatedly.<sup>6</sup>

Conversely, BDI projects raise privacy, safety, and security concerns, with implications for individuals' rights to personal data protection and free expression, particularly in the absence of robust legal safeguards. Biometric digital identities threaten privacy if robust security measures are not implemented, and if the integrity and confidentiality of information is not prioritized.<sup>7</sup> For example, the hacking of centralized biometric ID systems can create situations of continuous and irreparable harm for individuals, online and offline, through the unauthorized acquisition and use of personal data for fraudulent purposes such as identity theft and impersonation.

Additionally, BDI systems are increasingly being used for mass public surveillance with centralized biometric databases enabling the state to deploy more efficient identification and tracking efforts. Specifically, the state can easily collect extensive details about its citizenry and cross-reference this data with other state and private databases, such as SIM card databases, thus increasing the potential for intrusive surveillance practices and encroachments of personal privacy and civil liberties.<sup>8</sup>

<sup>3</sup> World Bank, 'Digital IDs for Development: Access to Identity and Services for All,' <https://openknowledge.worldbank.org/handle/10986/22297>, accessed 15/01/2023.

<sup>4</sup> ID4Africa, 'EP9: Tanzania's Identity Ecosystem,' <https://www.youtube.com/watch?v=MOTFgLOwH7A>, accessed 10/02/2023.

<sup>5</sup> Other sectors include: e-Business, e-Commerce, e-Agriculture, e-Education, eHealth, e-Transport, e-Tourism, e-Manufacturing, e-Financial services, e-Taxation. Wasafi Media, 'Speech of the Ministry of ICT by Minister Nape Nnauye,' <https://www.youtube.com/live/DI-MePS7Xil-Y?feature=share>, accessed 15/02/2023.

<sup>6</sup> Avast Academy, 'What Is Biometrics and How Secure Is Biometric Data?' <https://www.avast.com/c-what-is-biometric-data>, accessed 15/05/2023.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

## Rationale: Focus on Telecoms Sector

International law, including human rights law, encourages the establishment of robust legal safeguards and a proportionate balance between mobile-based digital identity developments and the promotion of and respect for the rights to privacy and data protection, online and offline. Under international human rights law business enterprises, including telecoms operators, have a responsibility to respect human rights, whereas states are obliged to protect, promote, and fulfil human rights.<sup>9</sup>

The 2022 Telecom Giants Scorecard (Scorecard) by Ranking Digital Rights specifically pointed out to telecoms entities given their ability to “perpetuate the same digital rights harms [as Big Tech companies] while facing far less scrutiny.”<sup>10</sup> RDR emphasized that telecoms “hold the key to securing our human rights in the digital realm”<sup>11</sup> necessitating monitoring to hold them accountable.

This report focuses on Tanzania’ mobile network operators (MNOs) which fall under the broader ‘telecoms’ umbrella. MNOs are integral to securing digital rights, specifically the right to privacy, as they build, operate, and manage mobile networks that enable cellular connectivity and “empower people with an ever-growing range of life-enhancing services.”<sup>12</sup>

Generally, MNOs provide services such as voice calls, text messaging (SMS), mobile internet access, whereas some offer value-added services such as mobile payment solutions (e.g., mobile money), mobile apps, and content services. MNOs provide SIM cards and manage mobile subscriber databases. SIM cards allow the “[authentication of] the [users mobile] device on the network and identify the user,” and can be used as a secure element to safely store users’ identification data.<sup>13</sup>

*Table 1: Tanzania’s Mobile Ecosystem*<sup>14</sup>

### Mobile Network Operators and Subscriber Data

- Mobile Network Operators: According to the March 2023 ‘Communication Statistics’ published by the Tanzania Communications Regulatory Authority (TCRA), there

9 OHCHR, ‘Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework (The Ruggie Principles) - A/HRC/17/31,’ [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf) accessed 12/05/2023.

10 Big Tech companies “is a term that refers to the most dominant and largest technology companies in their respective sectors.” See: TechTarget, ‘What is Big Tech?’ <https://www.techtarget.com/whatis/definition/Big-Tech> , accessed 20/04/2023. Also: RDR, ‘Executive Summary of the Ranking Digital Rights Telecom Giants Scorecard 2022,’ <https://rankingdigitalrights.org/tgs22/executive-summary> accessed 11/02/2023

11 RDR, *Ibid*.

12 GSMA, ‘Mobile Policy Handbook,’ <https://www.gsma.com/publicpolicy/wp-content/uploads/2022/03/Mobile-Policy-Handbook-2022.pdf>, accessed 11/02/2023.

13 GSMA, ‘Regulatory and Policy Trends Impacting Digital Identity and the Role of Mobile,’ <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/10/Regulatory-and-policy-trends-impacting-Digital-Identity-and-the-role-of-mobile.pdf>, accessed 12/06/2023. See also TechTarget, ‘Mobile Service Provider,’ <https://www.techtarget.com/searchmobilecomputing/definition/Mobile-service-provider> , accessed 12/06/2023.

14 TCRA, ‘Communication Statics (March 2023),’

[https://www.tcra.go.tz/uploads/text-editor/files/Communication%20Statistics%20for%20Q3%202023\\_1686058767.pdf](https://www.tcra.go.tz/uploads/text-editor/files/Communication%20Statistics%20for%20Q3%202023_1686058767.pdf) , accessed 12/06/2023.

are **6 recognized mobile operators in Tanzania**. These include:

- **Vodacom:** the largest MNO in Tanzania, with a 30% market share.
  - **Airtel:** 2nd largest MNO in Tanzania, with a 28% market share.
  - **TIGO:** 3rd largest MNO in Tanzania, with a 27% market share.
  - **Halotel:** 4th largest MNO in Tanzania, with a 13% market share.
  - **TTCL & Smile:** 5th and 6th largest MNOs in Tanzania respectively, with a combined market share of 2%.
- 
- **Number of Mobile Subscribers:** The number of active mobile subscribers in Tanzania is based on a count of active SIM cards. According to TCRA's March 2023 statistics, Tanzania has 61.9 million subscribers, evidencing a 1.2% increase compared to 60.3 million subscriptions in December 2022.

In 2018, the Tanzanian government mandated citizens to re-register their mobile SIM cards using biometric authentication and national ID cards issued by NIDA under the Electronic and Postal Communications Act (EPOCA) and the EPOCA (SIM Card) regulations.<sup>15</sup> Concerningly, the mandate for biometric registered SIM cards has had a major impact on Tanzania's digital and legal landscape, leading to increased concerns about infringements on the right to privacy for an estimated 31.1 million users.<sup>16</sup>

The Tanzania Communications Regulatory Authority (TCRA) - the regulatory body responsible for overseeing the telecommunications industry in Tanzania - has set various registration deadlines for the biometric SIM card re-registration process. These commenced in 2019, with the most recent announcement being issued on January 5, 2023.<sup>17</sup> These deadlines have been accompanied with warnings of SIM card deactivation, leading CSOs to decry these threats for negatively impacting Tanzania's universal and equal access drives, and individuals' ability to exercise their rights to freedom of expression and access to information.<sup>18</sup>

This report emphasizes MNOs' obligations to respect digital rights as they expand mobile connectivity through biometric SIM card drives, and as they support government-led efforts to entrench foundational BDI programs.

<sup>15</sup> EPOCA 2010,

[https://www.tcra.go.tz/uploads/documents/sw-1670493092-The%20Electronic%20and%20Postal%20Communications%20Act%20R\\_E%202022.pdf](https://www.tcra.go.tz/uploads/documents/sw-1670493092-The%20Electronic%20and%20Postal%20Communications%20Act%20R_E%202022.pdf), accessed 12/06/2023.

<sup>16</sup> The Citizen, 'TCRA: Digital economy growth on track as internet use expands,' <https://www.thecitizen.co.tz/tanzania/news/national/tcra-digital-economy-growth-on-track-as-internet-use-expands-3998392>, accessed 11/02/2023.

<sup>17</sup> AfricaPress, 'Over 60m simcards verified as deadline looms - Tanzania (africa-press.net),' [Over 60m simcards verified as deadline looms - Tanzania \(africa-press.net\)](https://www.africa-press.net/over-60m-simcards-verified-as-deadline-looms-tanzania), accessed 11/02/2023.

<sup>18</sup> ARTICLE 19, 'Tanzania: SIM card deactivation poses a significant threat to freedom of expression,' <https://www.article19.org/resources/tanzania-sim-card-deactivation-poses-a-significant-threat-to-freedom-of-expression/>, accessed 02/06/2023.



## Methodology

**Table 2:** Research Topic and Research Questions (by DA4TI & Researcher)

Research Topic	eCitizenry in the Digital Economy: Locating the Right to Privacy in Tanzania.
Research Question	Does Tanzania's legal framework influence telecoms to respect the right to privacy?

This report is the result of desk research relying on the qualitative content analysis research method. This involved a review of relevant sources and materials examining Tanzania's BDI ecosystem and the link between BDI and SIM Card registration drives, as well as how Tanzania's legal framework has influenced MNOs to promote or suppress digital rights.

Specifically, the report is based on analysis and review of Tanzania's legal frameworks (laws, regulations, and policies). These frameworks were compared and analyzed against similar legal/regulatory provisions in other African jurisdictions and local, regional, and international case law. The practices of telecoms were analyzed using an existing body of publicly accessible knowledge sourced from relevant reports, articles, websites, print and video news sources. Findings include public statements made by government officials and telecoms officials in their professional capacity.

## Research Limitations

This research report was limited by the following:

- Limited access to transparency reporting information: there is a general lack of transparency reporting by telecom operators and government in this area resulting in most of the report findings being sourced from publicly available data. This limited the depth and breadth of the research.
- Assumptions in sources: this report relied on publicly accessible material, some of which contains assumptions of respective authors in their individual and professional capacities.
- Inability to engage telecoms officials and government representatives: this qualitative desk review marginally benefited from primary data sourced from telecoms officials and government representatives, either due to unavailability or a lack of willingness to provide information. This prevented the researchers from obtaining more accurate information about the privacy, safety and security measures deployed to protect biometric SIM card databases and users' biometric data.

## Abbreviations

BDI	Biometrics and Digital Identity
EPOCA	Electronic and Postal Communications Act
ICT	Information and Communications Technology
ID4Africa	Identity for All in Africa
ISO	International Organization for Standardization
GIF	Greater Internet Freedom
MoU	Memorandum of Understanding
NEC	National Electoral Committee
NIDA	National Identification Authority
NIN	National Identification Number
PDPA	Personal Data Protection Act, 2022
SIM	Subscriber Identity Module
TCRA	Tanzania Communication Regulatory Authority

# Overview of Tanzania's Biometrics and Digital Identity Systems

## Tanzania's Foundational Digital ID

Tanzania's BDI program was introduced in 2013 and ID cards started being issued in 2016.<sup>19</sup> Tanzania had an estimated population of 61.7 million people in August 2022, out of whom an estimated 20.13 million individuals have registered with the National Identification Authority (NIDA), and at least 10.7 million applicants received ID cards.<sup>20</sup>

Under the Registration and Identification of Persons Act (RIPA) (1986), every citizen of Tanzania who has attained the age of 18 years is required to apply for a national identity card (NIDA ID Card).<sup>21</sup> The NIDA ID means 'an Identity Card or National Identification Number which is also known by its acronym as "NIN", which can only be issued by NIDA.<sup>22</sup>

The RIPA mandates the use of biometric technology, such as fingerprints and facial recognition in the registration process. It also provides for the issuance of national identification numbers (NIN), which are unique numbers assigned to everyone for the purpose of identification.<sup>23</sup> The issuance of national identity cards is also governed by other legal provisions, including the Citizenship Act,<sup>24</sup> the Passports and Travel Documents Act,<sup>25</sup> and the National Election Act.<sup>26</sup>

When Tanzanian citizens register for a NIDA ID card, they are required to complete a NIDA application form via the NIDA Online<sup>27</sup> service. Applicants must then take their duly filled and printed application.

19 Kapiyo V, 'Towards Effective Biometrics and Digital Identity Systems in Africa,' <https://cijpesa.org/2022/12/towards-an-effective-biometrics-and-digital-identity-system-in-africa/>, accessed 07/04/2023.

20 See: World Bank, 'Tanzania: Overview,' <https://www.worldbank.org/en/country/tanzania/overview>, accessed 07/04/2023. Also: The Citizen, 'Tanzania lays the groundwork for issuing universal ID,' <https://www.thecitizen.co.tz/tanzania/news/national/tanzania-lays-the-groundwork-for-issuing-universal-id-4251776>, accessed 12/06/2023.

21 The RIPA, 1986 came into force through its publication in the Government Gazette Notice No 257A of 2011, and the NIDA was established through a 2008 presidential mandate. See: RIA, 'Tanzania: NIDA IDs for civic services, or not?,' <https://researchictafrica.net/2021/07/16/tanzania-nida-ids-for-civic-services-or-not/>, accessed 12/06/2023.

22 EPOCA (SIM Card Registration) Regulations 2020, [https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20\(SIM%20Card%20Registration\)%20Regulations,%202020.pdf](https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20(SIM%20Card%20Registration)%20Regulations,%202020.pdf), accessed 12/06/2023.

23 Sections 5 & 6 of the RIPA Act & 2014 Regulation.  
24 Tanzania Citizenship Act, CAP 357 (Revised Edition of 2002), <https://dignitykwanza.org/doc/6.pdf>, accessed 12/06/2023.

25 Tanzania Passports and Travel Documents Act CAP 42 (amended in 2018), [https://www.parliament.go.tz/polis/uploads/bills/1542976722-BILL%20WRITTEN%20LAWS%20\(MISCELLANEOUS%20AMENDMENTS\)\(NO.4\)%20ACT,%202018%20\(SPECIAL%20BILL%20SUPPLEMENT\).pdf](https://www.parliament.go.tz/polis/uploads/bills/1542976722-BILL%20WRITTEN%20LAWS%20(MISCELLANEOUS%20AMENDMENTS)(NO.4)%20ACT,%202018%20(SPECIAL%20BILL%20SUPPLEMENT).pdf), accessed 12/06/2023

26. The National Election Act CAP 343 (revised in 2015), [https://www.nec.go.tz/uploads/documents/en/1506507832-The%20National%20Election%20Act%20\(CAP%20343\)%20Revised%202015\).pdf](https://www.nec.go.tz/uploads/documents/en/1506507832-The%20National%20Election%20Act%20(CAP%20343)%20Revised%202015).pdf), accessed 12/06/2023.

27 Online Application for Tanzania e-National ID, <https://eonline.nida.go.tz/>, accessed 12/06/2023. See also: The Citizen, 'Nida introduces online application for national IDs,' <https://www.thecitizen.co.tz/tanzania/news/national/nida-introduces-online-application-for-national-ids-4063580>, accessed 12/06/2023.

form to the local government authority to confirm residency, and subsequently to the district office in the applicant’s area of residence to complete the procedure, alongside providing other supporting documentation (see Table 3 below).<sup>28</sup>

It is at this stage that biometric data capture and enrollment, i.e. the capture of facial images and fingerprints from all ten fingers, take place. For fingerprint data capture, the NIDA uses fingerprint scanners but only one fingerprint is used for verification.<sup>29</sup> For individuals without readable fingerprints, an alternative procedure is provided.

*Table 3: Information Collected to Support Registration for Citizens and Aliens*

<b>Citizens</b>	<b>Aliens</b>
Birth certificates/proof of birth,	Birth Certificate/passport
Birth certificate/Passport/affidavit of birth/written evidence of birth of either or both parents/grandparents,	Residents permit
Primary School Leaving Certificate or Form Four Leaving Certificate,	Refugee ID card/ration card
Voter’s Card or Driver’s licence	Such other information as the minister may direct
Confirmation of residential addresses	
Such other information as the minister may direct	

NIDA is empowered to establish and maintain a centralized database of biometric and biographic information of citizens. Although individuals’ personal and sensitive personal information is collected in countrywide regional offices, this data is deduplicated centrally at NIDA’s database and subsequently stored in its centralized database. The database is used as a verification point for other entities that need to issue other forms of legal identification or as a biometric authentication point prior to the provision of services, such as obtaining of a SIM card.

The credential issued to an applicant is the national ID contactless smartcard, containing a unique 20-digit NIN.<sup>30</sup> The NIN/NIDA card had an initial validity period of 10 years, but the government has suspended the expiration dates of the cards from February 2023.<sup>31</sup> On May 30, 2023, reports emerged that Parliament was deliberating amendments to the RIPA to facilitate the establishment of a Universal National Identification Card (ID), which is intended to create a single ID document, and eliminate other documents such as the voter ID card and the driving license.<sup>32</sup>

28 NIDA, ‘Obtain Identification Card (Citizens),’ <https://procedures.tic.go.tz/procedure/412/step/1722?l=en>, accessed 12/05/2023.

29 ID4Africa, ‘EP9: Tanzania’s Identity Ecosystem,’ <https://www.youtube.com/watch?v=MOTFgLQwH7A>, accessed 10/02/2023.

30 NIDA, ‘Tanzania’s Digital ID Ecosystem Roadmap,’ [https://www.id4africa.com/2018\\_event/Presentations/PS2/1-2-2\\_Tanzania\\_Alphonse\\_Malibiche.pdf](https://www.id4africa.com/2018_event/Presentations/PS2/1-2-2_Tanzania_Alphonse_Malibiche.pdf), accessed 12/05/2023.

31 Minister of Home Affairs Hamad announced the suspension on Feb 21, 2023. The Citizen, ‘Why removing expiry date from national IDs was long overdue,’ <https://www.thecitizen.co.tz/tanzania/news/national/why-removing-expiry-date-from-national-ids-was-long-overdue-4134572>, accessed 23/02/2023.

32 The Citizen, ‘Tanzania lays the groundwork for issuing universal ID,’ <https://www.thecitizen.co.tz/tanzania/news/national/tanzania-lays-the-groundwork-for-issuing-universal-id-4251776>, accessed 12/06/2023.



## Voter Identity Cards

The voter registration and identification in Tanzania is governed by the 1985 National Electoral Commission Act, and the 1985 Elections Act (both amended in 2015), and subsidiary regulation.<sup>33</sup> These laws provide the procedure for voter registration, including permitting the National Electoral Committee (NEC) to collect biometric data and use biometric technology for voter identification and verification.

NEC collects fingerprint and facial image data for all new voters and updates the biometric data of existing voters. The biometric data collected during voter registration is used to create a biometric database of registered voters. As of December 2020, the number of registered voters in Tanzania increased to 29.754 million.<sup>34</sup> Under a NIDA-NEC partnership, the NIDA can access the NEC's biometric voter database to support NIDA's registration and issuance of national IDs.<sup>35</sup>

## SIM Cards

Tanzania's foundational, biometric, national ID program is linked to individuals' ability to use mobile connectivity services. To drive the use case of the national ID system in Tanzania, the TCRA set out a SIM registration target requiring "all telecommunication subscribers to register their mobile SIM cards with a national ID using biometric authentication."<sup>36</sup> This is further mandated under the 2020 EPOCA (SIM Card Registration) Regulations.<sup>37</sup>

To register for a SIM card, citizens are required to submit their NIN/NIDA ID card, whereas foreigners should provide their passports. A SIM registration agent captures the NIN or passport and scans the individual's fingerprint. For company and institutional SIM registrations, a representative must submit their personal biometrics on behalf of the entity.<sup>38</sup> Telecoms are allowed by law to collect any other information they may deem necessary for SIM card registration.<sup>39</sup>

The registration agent will then verify and authenticate the customer's identity against data in the NIDA database. In Tanzania, MNOs maintain subscribers' databases containing the data they collect during biometric registration drives and data from NIDA's ID database.<sup>40</sup> MNOs databases contain the following information: the subscriber's phone number, name, date of birth, gender, address, alternative phone numbers (if available), NIN, passport, driving license, student card, voter registration card, or a letter from a local government official. MNOs do not store the collected fingerprints in their databases. MNOs are mandated to submit the subscribers' database in their possession to the TCRA once a month.<sup>41</sup>

33 Tanzanian Judiciary, 'Legislation,' <https://tanzlii.org/legislation/>, accessed 12/06/2023.

34 International Foundation for Electors Systems, 'Election Guide: Tanzania,' <https://www.electionguide.org/countries/id/211/>, accessed 12/06/2023.

35 The Citizen, 'NEC ready to share database with Nida,' <https://www.thecitizen.co.tz/tanzania/news/national/nec-ready-to-share-database-with-nida-2551538>, accessed 11/06/2023.

36 FSDT, 'Digital Identity in Tanzania,' [https://www.id4africa.com/2019\\_event/presentations/inF14/4-Juliet-Kiluwa-FSDT.pdf](https://www.id4africa.com/2019_event/presentations/inF14/4-Juliet-Kiluwa-FSDT.pdf), accessed 11/06/2023.

37 EPOCA (SIM Card Registration) Regulations GN No. 112 (2020), [https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20\(SIM%20Card%20Registration\)%20Regulations.%202020.pdf](https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20(SIM%20Card%20Registration)%20Regulations.%202020.pdf), accessed 12/05/2023.

38 Section 5 of the EPOCA (SIM Card Registration) Regulations. For more on the different user categories and requirements, see: Vodacom, 'SIM Registration,' <https://vodacom.co.tz/sim-registration>, accessed 12/02/2023.

39 Section 93 of the EPOCA.

40 Sections 4(2)(b) & 5(1)(iii) of the EPOCA (SIM Card Registration) Regulations.

41 Sections 7 & 91 of the EPOCA (SIM Card Registration) Regulations.

## Results/Analysis: MNOs, Right to Privacy, and Tanzania's Legal Framework

Several legal instruments have been enacted in Tanzania to manage the implementation and operation of BDI systems and SIM card registration processes. These laws encourage MNOs to respect the right to privacy and personal security as enshrined under Article 16 of the Constitution of Tanzania.<sup>42</sup> Notably, Tanzania's Personal Data Protection Act (PDPA) came into force on May 1, 2023, but the data protection authority has not yet been constituted.<sup>43</sup>

Table 4: Summary of Legal Framework

Legal instrument	Purpose
The Registration, Insolvency and Trusteeship Agency Act, 2002	Establishes the Registration, Insolvency and Trusteeship Agency (RITA) which is responsible for issuing birth certificates and maintaining a national identification database.
The Registration and Identification of Persons Act	Establishes the National Identification Authority and allows for the implementation of biometric registration systems in Tanzania.
The National Electoral Commission Act, 1985:	Provides for the collection of biometric data, including fingerprints, for the purpose of voter registration and the conduct of elections.
The Immigration Act, 2017:	This act provides for the collection of biometric data, including fingerprints and photographs, for the purpose of issuing immigration documents such as passports and visas.
The Electronic and Postal Communications Act, 2010 (EPOCA), including the SIM card Regulations	regulates the electronic communications and postal services sectors. The main purpose of EPOCA is to create a legal framework for the provision of electronic communications and postal services in Tanzania
Tanzania Communications Regulatory Authority Act, 2003 (TCRA),	to promote and regulate the communications sector in Tanzania, including telecommunications, broadcasting, and postal services.
The The Cybercrimes Act, 2015	Establishes the Cybercrime Unit within the Tanzania Police Force as the lead agency responsible for the investigation and prosecution of cybercrime offenses. The Act also establishes the National Computer Emergency Response Team (CERT) as the agency responsible for responding to cyber incidents and coordinating the national response to cyber threats.
The Personal Data Protection Act No. 11(In Swahili)	Procedures for processing personal data, obligations for data collectors and processors, and rights of data subjects.
The Consumer Protection Act, 2001,	provide a legal framework for the protection of consumers against unfair trade practices and to provide for their rights to receive accurate and truthful information about goods and services.
The Tanzania Information and Communication Technologies Policy, 2016,	sets out the government's vision and objectives for the development of the ICT sector in Tanzania. The main purpose of the policy is to promote the use of ICTs to support economic growth and social development in Tanzania.
The Electronic Transaction Act, 2022	provide for the legal recognition of electronic transactions, the use of information and communication technologies in collection of evidence, admissibility of electronic evidence, to provide for the facilitation of use of secure electronic signatures;

### Finding 1: Failure to Establish Data Protection Authority Affecting Legal Certainty

This report acknowledges that Tanzania's 2022 PDPA is in its nascent stages, having only come into force in May 2023. Despite this, we note that the failure to establish the Personal Data Protection Commission (the Commission), Tanzania's data protection authority, contributes to legal uncertainty

<sup>42</sup> The Constitution of Tanzania, [https://www.constituteproject.org/constitution/Tanzania\\_2005?lang=en](https://www.constituteproject.org/constitution/Tanzania_2005?lang=en), accessed 12/06/2023.

<sup>43</sup> Personal Data Protection Act 11 of 2022, <https://abcattorneys.co.tz/wp-content/uploads/2023/05/Personal-Data-Protection-Act-of-Tanzania-Sheria-ya-Ulinzi-wa-Taarifa-Binafsi-Tanzania-2022-ABC-Attorneys.pdf>, accessed 12/03/2023.

regarding the safe and secure processing of personal and biometric data in Tanzania. This failure also prevents MNOs, in their capacities as data controllers/processors, from registering as data controllers or processors under the PDPA, impacting their actual application of responsible and sustainable practices for handling personal data.

The failure to establish Tanzania's Commission effectively translates into an enforcement gap of the PDPA, with data subjects being unable to exercise their right to lodge complaints against data controllers/processors who have violated the principles of data protection. As flagged in the 'Personal Data Protection Guidelines for Africa', DPAs play a central role in "clarifying, communicating, monitoring and enforcing the rights of data subjects."<sup>44</sup>

In 2022, the TCRA's report on breach incidents involving SIM cards revealed the continuing practice of SIM card fraud, with 12.613 fraudulent practices being recorded between October-December 2022. During April-December 2022, a total of 2.969 complaints were lodged with TCRA, and all of them were soon marked as addressed and closed.<sup>45</sup> Unfortunately, the report does not provide more details about the nature of complaints and the TCRA decisions.

This report notes that the same practice of secrecy around security incidents or data breaches has been expressly envisaged in the PDPA, with collectors/processors only being mandated to notify the Commission. The failure to notify data subjects not only deprives individuals of the power to hold MNOs accountable for any data breaches but also fails to give effect to data subjects' right to compensation under the PDPA and the right to information under Article 18 of Tanzania's Constitution.<sup>46</sup>

## Finding 2: Inadequate Privacy Notices Impacting Informed Consent

This report observes that many MNOs in Tanzania, including Vodacom Tanzania, do not publicly disclose the collection of biometric data in their privacy policies,<sup>47</sup> nor do they provide a complete list of personal data they collect from their subscribers. MNOs failure to fully disclose the nature and extent of their data collection processes and activities that are mandated under SIM card registration drives amounts to a breach of the PDPA.

Specifically, MNOs have not satisfied the requirement for data collectors and processors to ensure that personal information is processed lawfully, fairly, and transparently under the PDPA. Further, this failure to fully disclose the processing of biometric data impacts individuals' right to be informed of data collection and processing, as well as the purpose involved. Critically, if data subjects have no knowledge

44 Internet Society & the Commission of the African Union, 'Personal Data Protection Guidelines for Africa,' [https://www.internetsociety.org/wp-content/uploads/2018/05/AUCPrivacyGuidelines\\_2018508\\_EN-1.pdf](https://www.internetsociety.org/wp-content/uploads/2018/05/AUCPrivacyGuidelines_2018508_EN-1.pdf), accessed 12/06/2023.

45 TCRA, 'Communication Statics, Quarter Ending December 2022', [www.tcra.go.tz](http://www.tcra.go.tz), accessed 12/03/2023.

46 Section 27(5) of the Sheria ya ulinzi wa taarifa binafsi Act No. 11 of 2022.

47 Vodacom Tanzania, 'Privacy Policy,' <https://vodacom.co.tz/privacy>, accessed 12/05/2023.



of what data an organization is processing about them, they are effectively being denied control over their personal and sensitive personal information.

### Finding 3: Disproportionate SIM Card Database Transfers and Information Disclosures Impacting Right to Privacy

Under the EPOCA (SIM Card Registration) Regulations, all registered MNOs are required to submit their subscribers' databases to the TCRA once a month.<sup>48</sup> This legal requirement constitutes one of the most egregious and disproportionate risks of linking SIM card registration drives and BDI processes in Tanzania. Illustratively some MNOs, such as Vodacom Tanzania, specify in their privacy policy that precise or estimated subscribers' location data may be collected, which creates a risk of data abuse or misuse.<sup>49</sup>

Notably, the purpose limitation under the PDPA mandates all data controllers and processors to clearly detail the purpose of data processing, which extends to transparency disclosures around data sharing and storage activities. This report notes that the sharing of subscribers' databases with the TCRA is not supported by transparency reporting, thereby preventing data subjects from objecting to data processing in cases when they believe that this processing leads to adverse impacts, as mandated under the PDPA.

Additionally, in relation to mandatory information disclosures by MNOs, we note that section 99 of the EPOCA obliges service providers to disclose any information received or obtained where the information is required by any law enforcement agency, courts of law, or other lawfully constituted tribunals. Further, section 22 of the 2017 EPOCA (Investigation) Regulations requires communication service providers, including MNOs, to provide full-time, and real-time access to monitoring agents, to facilitate the lawful interception of communications.<sup>50</sup>

*Table 5: Insights from MNOs & Case Law*

#### Interception Practices in Tanzania

- **Memorandum of Understanding (MoU):** An MNO representative in Tanzania commented on the existence of an MoU between their company and Tanzania's Cybercrime Unit under the Police Force. This MoU governs the collection of data involved in criminal investigations. The existence of this MoU, which is not available for public scrutiny, specifies that all requests for personal data need to be channeled through the Cyber Crime Unit. Unfortunately, there is no legal backing for this MOU, which means that a change of administration will affect its validity.
- **Other Practices:** It is not clear whether other MNO operators have a similar agreement.
- **USB Stick:** Another MNO representative in Tanzania observed that data is usually taken on a USB stick from their premises by an appointed investigating officer.
- **Spreadsheet:** Another MNO representative indicated that information is populated on a spreadsheet and handed over to the appointed investigator.

<sup>548</sup> Sections 7 & 91 of the EPOCA (SIM Card Registration) Regulations.

<sup>49</sup> *Ibid*, n.48.

<sup>50</sup> Section 22 of the EPOCA (Investigation) Regulations 2017, [https://www.dataguidance.com/sites/default/files/reg\\_epoca\\_investigation\\_regulations\\_2017.pdf](https://www.dataguidance.com/sites/default/files/reg_epoca_investigation_regulations_2017.pdf) accessed 12/05/2023.



- Result: The lack of clarity on the actual procedures used to facilitate this interception begs the question about the lawfulness of these interception activities, with notable concerns being raised about risks to individuals' privacy.
- Case Law – Finding: Even if an interception request for subscriber's data is not lawful, government demands for data will be prioritized by MNOs over individual's legal rights. Further, CSO entities seeking to challenge the lawfulness of laws permitting the interception of communication will face transparency challenges.
- *In Republic vs Halfan Hassan Bwire and 3 Others (Economic Case No. 16 of 2021) [2022] TZHCCED 1 (January 10, 2022)*: a TIGO representative was quoted saying (in relation to releasing private communications) that 'Tigo's compliance with Tanzanian authorities' demands was of a higher priority to them than a customer's data privacy.'<sup>51</sup>
- *In Lengai Ole Sabaya & 2 Others vs Director of Public Prosecution (Criminal Appeal No. 129 of 2021) [2022] TZHC 3036 (6 May 2022)*: a witness representative from Vodacom Tanzania testified that many of their clients seeking customers' data include the Institute for Prevention and Combating Corruption, the TCRA, the Bank of Tanzania, and the Tanzania Revenue Authority.

The sharing of subscribers' data with TCRA not only creates an incentive for theft by cybercriminals but can also contribute to an expansion of the state's monitoring and surveillance capacities.<sup>52</sup> These raise additional concerns about individuals' right to digital anonymity, which is integral for "curbing the chilling effects posed by the fear of reprisals or invasion of privacy."<sup>53</sup>

While this report does not conclusively arrive at the finding that the Tanzanian government has used subscribers' databases to identify, monitor, and act against citizens and foreign residents, these concerns must be framed against reports of phone monitoring. In its 2022 Country Report, the US Department of State observed the following:

*"...it was widely believed government agents monitored the telephones and correspondence of some citizens and foreign residents. The nature and extent of this practice were unknown, but due to fear of surveillance, many civil society organizations and leaders were unwilling to speak freely over the telephone."*<sup>54</sup>

## Finding 4: Inadequate Laws on Information Security

This report finds that many MNOs operating in Tanzania have integrated ISO 27001, an industry best practice to manage information security on systems.<sup>55</sup> For example, Vodacom Tanzania detailed

<sup>51</sup> *Republic vs Halfan Hassan Bwire and 3 Others (Economic Case No. 16 of 2021) [2022] TZHCCED 1 (10 January 2022)*, <https://tanzlii.org/akn/tz/judgment/tzhcced/2022/1/eng@2022-01-10>, accessed 12/06/2023.

<sup>52</sup> Institute for Security Studies, 'More questions than answers: Tanzania's mandatory SIM card registration,' <https://issafrica.org/iss-today/more-questions-than-answers-tanzania-mandatory-sim-card-registration>, accessed 11 June 2023. See also: The Citizen, 'Crime: Has sim card registration achieved objective?' <https://www.thecitizen.co.tz/tanzania/news/national/crime-has-simcard-registration-achieved-objective--2668134>, accessed 10 June 2023.

<sup>53</sup> Freedom House, 'Encryption and Anonymity in Digital Communications,' <https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Communications/FreedomHouse.pdf>, accessed 25/05/2023.

<sup>54</sup> US Department of State, '2022 Country Reports on Human Rights Practices: Tanzania,' <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/tanzania/>, accessed 12/06/2023.

<sup>55</sup> ISO, 'ISO/IEC 27001 Information security management systems,' <https://www.iso.org/standard/27001>, accessed 25/05/2023.

maintenance of ISO 27001 certification in its 2021 Annual Integrated Report.<sup>56</sup> Airtel reports obtaining the ISO 27001 certification for its 14 markets, including Tanzania in 2022, with KPMG and the British Standards Institute (BSI) providing audit support.<sup>57</sup> Various online reports reveal that other MNOs, such as TIGO, have issued calls for information security officers with knowledge of IS standards.<sup>58</sup>

Despite MNOs taking steps to mitigate data security risks, such as cybercrimes, this report notes that the legal provisions catering for the misuse of customer information and requiring MNOs to cooperate in good faith to prevent unauthorized activities during biometric SIM card registration offer insufficient safeguards for the security of personal and biometric data.<sup>59</sup>

The failure to enact a comprehensive data security legal framework mandating MNOs and SIM card registration agents to adhere to information security standards during the SIM card registration process carries significant privacy risks. Despite the requirement under the PDPA for data controllers/processors to ‘maintain a proper security system dedicated to ensuring that the data collected is not destructed, converted, accessed or processed in any way without authorization,’<sup>60</sup> this provision can only be enforced once the Commission’s office has been constituted.

56 Vodacom, ‘Vodacom Tanzania Public Limited Company Annual Integrated Report for the year ended 31 March 2021,’ <https://vodacom.co.tz/public/assets/files/Vodacom%20Tanzania%20Annual%20Report%20-%2031%20March%202021.pdf>, accessed 20/05/2023.

57 Airtel, ‘Airtel Africa PLC Sustainability Report 2022,’ <https://airtel.africa/assets/pdf/Sustainability-Report-2022.pdf>, accessed 25/10/2023.

58 Kazibongo, ‘Information Security Officer - Tigo Tanzania,’ <https://kazibongo.blogspot.com/2015/05/information-security-officer-tigo.html>, accessed 12/06/2023.

59 Section 20 of the EPOCA (SIM Card Registration) Regulations.

60 Clyde & Co, ‘Tanzania: The Personal Data Protection Act of 2022,’ <https://www.clydeco.com/en/insights/2023/02/tanzania-personal-data-protection-act-of-2022>, accessed 12/03/2023.

## Conclusion and Recommendations

This report affirms that mobile network operators in Tanzania play an integral role in supporting digital development drives, through the provision of mobile connectivity, while promoting the update of mobile-based digital identity. The linkage between SIM card registration drives and Tanzania' digital ID drives has led to increments in the number of citizens who have obtained national IDs.

However, this report highlights privacy and data protection setbacks attributed to weaknesses in Tanzania's legal framework. MNOs have failed to respect the right to privacy and data protection, as evidenced in their inadequate disclosure of biometric data collection in privacy notices. Additionally, the absence of a data protection authority facilitates MNOs continued interpretation of their varied BDI data handling processes and systems, without proper guidance. In between these advertent and inadvertent challenges, individuals find themselves facing disproportionate privacy risks and harms.

Based on this, the report proposes the following recommendations to Tanzanian MNOs, the government of Tanzania, civil society actors and researchers.

### Recommendations to MNOs

**The six licensed MNOs in Tanzania are urged to:**

- Comply with the UN Guiding Principles on Business and Human Rights and Tanzania's 2022 Personal Data Protection Act to protect subscribers' right to privacy and data protection.
- Amend privacy policies to comprehensively detail the nature and extent of collected personal and biometric data, and the measures adopted for the responsible and sustainable handling of subscribers' data.
- Prioritize a proportionate balance between government requests for data and subscribers' right to privacy by
  - Refusing to comply with any unlawful requests for individuals' subscriber data.
  - Demanding court orders or warrants of authorization prior to complying with government requests for individuals' personal data.
- Regularly publish transparency reports on MNOs obligations relating to SIM card databases, and compliance efforts.

### Recommendations to Government of Tanzania

**We urge the Government of Tanzania to:**

- Operationalize the 2022 Personal Data Protection Act by establishing the Personal Data Protection Commission (the Commission).

## Recommendations to Civil Society Actors

### We urge CSO promoting digital rights in Tanzania to:

- Organize advocacy and awareness campaigns to educate the public and policymakers about the centrality of privacy and data protection to BDI programs and SIM card registration drives that prioritize the processing of data collection.
- Engage lawmakers and parliamentary committees, and advocate for the improvement of Tanzania's legal framework on BDI, SIM card registration, and data protection.

## Recommendations to Researchers

### We urge digital rights researchers to:

- Conduct extensive research on the effectiveness of Tanzania's legal and enforcement framework, to identify gaps/weaknesses and propose solutions for a privacy-centric BDI ecosystem with a specific focus on persons with disabilities and the elderly.

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