



Unwanted Witness

Amplifying voices Changing lives

The Executive Director,
Uganda Communications Commission,
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11th June 2019

Dear Sir,

RE: PETITION TO INVESTIGATE ALLEGED WEAK PRIVACY POLICIES AND TERMS OF SERVICE BY TELECOM SERVICE PROVIDERS.

The Unwanted Witness Uganda wishes to bring to your attention the blaring compromise of consumers fundamental rights by telecom companies through their prevailing weak internal policies and terms of service.

All major voice and data service providers whose policies and terms service were reviewed by the Unwanted Witness lack protection, respect and remedy mechanisms for human rights of Ugandan consumers. Companies that had their policies reviewed include; MTN Uganda, Airtel, Africell and UTL.

We believe that business enterprises need to know and show that they respect human rights, and they can not do so unless they have certain policies and processes in place.

Customers or subscribers are legally protected under the United Nations Guiding Principles on Business and Human Rights. Particularly, principle 15 requires business enterprises to have in place policies and processes appropriate to their size and circumstances, if they are to meet their responsibility in the respect for human rights.

Unwanted Witness is petitioning the commission to evoke its powers under section 5 (j) of Uganda communications Act 2013, which mandates the commission to receive, investigate and arbitrate complaints relating to communication services and take necessary action. The commission can further institute an inquiry to review telecom policies as mandated by section 46 (1) of the UCC Act, 2013.

Unwanted Witness is deeply concerned about the personal data risks and breaches these weak conditions pose on consumers' rights especially the right to privacy as well as the integrity of the telecom companies. This is however, contrary to the purpose of the recently passed Data Protection and Privacy Act, 2019, which seeks to safeguard personal data and guarantee investor confidence for Uganda's economic transformation.

MTN Uganda, a company with the highest number of subscribers also has alarming general terms and conditions disclaiming liability for the lack of consumer's privacy.

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“MTN Uganda is not liable for any lack of privacy, which may be experienced with regard to the service. The customer hereby authorizes MTN Uganda to monitor and record calls made to MTN Uganda concerning the customer’s account, or the service and the customer further consents to the use by MTN Uganda of automatic dialing equipment to contact the customer. MTN Uganda has the right to intercept and disclose transmissions over the MTN Uganda facilities, in order to protect MTN Uganda’s rights and property.”

We thus call upon your noble office to use your mandate to evoke the law and defend the rights of citizens from being abused by these telecommunication companies with recommendations below;

1. Institute an investigation into the alleged weak consumer protection policies and terms of service for telecom companies and make the findings public.
2. Use powers under sec. 5 (k) of the UCC Act and ensure that telecom companies operating in Uganda Respect and protect human rights while doing business with clear remedies in place.
3. Enforce periodic publication of privacy transparency reports by all telecommunication companies in the country
4. UCC to provide us with an audience for a meeting where the Unwanted Witness can share our findings in regards to the weakness of telecom companies in the protection of consumer rights among others.

Its our prayer that the Commission does not transfer this petition to telecom companies but rather investigate and understand the threats to enjoyment of human rights by Ugandans.

Unwanted Witness Uganda is a civil society organization working towards enhancing the promotion, protection and respect of human rights through defending and building the right to privacy, data protection and safety and security online in Uganda for everyone to effectively exercise their constitutional rights and fundamental freedoms.

We look forward to hearing back from you and if possible to meet and share more information obtained from our policy review and also learn from the Commission.

Yours truly,

Dorothy Mukasa |
Chief Executive Officer