



# Unwanted Witness

Amplifying voices Changing lives

Uganda Human Rights Commission  
Plot No.22B Lumumba Avenue,  
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Tel: 0417735300

Hon. Meddie Mulumba  
Acting Chairperson  
Uganda Human Rights Commission,

30<sup>th</sup> November 2017

Dear Hon. Meddie Mulumba,



The Unwanted Witness Uganda (UW) is writing to you regarding the recent policy brief released by the organization titled "Unlawful SIM Card validation exercise; a threat to anonymity and privacy", a copy of which is attached to this communication. The brief details, among other issues, the role of unregulated collection of personal data in facilitating communications surveillance thus contravening article 27 of the 1995 Uganda Constitution and international human rights standards.

By way of introduction, UW is a non-partisan and not for profit Civil Society Organization seeking to promote freedom of expression, access to information and the right to privacy on the Internet. This is undertaken through research, advocacy and policy engagements, networking and synergy building.

We would like once again to bring to your attention that Government through the telecom regulator, Uganda Communication Commission (UCC) late in March 2017 enforced SIM Card validation exercise using National Identification Number (NIN) for all subscribers nationwide. As upheld by various authoritative actors including entities of the United Nations, mandatory SIM card registration disproportionately interferes with the right to privacy of citizens. In the case of Uganda the situation is further worrying given that the implementation of this policy is dependent on its national identification system, which includes the processing of biometric data of citizens.

This means that the process of SIM card registration openly links an individual's biometric data with their communication activities without any valid legal ground for processing in the first place and further without any transparency on how databases are being accessed, utilized and further processed by both government and private telecom companies.

Besides lacking legal grounds, the verification exercise vests citizens' data in custody of multiple players, both state and non-state. For a country without a comprehensive data protection law to regulate the generation, collection, storage, retention and use of data,

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as well as oversee and hold to account public and private entities as data controllers and regulators, the multiple instances of personal data gathering processes are endangering citizens' right to privacy, freedom of expression and anonymity among others.


For the reasons briefly outlined above and in more detail in our briefing attached, we are of the position that the current policy establishing mandatory SIM card registration in Uganda disproportionately interferes with the right to privacy of Ugandans and this situation must be rectified urgently. Privacy is a qualified fundamental human right whose interference must be guided by a law that meets the legitimate, necessary and proportionate principles.

Given the Uganda Human Rights Commission's constitutional mandated to promote, protect, and uphold human rights of all Ugandans, we recommend that the UHRC;

- Invoke its constitutional powers and hold the Uganda Communication Commission liable for any unlawful practices, which are directly, or indirectly infringing on Ugandan citizens' enjoyment of their right to privacy.
- Demand that Article 9 of Uganda's Regulation of Interception of Communications Act (RICA) and any other regulation in Uganda be revoked.
- Write to the parliament of the Republic of Uganda to expedite the enactment of Privacy and Data Protection law following further inclusive, open and multi-stakeholder consultation on the proposed draft to ensure it meets the highest data protection standards and is in respect with Uganda's national and international human rights obligations.
- Recognize privacy as a fundamental right under attack and as demonstrates its commitment to it by integrating it within its priority areas and reporting on it annually in its annual report before parliament.

Unwanted Witness would be happy to discuss this matter further with you, providing any support that is necessary to perform your functions regarding your mandate.

Sincerely,

  
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Dorothy Mukasa  
Team Leader