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**PART II**

**Statutory Notifications (S. R. O.)**

**GOVERNMENT OF PAKISTAN**

**PAKISTAN TELECOMMUNICATION AUTHORITY**

**NOTIFICATION**

*Islamabad, the 15th October, 2018*

**S. R. O. 1489(I)/2018.**—Pursuant to clause 5.10 of the Telecommunications Policy, 2015 issued by the Government of Pakistan read with in exercise of powers conferred under 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 Public WiFi-Hotspots Regulations, 2018**”.

(3153)

*Price : Rs. 10.00*

[7574(2018)/Ex. Gaz.]

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

2. **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) **“Customer /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 an authorization granted by the Authority under the provisions of the Act;
- (g) **“Licensee”** means holder of License ;
- (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) **“Consumer/Person”** includes both natural person;

- (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) **“Regulations”** means 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”** means a Wi- Fi Node that is attached to a fixed network and provides limited mobility access or fixed access.

3. **Scope and Applicability.**—These Regulations shall apply to Access Providers and Class Licensing and 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

4. **Registration of Wi-Fi Hotspot.**—(1) Licensee(s) shall register all the Public Wi-Fi Hotspots and maintain its list.

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

(3) Licensee(s) shall retain information/data of users/ consumers of Public Wi-Fi Hotspots, in the manner as prescribed under these Regulations.

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

(5) Licensee(s) shall devise a mechanism for data retention of Public Wi-Fi Hotspots, wherein following minimum information shall be required from the

users of Wi-Fi Hotspot, on a dedicated server, by means of an automated mechanism/ form, before access to the Wi- Fi Hotspot is granted to the user/ consumer:

- 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

5. **Retention of information of consumer.**—The Owner/ of Public Wi-Fi Hotspot shall record and maintain the Network Address Translator (NAT) Logs/Port Address Translator (PAT) logs and System Log of their Consumers/ Customers on a mandatory basis. Along with other information, following additional parameters of NAT/PAT and System Log shall be stored for minimum 12 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) Data Consumption with URLs
- (vii) MAC Address
- (viii) Internet Access Log (e.g. Http, POP, IMAP, Skype, etc.)
- (ix) Source IP Address
- (x) Source IP Port

- (xi) Translated IP Address
- (xii) Translated IP Port
- (xiii) Destination IP Address
- (xiv) Destination IP Port

#### PART-IV

#### Miscellaneous Provisions

6. **Public Awareness Campaign.**—Licensee(s) shall carry out a media campaign to create awareness amongst the public at large with regard to the use of Public Wi-Fi Hotspots within three (3) months of the notification of these regulations.

7. **Implementation of Regulations.**—(1) All Licensee(s) are required to make all necessary arrangements to ensure the 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 by the Licensee.

(3) The Licensees shall comply with all regulations, directives, standard operating procedures and instructions issued by the Authority for the establishment and data retention of Public Wi-Fi Hotspots as well as facilitation to the consumers as per applicable law for the time being in force.

8. **Confidentiality of Information.**—All Licensees or employees of Licensees shall maintain confidentiality of information about Consumers and shall ensure that no information about consumer's/customer's use of network or service is made available to any third person other than what is printed and published in the services directories, agreed by the Consumer/Customer or required by any applicable law.

[No. 92/Regs/PTA/2017.]

ERUM LATIF,  
*Deputy Director(Law & Regulations).*