

To the CEO's of Telenor Myanmar, Ooredoo Myanmar, MPT and Mytel

We are writing to express concerns and request urgent clarification regarding your role in plans to require biometric identification from people wishing to register a SIM card in Myanmar.

Privacy International (PI) is a registered charity based in London that works at the intersection of modern technologies and rights. Privacy International challenges overreaching state and corporate surveillance, so that people everywhere can have greater security and freedom through greater personal privacy.

We understand that the Post and Telecommunications Department (PTD) plans to require anyone buying a SIM to hand over their "name, left and right thumb prints, identity type, identity number and scan of identity card on both front and back sides". Additionally, the specifications continue, they may require the "father's name, date of birth and street address". We understand that prospective bidders are asked to ensure the centralised database is capable of holding up to 70 million biometric records.

As you will be aware, the processing of data, including collection, analysis, storing, sharing, must be prescribed by law. This could be data protection law or legislation passed specifically on the establishment of such a system, providing responsibilities and obligations for processing activities and limited to that strictly and demonstrably necessary to achieve a legitimate aim. That law must be accessible to the public and sufficiently clear and precise to enable persons to foresee its application and the extent of the intrusion with someone's privacy.

#### Lack of Legal Safeguards

We are concerned with the apparent desire to push ahead with the plans without sufficient legal safeguards to protect people's privacy and security.

Myanmar does not have a data protection law in place. This means that the data processing required for the creation of a biometric subscriber database would occur in a legal void, so that information collected as part of registration today could be kept for an indefinite amount of time and used for different purposes in the future, as technology, corporate incentives, or governments change.

Further, Myanmar has yet to draft laws that govern the interception of communications by law enforcement and the telecommunication law adopted in 2013 provides extensive powers to the government including to access any information and telecommunications as well as to access telecommunication services for the matters relating national defence and security or public interest.

The UN Guiding Principles on Business and Human Rights apply to all business sectors, including telecommunications. The best articulation of this framework as it applies to the telecommunications sector has been developed by the Telecommunications Industry Dialogue. Among their key [principles](#), members are urged to "conduct regular human rights impact assessments and use due diligence processes", as well as adopt strategies to "anticipate, respond and minimise the potential impact on freedom of expression and privacy".

While we note that of the telecommunications providers in Myanmar, only Telenor is a member of the Telecommunications Industry Dialogue, we again underline that all companies, regardless of their geographic location, have a responsibility to adhere to the UN Guiding Principles.

#### Request for Clarification

Given these concerns and your obligations, we ask that you answer the following questions:

- Will the company be submitting a bid?
- Does the company believe the proposed "common database" is the solution to the problem the PTD is trying to solve?
- Given the concerns, and your obligations, will you seek to minimise the potential impact on freedom of expression and privacy? If so, how?
- Will the company that ultimately provides the "common database" be responsible for data ownership?
- How long do you understand the biometric data collected under these systems be retained for?
- Will your company have access to the data contained within the database? If so, which business sections will be able to access it, and with who will it be shared?
- If the company's bid is successful, will you contract third parties in order to deliver some aspects of the system e.g. fingerprint scanners?
- If the company is unsuccessful in their bid, will you assist the winning bidder in delivering the system?
- What consideration has been given to the risks posed to your customers, especially minorities, if the biometric data was shared with other actors within Myanmar's security forces?

We thank you for your attention in this matter and look forward to your response.



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