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Company Registration Number
184676966

Dear Lucy Purdon

Thank you for your letter addressed to our former CEO, Mr. Sharad Mehrotra, dated 11 December. In your letter you express concerns regarding Telenor Myanmar's (TML) role in plans to require biometric identification from people wishing to register for a SIM card in Myanmar. Your letter also expresses concerns around the lack of legal safeguards to protect people's privacy and security, especially given that Myanmar does not currently have a data protection law in place.

Telenor is a member of the Global Network Initiative (GNI), a multi-stakeholder effort that works to address challenges related to authority requests that may limit privacy and/or freedom of expression[1]. Telenor processes government requests in accordance with the GNI principles. We follow domestic legal processes, request governments to explain the legal basis of requests and seek ways to avoid or minimise the impact of government restrictions on privacy and freedom of expression. The GNI Principles are based on internationally recognised laws and standards for human rights, including the Universal Declaration of Human Rights and the UN Guiding Principles on Business and Human Rights.

We promote these principles in our engagement with stakeholders, including authorities, as part of our effort to mitigate adverse human rights impacts related to freedom of expression and right to privacy.

Please allow me to provide some background information to set the context in relation to the tender on biometric identification. As of today, there are certain requirements as per the license agreement for the operators and their distributors to register the identity of SIM card purchasers. As per the SIM Card Notification issued by Myanmar's telecoms regulator, the Posts and Telecommunications Department (PTD), to operators on 26 March 2019, National ID, Student ID, Driving License and Passport (only for foreigners) are accepted documentations for SIM registration. Occasionally, a confirmation of identity by village heads is also accepted as proof of identity. This information is stored by the respective operators. The Ministry of Transport and Communication (MoTC) has also

[1] Telenor Group joined the GNI in 2017 together with six other major telecoms companies and vendors as a result of the Telecommunications Industry Dialogue on Freedom of Expression and Privacy (the Industry Dialogue) joining forces with the GNI.

issued a directive to block unused SIM cards on 14 January 2020 to prevent misuse and improve numbering efficiency.[2]

According to the MoTC, the biometric registration tendered will be a database accessible to the four operators and PTD, with the primary objective to be able to manage the number of SIMs to two per biometric ID per operator. Operators and their distributors would then register fingerprints of purchasers up against provided proof of identity, which would theoretically allow 8 SIMs per ID or fingerprint.

Please also note that, according to the MoTC, the data in the common database will not be shared among the operators; only data belonging to each operator will be accessible to the respective operator. Data pertaining to calls will not be stored in the common database.

Ever since Telenor Myanmar received the SIM Card Notification from PTD, it has engaged in dialogue and knowledge sharing sessions with authorities to inform of good practices, in accordance with the GSMA's Policy on Mandatory Registration of Prepaid SIMs. The GSMA policy recommends that governments allow registration mechanisms that are flexible, proportionate and relevant to the specific market, including the level of official ID penetration in that market at the timing of any national identity roll-out plans.[3] The policy also outlines a set of recommendations for governments to include when considering the introduction or revision of mandatory SIM registration. To balance national security demands against the protection of citizen's rights is one of the recommendations. Your letter outlines a series of questions for Telenor Myanmar to help clarify. Please see below the response to those questions.

**Will the company be submitting a bid?**
The deadline for submitting a bid was 6 December 2019. Telenor Myanmar did not submit a bid.

**Does the company believe that proposed 'common database' is the solution to the problem the PTD is trying to solve?**
We understand that the aim of the biometric registration that the MoTC was tendering, is to limit the number of SIMs sold to customers to two per ID per operator as per PTD's SIM Card Notification directive dated March 2019. The proposed system should meet this objective. However, Telenor Myanmar continues to raise concerns for privacy in the ongoing process.

**Given the concerns, and your obligations, will you seek to minimise the potential impact on freedom of expression and privacy? If so, how?**
If collection of personal data from customers is not covered under the local law, Myanmar government must follow international obligations. To minimise the potential impact, TML plans to take the following actions:

[2] https://www.mmtimes.com/news/goverment-block-sim-cards-not-used-within-six-months.html
[3] GSMA Mobile Policy Handbook, p. 192: https://www.gsma.com/publicpolicy/mobilepolicyhandbook/wp-content/uploads/2019/01/MPH7_ENG_web_spreads.pdf

1. Legal basis:  TML will advocate to PTD to review the relevant law, regulations and licensing conditions to ensure that appropriate legal, data protection and privacy safeguards are in place for collection and management of biometric information. TML will also align with other operators to ensure that PTD carries out nation-wide information campaigns that clearly lays out the objectives, legal ground and processes and the role of operators to the customers.

2. Communication and transparency: Communicate to customers with full transparency and be clear on how the biometric data will be collected and why TML is collecting it as per the license agreement with PTD. TML will also clearly explain the nature of the data that is being collected and stored by TML, as well as the data that will be stored in the common database which PTD has access to.

TML has already taken the following steps:

1. We have completed an internal legal assessment, including privacy and human rights impacts, of the biometric database. We have also collected best practices from GSMA as well as other business units s within the Telenor Group.

2. During the most recent meeting with PTD on technical evaluation of the common database vendors, which was attended by all operators and shortlisted vendors on 16December, TML advocated to PTD for proper security measures (including privacy and personal data protection) during the system development and operation phases. TML also highlighted the need for a reliable project governance and management team to monitor ongoing data security whereby third-party evaluations/audit are performed during the system development and operation phases.

**Will the company that ultimately provides the 'common database' be responsible for data ownership?**
It is TML's understanding that PTD will be responsible for data ownership of the entire common database.

**How long do you understand the biometric data collected under these systems will be retained for?**
The RFP did not indicate for how long data will be stored.

**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?**
TML is awaiting clarifications from PTD in relation to the extent of access it will have to the data contained within the database. TML defines access as follows:

- Write access: ability to input the data
- Read access: ability to verify or retrieve the data
- Edit access: ability to modify the data
- Delete access: ability to remove the data

TML's current understanding is that operators will have the write access and a limited form of read access to the customer personal data and the biometric information. Customer biometric information fed in by operators at their Points of Sale (POSs) will be directed to the common database centrally managed by PTD via a secure channel. TML does not currently know what this channel is. The system will automatically match the biometric information to the customer personal data to determine whether the customer has reached their SIM limit. TML will not be able to retrieve the biometric information from the common database. The outcome generated by the system of whether the customer can be registered or not will feed back to operators. TML will not have access to other operators' SIM limit for a given ID, nor its own SIM limit.

According to the RFP, TML's Business Intelligence team under the Technology Group and users of TML's Customer Information Management (CIM) System under the Marketing Group have read-access to the customer information. This will be re-assessed internally before the introduction of the common database.

**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?**
TML did not bid for the contract.

**If the company is unsuccessful in their bid, will you assist the winning bidder in delivering the system?**
TML did not bid for the contract.

**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?**
The proposed system may pose risks to TML's customers in relation to personal data breach and misuse. Actions that TML will take to mitigate these risks have been outlined above in question 3. Industry alignment and advocacy to PTD could ensure there are checks and balances in place to minimise the possible adverse effects on customers.

Your sincerely

Hans Martin Henrichsen
Interim CEO
Telenor Myanmar