

What is RICA?

The Regulation of Interception of Communications and Provision of Communication-Related Information Act (RICA) is a South African law that regulates the interception of communications and associated processes such as applications for and authorisation of interception of communications. The law came into effect on 22 January 2003 when it was published in the Government Gazette of South Africa number 28075.

- It is the Face-to-Face validation of all customers that are active on the Cell C network.
- RICA allows for the lawful interception of certain communications carried over the networks of the telecommunications operators (CELL C's, Telkom, and Internet Service Providers).
- RICA also distinguishes between 'direct communications' (audible, oral communications between two or more people) and 'indirect communications' (the transfer of information including messages in the form of speech, music, data, text, visual images and signals).
- Any sim card not registered by Cell C will be de-activated.
- The sim card will only be activated once the subscriber has completed the RICA registration process
- A subscriber can de-register by calling the Cell C Contact Centre (140 from a Cell C handset) on 084 140 from another line.

What information is required to RICA?

Full Names and Surname as it appears on:

- Green bar-coded ID
- ID card (when applicable)
- Passport (check expiry date)

SA ID Number as it appears on:

- Green bar-coded ID or
- Passport number

Identity as it appears on:

- Green bar-coded ID
- Passport (check expiry date)

Address can be validated by checking:

- Bank statement
- Rates and/or electricity account
- Phone account
- TV license
- Insurance policy
- Lease agreement

Informal settlement:

- Certified address of nearest school or community centre
- Church
- Retail store
- Where person normally receives their post
- Affidavit is acceptable when if the above is not available

Copies of documents are NOT acceptable for verification purposes.

Consequences of non-compliance

The Government is taking RICA compliance very seriously. Other than the termination of service of existing contracts, there are legal consequences for non-compliance on various levels. These are:

Service provider consequences

Any service provider who fails to comply with the directives of the Act is guilty of an offence and liable on conviction to a fine not exceeding R100 000 a day on which such failure to comply continues.

Customer consequences

Any customer or person (this implies individual or company) who fails to comply with certain provisions of the Act is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Any company who does not comply with the unique company requirements with regard to record keeping is guilty of an offence and liable on conviction to a fine not exceeding R2 000 000 or to imprisonment for a period not exceeding 10 years.

Service provider, employee or RICA agent consequences

Any employee or agent of a service provider who fails to comply with certain provisions of the Act is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

More obligations for a RICA officer

It is important to note that if any employee or agent of a service provider knows or suspects that an identification document submitted for verification is false, they are required, within 24 hours, to report the matter to a police official at any police station.

Multiple Line Rules

When a new subscriber contract is registered, only the registration details of the owner of the account shall be recorded for RICA purposes – regardless of the number of lines included in the contract.

If multiple lines are included in a single account, the RICA Act requires that the owner of that account keep record of the registration details of all the users of those lines and must be able to make the registration details available to law enforcement agencies upon request.