

KENYA'S SIM REGISTRATION REGULATIONS, 2025:

A New Era for Digital Identity, Inclusion and Compliance

The Kenya Information and Communications (Registration of Telecommunications Service Subscribers) Regulations, 2025 ("the Regulations"), published through Legal Notice No. 90 of 2025, represent a landmark reform in how SIM cards and related telecom services are managed in Kenya. Enacted under the Kenya Information and Communications Act (Cap. 411A), the Regulations introduce enhanced registration protocols, stricter data protection measures and notably, a strong social inclusion agenda.

One of the most progressive features of the new regime is the formal recognition of the Refugee Identity Card as a valid identification document, marking a significant step towards equitable access and compliance with the Refugees Act (Cap 173).

KEY HIGHLIGHTS OF THE REGULATIONS

1. Restricted registration authority

Only licensed telecom operators and their approved registration agents can register subscribers. Proxy registrations are prohibited except for children (Regulations 4 and 9). This restriction enhances accountability, limits identity fraud and improves subscriber traceability.

2. Mandatory verification of identity

Operators must verify all subscriber details against government databases (Regulation 7). No registration is valid without document authentication. This verification ensures the integrity of the national subscriber registry and helps prevent fraudulent SIM registrations.

3. Special rules for children's SIM cards

Parents or legal guardians may register a SIM card on behalf of a minor. Once the child reaches 18 years, they must re-register within 90 days or the SIM will be suspended (Regulation 6).

4. Refugees can now register SIM cards

Under Regulation 5(e), refugees in Kenya holding valid Refugee Identity Cards can now legally register SIM cards. This advancement aligns with the Refugees Act (Cap 173) and upholds the rights of displaced persons to access communication services. This aims to promote digital inclusion, enhance access to mobile money and affirm Kenya's constitutional and international human rights obligations.

5. Defined identification requirements

Identification requirements are specified for various subscriber categories:

Subscriber Type	Required Documentation
Kenyan adults	National Identification Card or equivalent document
Children	Birth Certificate and Parent/ Guardian Identification Card
Refugees	Refugee Identity Card
Foreign nationals	Passport or Foreign National Registration Certificate
Corporate entities	Certificate of Incorporation
Stateless persons	Valid documentation under the Citizenship and Immigration Act, Cap 170

6. Service suspension and deactivation

Subscribers who fail to meet the registration requirements may be suspended following a formal notice. If no corrective action is taken within 90 days, the SIM will be permanently deactivated. False or misleading registration may lead to criminal sanctions, including fines up to KES 1 million, imprisonment of up to 6 months or both.

7. Data protection obligations

Telecom operators must implement robust security protocols to protect subscriber information in line with the Data Protection Act,2019. They must also report their data protection strategies to the Communications Authority of Kenya within 60 days of the Regulations coming into effect on 30th May, 2025(Regulation 19).

8. Transition period for existing subscribers

Operators have 6 months from 30th May, 2025 to bring all existing subscribers into compliance. Non-compliant subscribers must be notified and afforded an opportunity to regularize their records, failing which their services may be suspended (Regulation 21). However, subscribers retain the right to seek a review or appeal of any suspension decision before the Communications Authority of Kenya.

LEGAL AND COMMERCIAL SIGNIFICANCE

The Regulations reflect a broader policy shift towards structured digital governance, one that prioritizes transparency, accountability and the secure handling of identity data. By expanding acceptable identification documents to include refugees and stateless persons, Kenya signals its intent to foster an inclusive and rights-based digital ecosystem.

A notable feature is the formal expansion of acceptable identification documents to include underrepresented categories such as refugees and stateless persons thereby broadening lawful access to mobile and digital services. This aligns with Kenya's commitments under the Refugees Act (Cap 173) and demonstrates the government's intent to promote equitable participation in the digital economy through a clearly defined and verifiable registration system.

Equally important is the reinforced emphasis on data protection and privacy compliance. The Regulations impose strict obligations on telecommunications operators to safeguard personal data in accordance with the Data Protection Act, 2019. This includes mandatory identity verification against government databases, secure handling of subscriber records and formal reporting on privacy safeguards to the Communications Authority of Kenya.

Collectively, these provisions signal a modern regulatory approach, one that balances the need for national security, digital integrity and user trust with the imperative of universal, accountable access to communication infrastructure.

From a commercial and operational standpoint, these Regulations require telecom operators, digital platforms and service providers to reassess their data collection processes, update compliance protocols and ensure full alignment with both registration and privacy mandates. Early compliance not only mitigates legal and reputational risks but also positions organizations to lead in customer-centric, regulation-forward service delivery.

HOW CM ADVOCATES LLP'S IP & TMT UNIT CAN SUPPORT YOU

CM Advocates LLP is a leading full-service Pan-African law firm with a presence across Kenya, Uganda, Rwanda, Tanzania, Zambia, South Sudan and Ethiopia. Through our specialized Intellectual Property and Technology, Media & Telecommunications (IP & TMT) Unit, we offer sector-specific legal solutions with deep industry expertise and regulatory clarity. We are committed to supporting digital rights, innovation and regulatory compliance through practical and business-minded legal counsel. We work with telecom operators, regulators, multinationals, NGOs and digital startups across the region to navigate:

- Regulatory compliance – Tailored audits and internal policies aligned with the Regulations and other directives from the Communications Authority of Kenya.
- Data protection and privacy – Advising on compliance with the Data Protection Act, 2019 and international best practices (e.g., GDPR).
- Telecom licensing and market entry – Guidance on licensing, infrastructure sharing, frequency allocation and digital rollout strategies.
- Digital inclusion strategies – Structuring legally compliant connectivity solutions for marginalized populations including refugees and minors.
- Consumer dispute resolution – Representation in service suspension appeals, regulatory audits and enforcement proceedings.

NEED LEGAL GUIDANCE?

For strategic advisory, compliance audits or representation on the Regulations or related telecom and ICT matters, please contact:

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