THEFT OF MOBILE DEVICES AND IMPORTANCE OF RAISING AWARENESS AMONG EQUIPMENT SUPPLIERS AND USERS IN KENYA

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Workshop on techniques designed to promote harmonization of Conformance and Interoperability (C&I) regimes
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DiPLO

Agenda

1. Introduction
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3. Type approval
4. Mutual Recognition Agreements (MRAs)
5. Monitoring and combating counterfeit telecommunication/ICT mobile devices;
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Regulatory Framework

Kenya has established a regulatory framework to govern conformity and interoperability assessment activities.

- The Kenya Bureau of Standards (KEBS) is the national standards body responsible for developing and implementing standards, as well as carrying out conformity assessment procedures in the country.
- The Communications Authority of Kenya (CA) is the ICT regulatory body.

Regulatory framework

Policy	Legislation	Regulations	Guidelines

Information and Communications Technology Sector Policy Guidelines (Kenya Gazette Notice Vol. CVIII – No. 24).

Kenya Information and Communications (Amendment) Act, 2013

Importation Type Approval And Distribution Of Communications Equipment Regulations 2010

Guidelines on Minimum Features and Technical Specifications for Mobile Cellular Devices Imported into and Distributed in Kenya - June 2018

Regulatory framework: Specifications

- Static Mobile Signal Repeaters
- Digital Terrestrial Integrated Digital Television (iDTV)
- DVB-C2 Cable Television Receivers/Decoders
- DVB-S2 Satellite Television Receivers/Decoders
- DVB-T2 Digital Set Top Boxes
- Internet Protocol Television (IPTV) Set Top Boxes (STBs)

Type Approval

Criteria for type approval of devices

"All communications terminals, network equipment and communications equipment to be used for connection or access to the public operating communication networks, wireless communications equipment and radio communications equipment intended to be connected directly or to inter work with a communications network in Kenya to send, process or receive information shall prior to their use be submitted for type approval or type acceptance by the Commission (Authority)."

Type Approval

- Type Approval Application Form submitted with;
  - A letter of Agency from manufacturer or principal distributor.
  - Sample of equipment/device model, complete with associated accessories and attachments.
  - Technical Manuals (Operation, Programming, specifications) in English.
  - User Manuals in English.
  - Conformance certificates from a Regulatory Authority or accredited laboratory, Test reports and results (RF, EMC & Safety) from manufacturers or accredited testing laboratories in English.
  - A valid copy of the Authority's Licence/Compliance
  - Evidence of payment of the non-refundable Type Approval/Acceptance fee.

Mutual Recognition Agreements (MRAs)

- South Africa and Tunisia, have testing laboratories capable of testing to the requirements for type approval of radio equipment in Africa
- National Communications Authority (NCA) of Ghana has established testing facilities however not capable of testing the full range of testing required for type approval
- Kenya is currently not in a position to enter into an MRA to recognise test reports as it does not have the necessary testing facilities.
- CA carries out Type acceptance: A unilateral recognition of certificates from other bodies
- The certificates are open to verification by the Kenya National Accreditation Services (KeNAS) - this is yet to happen

Monitoring and combating counterfeit ICT mobile devices

- Importation - Importers enlist a clearing agent to process import documentation using the KenTrade Kenya TradeNet System
    - Inspection of consignments following a tip off or suspiciously low prices on invoices
- Market surveillance
    - Regular market inspections check equipment is type approved and has been legally imported into Kenya
- Collaboration
    - Anti Counterfeit Authority (ACA) - Draft Memorandum of Understanding (MoU)
    - Kenya Bureau of Standards (KeBS) - Proposed ICT equipment Laboratory
    - Kenya National Accreditation Services - Accreditation of laboratory and verification of laboratory reports

- Consumers use IMEI (International Mobile Equipment Identity) checking service launched in 2020
    - Dial *#06# to obtain IMEI and send to 1555 = receive make and model of mobile device

Device Management System

- Supreme Court Judgement 21 April 2023 - pheld the Court of Appeal judgement of 21st April 2020 thereby allowing the Authority to continue with the relevant processes aimed at implementing the System to address counterfeit, stolen and Illegal ICT Devices
- June 2023 - Kenya lawyers take Supreme Court decision on the above matter to the East Africa Court of Justice (EACJ).The case is still to be determined

Consumer Education Programme

- Brochures distributed at Exhibitions and Roadshows - Chukua Hatua campaign
    - Keep it in a safe place and out of sight
    - Only give your number to people you trust
    - Avoid using it in the street or public transport. If you need to make a call in a public place, be discreet and stand somewhere with optimum all-round vision
    - Use either a password, PIN, pattern, voice or scan to lock your phone
    - When walking alone, put your phone on 'silent' or 'vibrate only' mode so that the ring-tone does not attract attention to you
    - Be alert while walking and texting at the same time
    - Never leave your mobile phone unattended in a public place or in your car
    - If you have a Bluetooth or Wi-Fi enabled phone - install antivirus software
    - Always keep mobile-phones out of the reach of very young children
    - Avoid making easily-identifiable contact entries such as 'mum' or 'dad' so as to protect them from unwelcome calls in the event that the phone is lost or stolen
        - source:*Communications Authority of Kenya- "Your Phone and You" Brochure*

References

- Report to the Communications Authority of Kenya: ICT Equipment Conformance and Interoperability Framework Prepared by Keith Mainwaring (ITU expert)
- Walubengo, John, 1 May 2023, *Device Management System by Communication Authority: The Privacy Perspective* Available at

  https://www.kictanet.or.ke/device-management-system-by-communication-authority-the-privacy-perspective/

Thank you!

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