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## **National Communications Authority**

### *Rejoinder*

## **Misleading Consumer Privacy Breach Claims**

**Accra, 19<sup>th</sup> June, 2020:** The attention of the National Communications Authority (NCA) has been drawn to some reports on social and some mainstream media claiming a breach of privacy of consumer information. These claims are completely false.

Here are the facts: In March, 2020, the NCA requested “passive mobile positioning data logs” from Mobile Network Operators (MNOs). This allows the NCA to gather location information to assist the Ghana Health Service to map Covid19 hotspots by undertaking historical and current analysis of persons potentially infected with COVID-19 for contact tracing purposes. It is “passive” and “historical” because it is not live real-time tracking.

This is in accordance with the Establishment of Emergency Communications Systems Instrument, 2020 (E.I. 63). The Instrument required network operators or service providers to cooperate with the NCA Common Platform to provide information to State agencies in the event of a public health emergency.

The relevant sections of the law state as follows:

1. (1) “A network operator or service provider shall cooperate with the National Communications Authority Common Platform to provide information to State agencies in the case of an emergency, including a public health emergency.
1. (3) A network operator or service provider shall ensure location log files are provided to National Communications Common Platform to facilitate location-based tracking”

All MNOs i.e. AirtelTigo, Glo, MTN and Vodafone, complied with the request for information which was subsequently processed and forwarded to the Ghana Health Service for purpose as stated. There was no objection by any Party in respect of COVID-19 contact tracing data request until an application for injunction order was filed in the courts on (date). The court is expected to decide on the injunction application on June 23.

The NCA would like to assure consumers and the general public that there has been no breach of personal data and privacy in the compliance by MNOs or the MCA to the requirements of law.

### ***Issued by the National Communications Authority:***

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*Date –19<sup>th</sup> June, 2020*

### **About NCA**

*The National Communications Authority, (NCA), was established by an Act of Parliament, Act 524 in December 1996, which has been repealed and replaced by the National Communications Authority Act,*

*2008 (Act 769). The Authority is the statutory body mandated to license and to regulate electronic communication activities and services in the country.*