

No. R. 93**6 February 2009**

NOTICE IN TERMS OF SECTION 31 OF THE REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION-RELATED INFORMATION ACT, 2002 (ACT NO. 70 OF 2002): MOBILE CELLULAR OPERATORS

I, Mohamed Enver Surty, Minister of Justice and Constitutional Development, acting under section 31(1)(a) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No.70 of 2002), hereby prescribe in the Schedule the forms of assistance in the execution of a direction for which an electronic communication service provider who provides a mobile cellular service (hereinafter referred to as a “mobile cellular operator”) must be compensated and the compensation payable to a mobile cellular operator.

M. E. SURTY

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and unless the context otherwise indicates –

“**interception target**” means the origin or destination of electronic communication traffic, usually identifiable by a physical electronic communications identity number (such as an IMEI-number, MSISDN-number, IMSI-number), of a customer whose indirect communications are to be intercepted and routed to the interception centre, or whose real-time communication-related information or archived communication-related information is to be routed by a mobile cellular operator to an interception centre or provided to a law enforcement agency pursuant to a direction.

Forms of assistance and compensation

2. (1) A mobile cellular operator shall for the forms of assistance set out in Column 1 of the Tables be compensated in accordance with the tariffs mentioned in Column 2 of the Tables:

TABLE 1: ROUTING OF INDIRECT COMMUNICATIONS

Column 1 Forms of assistance	Column 2 Tariffs of compensation
(a) Identification of the interception target.	(a) For the assistance prescribed in paragraphs (a), (b), (c), (d) and (e), an all inclusive tariff of R420,00 per interception target. (b) If a direction for routing both indirect communications and real-time communication-related information, as intended in Table 2, is served on a mobile cellular operator in respect of the same interception target for the same
(b) Obtaining proof of authority to receive and proof of authority to send from the interception centre.	
(c) The activation of software or a device on the electronic communication system of the mobile cellular operator by a designated person in order to route the indirect communications	

<p>to the interception centre.</p> <p>(d) The maintenance of the interception measure for the period identified in the direction.</p> <p>(e) The de-activation of the software or device referred to in paragraph (c) on the expiry date of the direction.</p>	<p>period of time, the mobile cellular operator shall only be allowed the tariffs prescribed under paragraph (a) in respect of both directions.</p>
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TABLE 2: ROUTING OF REAL-TIME COMMUNICATION-RELATED INFORMATION DURING AN ACTIVE INTERCEPT OR IN RESPECT OF A FUTURE PERIOD OF TIME

<p>Column 1</p> <p>Forms of assistance</p>	<p>Column 2</p> <p>Tariffs of compensation</p>
<p>(a) Identification of the interception target.</p> <p>(b) Obtaining proof of authority to receive and proof of authority to send from the interception centre.</p> <p>(c) The activation of software or a device by a designated person on the electronic communication system of the mobile cellular operator in order to route the real-time communication-related information to the interception centre.</p> <p>(d) The maintenance of the interception measure for the period identified in the direction.</p> <p>(e) The de-activation of the software or device referred to in paragraph (c)</p>	<p>For the assistance prescribed in paragraphs (a), (b), (c), (d) and (e), an all inclusive tariff of R420,00 per interception target.</p>

on the expiry date of the direction.	
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TABLE 3: ROUTING OF REAL-TIME COMMUNICATION-RELATED INFORMATION

Column 1 Forms of assistance	Column 2 Tariffs of compensation
(a) Identification of the interception target.	For the assistance prescribed in paragraphs (a), (b), (c) and (d), an all inclusive tariff of R30,00 per interception target.
(b) Retrieval of the required information specified in the direction from the storage facility of the mobile cellular operator.	
(c) Obtaining proof of authority to receive and proof of authority to send from the interception centre.	
(d) The activation of software or a device by a designated person on the electronic communication system of the mobile cellular operator in order to route the archived communication-related information to the interception centre.	

TABLE 4: ROUTING OF ARCHIVED COMMUNICATION-RELATED INFORMATION

Column 1 Forms of assistance	Column 2 Tariffs of compensation
(a) Identification of the interception target.	For the assistance prescribed in paragraph (a), (b), (c) and (d), an all inclusive tariff of R40,00 per interception target.
(b) Retrieval of the required	

<p>information specified in the direction from the storage facility of the mobile cellular operator.</p> <p>(c) Obtaining proof of authority to receive and proof of authority to send from the interception centre.</p> <p>(d) The activation of software or a device by a designated person on the electronic communication system of the mobile cellular operator in order to route the archived communication-related information to the interception centre.</p>	
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TABLE 5: PROVISION OF REAL-TIME COMMUNICATION-RELATED INFORMATION

Column 1 Forms of assistance	Column 2 Tariffs of compensation
<p>(a) Identification of the interception target.</p> <p>(b) Retrieval of the required information specified in the direction from the storage facility of the mobile cellular operator.</p> <p>(c) The provision of the real-time communication-related information to the person who served the direction on the mobile</p>	<p>For the assistance prescribed in paragraphs (a), (b) and (c), an all inclusive tariff of R30,00 per interception target and an additional amount of -</p> <p>(a) R4,30 per page on which the information is printed; or</p> <p>(b) R12,00 if it is provided in electronic medium stored on a removable disk.</p>

cellular operator.	
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TABLE 6: PROVISION OF ARCHIVED COMMUNICATION-RELATED INFORMATION

Column 1 Forms of assistance	Column 2 Tariffs of compensation
(a) Identification of the interception target.	For the assistance prescribed in paragraphs (a), (b) and (c), an all inclusive tariff of R40,00 per interception target and an additional amount of – (a) R4,30 per page on which the information is printed; or (b) R12,00 if it is provided in electronic medium stored on a removable disk.
(b) Retrieval of the required information specified in the direction from the storage facility of the mobile cellular operator.	
(c) The provision of the archived communication-related information to the person who served the direction on the mobile cellular operator.	

(2) When a mobile cellular operator has to execute a direction –

- (a) after 16h00 during week days;
- (b) after 13h30 on Saturdays;
- (c) on a Sunday; or
- (d) on a public holiday,

a mobile cellular operator is entitled to be compensated at a tariff of R350,00 per interception target identified in the direction in addition to any other tariff provided for in Column 2 of the Tables: Provided that if a direction for routing both indirect communications and real-time communication-related information during an active intercept or in respect of a future period of time is served on a mobile cellular operator in respect of the same interception target for the same period of time, the mobile cellular operator is only entitled to a tariff of R350,00 for the execution of both directions.

(3) The tariffs in paragraph 2(1) and (2) exclude Value Added Tax.