



Retailer Guidelines

1. Background

1.1 Legal obligation to collect information at Point of Sale

By law, Carriage Service Providers (**CSPs**) are required to collect, store and, on lawful request, retrieve identity and address information about the purchasers and/or users of prepaid public mobile telecommunication services (e.g. a mobile phone or data device) before a prepaid mobile service can be activated. This applies to prepaid SIM packs and combined SIM and handset or data device packs. Details of the requirements are set out in the Telecommunications (Service Provider – Identity Checks for Prepaid Public Mobile Telecommunications Services) Determination 2000¹ (**the Determination**). Retailers, as Agents for CSPs, are subject to the Determination.

Heightened concerns about security have increased focus on compliance to this Determination.

Compliance is achieved by collecting information at Point of Sale (**POS**). All sellers of prepaid mobile services need to collect name and address information and to verify those details. For individuals, the amount of ID information that needs to be seen depends upon whether the person will have five or more prepaid mobile services when the sale is completed. A full list of acceptable identity documentation is shown in attachment B.

If the person will have **less** than five prepaid mobile services including this service:

- for purchases made via credit or debit card, the card itself may be used to verify ID
- for purchases made other than by credit or debit card, verification of the person's identity can be made by viewing details of other identifying documents such as passports or birth certificates.

For all purchases where the person will have **five or more** prepaid mobile services, additional identification verification documents must be shown as described in attachment A & B.

Where a customer is paying by credit/debit card, regardless of how many prepaid mobile services a customer has, the credit/debit card details must always be recorded.

Failure to comply with the Determination may attract remedial directions, formal warnings of a breach or ultimately result in civil penalty provisions under section 101 of the Telecommunications Act. This provides for fines of up to \$10,000,000 for each contravention. Further information relating to *Compliance with identity check process for prepaid mobile phone services* is available on the Australian Communication and Media Authority's (**ACMA**) website, www.acma.gov.au/pre-paid

1.2 Revised industry processes

The Australian Mobile Telecommunications Association (**AMTA**) and the ACMA have reviewed the current processes and identified ways to better manage the process of verifying a customer's ID. These changes include:

- **Introduction of a single industry form for completion at POS.**
The industry form replaces most of the CSP-specific forms now in use. The standardisation and redesign of the form will make it easier for retailers and customers to accurately complete and return the form, thereby meeting legal obligations
- **Better information and advice** to assist retailers and customers understand why they need to complete the prepaid mobile services form, how the form should be completed and the processes to follow once it is complete (contained in these guidelines).

¹Copies of the legislation are available at:
<http://www.acma.gov.au/pre-paid>

2. Retailer Guidelines

These changes are expected to result in a more efficient sales process for retailers, with benefits flowing from a standardised form and streamlined process model, irrespective of which CSP's prepaid mobile service is sold.

The Guidelines are designed to assist retailers to comply with the legal obligations under the Determination and provide step-by-step instructions, including:

- How to comply
 - Obtaining standardised prepaid mobile service forms
 - Store instructions and training of counter staff
 - Step-by-step guide to form completion
 - Returning the form
 - Information about what happens to the form
 - Information about how to get more forms
 - Data storage obligations
- Costs and obligations
- Other information
 - Acceptable documentation for identification purposes
 - General Information
 - Privacy Statement

3. How to comply

3.1 Obtaining Standardised Prepaid Mobile Service Forms

For ordering (re-ordering) of forms, please contact your provider.

If preferred, a soft copy of the form in PDF format will also be available on AMTA's website (www.amta.org.au), and on each CSP website (AMTA members) under a prepaid product section or by logging onto www.acma.gov.au and clicking on the AMTA link. Copies of these forms can then be printed as needed. Completed forms need to be sent back as instructed in section 3.4.

Retailers need to keep adequate stocks of the forms.

Customers may also download the form from a CSP or AMTA website and complete before coming to the store. The sighting of identity documents is still required by the retailer. Completed forms need to be sent back as instructed in section 3.4.

3.2 Store instructions to counter staff and training

Any staff who may potentially be involved in the sale of a prepaid mobile service must be instructed about the need to complete the identification form and trained in accordance with the information in the following sections.

Store instructions to staff must ensure they are aware that:

- a form must be completed for every prepaid mobile service sale
- customers must complete the correct side of the form for Individual/Private Purposes or (on the back) for Business/Government/Charity use
- if the customer refuses to fill in the form or supply verifying documentation they cannot complete the sale
- completed forms must be collected for return
- there are privacy obligations and the staff need to protect the information collected and that it cannot be used for any other purpose
- they must inform an appropriate person about the stock of forms.

3.3 Completing the forms

It is the retailer's responsibility to ensure that all staff are aware of the procedures for completing the form.

A step by step guide for completing the Individual/Private Purposes form correctly is provided in attachment A.

A list of documents that can be used for verifying a customer's identity is contained in attachment B.

A step by step guide for completing the Business/Government/Charity form, which is located on the back of the individual form is provided in attachment C.

3.4 What to do with completed forms

Do not leave the completed form(s) on the counter, at the front desk or any other place where they are not secure.

Subject to what has been agreed between the CSP and the retailer, completed forms must be returned to the central processing address as indicated on the form – i.e. to:

Reply Paid 7711
CANBERRA BUSINESS CENTRE ACT 2610

Forms should be posted at the end of each business day.

Forms may be posted back individually, or in batches depending on numbers of forms processed each day. Individual posting is suitable for stores processing smaller volumes of forms. Posting of forms in batches is suitable for stores where daily sales volumes are greater. Procedures in stores with larger sales volumes must ensure that forms are collected from the front counter and stored in a secure area until posted back.

If posting the forms back in batches, they should be placed in an envelope and posted to the Reply Paid address showing on the form or as indicated by the CSP.

Note that once an agent or retailer has met their obligation to provide captured data to the CSP (3.2 (3) & 3.3) there is no valid reason for an agent or retailer to retain this data.

4. Privacy Statement

All retailers must ensure adherence to the National Privacy Principles under the Privacy Act 1988 with regard to the information collected as part of the prepaid mobile services purchase. This includes electronic capture of information. Retailers must check with the CSPs in order to determine the correct process for the transfer of information from an electronic system to the CSP and the correct deletion process of information or de-identification of collected information. Refer to the National Privacy Principles.

For further information please go to The Office of the Privacy Commissioner website, www.privacy.gov.au

More information relating to *Compliance with identity check process for prepaid mobile phone services* is available on the Australian Communication and Media Authority's (ACMA) website, www.acma.gov.au/pre-paid

Pad Re-order Codes:
Telstra 132936 Optus 1372698