



Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020

The Australian Communications and Media Authority makes the following Standard under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated: 27 February 2020

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[signed]

Member

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[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020*.

2 Commencement

This industry standard commences on 30 April 2020.

3 Authority

This industry standard is made under subsection 125AA(1) of the Act and in accordance with the *Telecommunications (Industry Standard for Mobile Number Pre-Porting Additional Identity Verification) Direction 2019*.

4 Application

For the purposes of subsection 125AA(1) of the Act:

- (a) this industry standard applies to;
 - (i) the section of the telecommunications industry consisting of mobile carriage service providers who supply or arrange for the supply of public mobile telecommunications services; and
 - (ii) every port of a mobile service number; and
- (b) the content of this industry standard deals with placing additional identity verification requirements on mobile carriage service providers to meet the objectives described in section 5.

Note 1: The pre-porting identity verification obligations in this industry standard are in addition to customer authorisation requirements in the *Industry Code - Mobile Number Portability Code – C570:2009* and in the *Customer Authorisation Industry Guideline (G651:2017)*.

Note 2: Section 116A of the Act provides that neither an industry code nor an industry standard derogates from a requirement made by or under the Privacy Act 1988.

5 Objectives

The objectives of this industry standard are, without limitation, to:

- (a) prevent the unauthorised porting of mobile service numbers;
- (b) reduce harm to customers from the unauthorised porting of mobile service numbers; and
- (c) require gaining carriage service providers to take reasonable steps to confirm that the person requesting a port:
 - (i) is the rights of use holder of the mobile service number to be ported; and
 - (ii) has direct and immediate access to a mobile device associated with that mobile service number.

6 Definitions

In this industry standard:

access-controlled defence site means defence premises which can only be accessed through a defence access control point.

Act means the *Telecommunications Act 1997*.

additional identity verification process means a process described in subsections 8(2) or 8(3).

authorised representative means the person who has authority from a customer to deal with a mobile carriage service provider on behalf of that customer as their authorised agent.

biometric data means information about any measurable biological or behavioural characteristics of an individual that can be used to verify the identity of the individual, such as their face, fingerprints and voice.

category A document means a document mentioned in Table 1 in Schedule 1.

category B document means a document mentioned in Table 2 in Schedule 1.

customer means a person with a contractual relationship with a carriage service provider and to whom the carriage service provider has issued a mobile service number.

A reference to a customer includes a large business customer.

Note: A mobile carriage service provider may have obligations in relation to a person under this industry standard even if the person does not have a contractual relationship with the mobile carriage service provider, as long as the person has a contractual relationship with some other mobile carriage service provider and the person has rights of use to a mobile service number.

customer contract means an arrangement or agreement between a mobile carriage service provider and a customer for the supply of a mobile service number to that customer, and includes a standard form of agreement formulated by a mobile carriage service provider for the purposes of section 479 of the Act.

defence access control point and **defence premises** have the same meanings as in section 71A of the *Defence Act 1903*.

digital mobile number means a special services number specified in Schedule 5 of the *Telecommunications Numbering Plan 2015* for use with a digital mobile service.

digital mobile service means a public mobile telecommunications service supplied by a network using digital modulation techniques.

gaining carriage service provider means the mobile carriage service provider to which a mobile service number has been or is to be ported.

government document means a document that is issued by the Commonwealth or a State or Territory that is evidence of the person's identity in Australia or use of that identity in Australia.

Note: Examples of government documents include a current driver's licence, Medicare card or Australian passport.

government online verification service means an online service which allows users of that service to confirm the validity of information recorded on certain identification documents against the databases of the government agency that issued the relevant identification documents, in a manner authorised by that government agency or its representatives.

foreign military ID card means an identification card:

- (a) issued in the name of an individual by a foreign government;
- (b) showing a picture of the individual; and
- (c) identifying the individual as a current member of the defence forces of that government.

large business customer means an entity who acquires or may acquire a mobile service number:

- (a) for the primary purpose of a business, not-for-profit or government organisation; and
- (b) which is not for resale; and

which at the time it enters into the customer contract:

- (c) has a genuine and reasonable opportunity to negotiate the terms of the customer contract; and
- (d) has or will have an annual spend with the mobile carriage service provider which is or is estimated on reasonable grounds by the provider to be greater than \$40,000.

A reference to a large business customer includes a reference to their authorised representative.

losing carriage service provider means the mobile carriage service provider from which a mobile service number has been or is to be ported.

mobile carriage service provider means a carriage service provider who supplies or arranges for the supply of a public mobile telecommunications service.

mobile carrier means a carrier that operates a mobile network.

mobile network means the facilities operated by a carrier for the purposes of providing a public mobile telecommunications service.

mobile number portability means the porting of mobile service numbers from a losing carriage service provider to a gaining carriage service provider:

- (a) on the same mobile network; or
- (b) on a different mobile network.

mobile service number means a digital mobile number issued by a mobile carriage service provider to a customer in connection with the supply of a public mobile telecommunications service (other than a satellite telephone service).

port means the movement of a mobile service number between mobile carriage service providers, or mobile carrier networks, using mobile number portability processes. The words **porting** and **ported** have corresponding meanings.

primary number means the phone number that is nominated by a large business customer to be associated with their authorised representative.

requesting person means the person requesting the port of a mobile service number.

rights of use holder has the meaning given by the *Rights of Use of Numbers Industry Code (ACIF C566:2005)*.

Note: The *Rights of Use of Numbers Industry Code (ACIF C566:2005)* can be accessed free of charge on Communications Alliance's website: <https://www.commsalliance.com.au>.

satellite telephone service means a carriage service with which end-users make calls via a satellite-based facility.

SMS message means a message or series of messages sent using a short message service.

special services number has the same meaning as in section 31 of the *Telecommunications Numbering Plan 2015*.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) carriage service;
- (b) carriage service provider;
- (c) carrier; and
- (d) public mobile telecommunications service.

7 References to other instruments

In this industry standard, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901* and subsection 589(1) of the Act, and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: For references to instruments that are not legislative instruments, see subsection 589(2) of the Act.

Note 3: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation. The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

Part 2—Additional Pre-Porting Identity Verification Requirements

8 Pre-porting additional identity verification requirements

- (1) This section applies to mobile carriage service providers.
- (2) Prior to initiating the port of a mobile service number, a gaining carriage service provider must, for all customers, use at least one of the following additional identity verification processes to confirm the requesting person is the rights of use holder of the mobile service number to be ported:
 - (a) confirming the requesting person has direct and immediate access to a mobile device used in association with the mobile service number to be ported;

Examples:

 - (a) in a retail environment, following the identification of the requesting person making a port request in person at a retail store – personnel representing the gaining carriage service provider call the mobile service number whilst in store and verify that the call has been received by the customer’s mobile device used in association with that mobile service number; or
 - (b) in a call centre environment following identification of the requesting person by voice call:
 - (i) in the case of a customer — personnel representing the gaining carriage service provider calling back the mobile service number to be ported, to confirm that the person initiating the request is the rights of use holder; or
 - (ii) in the case of an authorised representative of the customer — personnel representing the gaining carriage service provider calling back the mobile service number to be ported, to confirm that the person initiating the request is the authorised representative of the customer; or
 - (c) in an online environment following the identification of the requesting person — personnel representing the gaining carriage service provider receiving confirmation that the customer, or the customer’s authorised representative, has received a unique verification code.

- (b) use of a unique verification code:
 - (i) which is sent by the gaining carriage service provider via SMS message to the mobile service number which is to be ported; and
 - (ii) from which the gaining carriage service provider receives immediate confirmation via SMS message that the customer, or the customer's authorised representative, has received the unique verification code;

Note: Providers may also indicate what a customer should do if they receive an SMS message and did not request a port.
 - (c) use of one or more forms of biometric data; or
 - (d) where a large business customer is porting mobile service numbers under a contract with a mobile carriage service provider – confirming the requesting person is the authorised representative of the large business customer and that the requesting person has direct and immediate access to the primary number associated with the large business customer.
- (3) Where the gaining carriage service provider is unable to confirm that the requesting person is the rights of use holder of the mobile service number to be ported through one of the processes described in subsection (2), the gaining carriage service provider may undertake an identity verification to confirm that the requesting person is the rights of use holder of the mobile service number by using one of the following processes:
- (a) using category A documents and/or category B documents via the process described in Schedule 1; or
 - (b) using a government online verification service.
- Example: Where the mobile device associated with the mobile number to be ported is lost, a gaining carriage service provider may not be able to confirm that the requesting person is the rights of use holder of the mobile service number to be ported through one or more of the processes described in subsection (2).
- (4) The gaining carriage service provider is only taken to have verified that the requesting person is the rights of use holder in accordance with paragraph (3)(b) if:
- (a) the requesting person gives the provider:
 - (i) the identifying number of at least two unique government documents;
 - (ii) information identifying the State or Territory that issued the government documents, or confirming that the government document was issued by the Commonwealth; and
 - (iii) if required by the government online verification service, any dates or other information recorded on the government documents; and
 - (b) the information given in relation to each of two government documents is verified on a government online verification service.
- Note: The information provided by the requesting person in relation to a government document is matched against the databases held by the agency that issued the document and is either accepted or rejected as matched or not.
- (5) A mobile carriage service provider must not proceed with a mobile service number port unless one of the additional identity verification processes in subsection (2) or (3) has been used by the gaining carriage service provider.
- (6) On completion of the additional identity verification process referred to in subsection (2) or (3), the gaining carriage service provider must be satisfied that, in relation to the mobile service number which is the subject of the porting request, the requesting person is the customer for that mobile service number or the authorised representative of that customer.

- (7) A gaining carriage service provider must not proceed with the port of a mobile service number unless it is satisfied in accordance with subsection (6).
- (8) A mobile carriage service provider must not charge a fee to a customer, or the customer's authorised representative, for an SMS message used to complete an additional identity verification process.

Part 3—Publication of customer awareness and safeguard information by mobile carriage service providers

9 Minimum requirements to publish advice about law enforcement and support services

A mobile carriage service provider must publish information on its website advising customers that:

- (a) to protect customers from unauthorised ports, an additional identity verification process will be used to verify the identity of the person making a porting request, prior to the mobile service number being ported; and
- (b) in the event a customer suspects that their mobile service number has been fraudulently ported they should immediately report the activity to:
 - (i) the Australian Federal Police or the relevant State or Territory Police; and
 - (ii) government services that support customers whose mobile service number is the subject of an unauthorised port.

Note: At the time of making this industry standard, these kinds of services included Scamwatch and IDCARE

Part 4—Telecommunications Industry Ombudsman and complaints handling

10 Conferral of functions and powers on the Telecommunications Industry Ombudsman

This industry standard confers on the Telecommunications Industry Ombudsman the functions and powers of:

- (a) receiving;
- (b) investigating;
- (c) facilitating the resolution of;
- (d) making determinations in relation to;
- (e) giving directions in relation to; and
- (f) reporting on;

customer complaints about matters referred to in this industry standard.

Schedule 1 – Additional identity verification process using category A and category B documents

(Paragraph 8(3)(a))

- (1) This Schedule sets out the additional identity verification process which a gaining carriage service provider must use to verify the identity of a customer for the purposes of paragraph 8(3)(a).
- (2) Category A documents are those mentioned in Table 1 and category B documents are those mentioned in Table 2.
- (3) Subject to clause (5), a gaining carriage service provider may verify that the requesting person is the rights of use holder of the mobile service number to be ported by sighting:
 - (a) 2 category A documents identifying the customer; or
 - (b) 1 category A document and 2 category B documents, identifying the customer.
- (4) For clause (3), the same type of document may not be used twice in an identity verification process.
- (5) For the purposes of the identity verification process described in clause (3):
 - (a) if a document (other than an Australian passport) shown to a gaining carriage service provider includes an expiry date, the gaining carriage service provider must be satisfied that the document has not expired;
 - (b) if a category A document is a foreign military ID card, the customer must show the document to the gaining carriage service provider in an access-controlled defence site;
 - (c) if a document shown to a gaining carriage service provider is dated but does not expire, the provider must be reasonably satisfied that the document is recent and accurate;
 - (d) the name in the category A document or category B document must (subject to paragraph (e)) match the name of the requesting person; and
 - (e) if the name in the category A document or category B document does not match the name of the requesting person, the document may only be relied upon if the requesting person produces satisfactory documentary evidence of the name change.

Table 1 – Category A documents

Item	Description of document
1	Australian State or Territory Driver's Licence issued in the name of the customer by a Commonwealth, State or Territory Department or agency.
2	Australian Passport with an expiry date in the future or no more than 2 years in the past.
3	A birth certificate issued by an Australian State or Territory government.
4	A foreign military ID card.
5	A current foreign passport issued by a foreign government which contains a valid entry stamp or visa issued by the Australian government.
6	Australian citizenship certificate issued by the Commonwealth

	government.
7	Certificate of identity or Document of identity issued by the Department of Foreign Affairs and Trade (or by any subsequent Commonwealth Department responsible for issuing a like Certificate of identity or Document of identity at the relevant time).
8	Immicard issued by the Department of Home Affairs (or the Commonwealth Government Department responsible for issuing Immicards at the relevant time).
9	Indigenous Community Card issued by Services Australia (or the Commonwealth Government agency or department responsible for issuing Indigenous Community Cards at the relevant time).
10	Firearms licence issued by an Australian State or Territory Police force and which includes the customer's photo.
11	Aviation Security Identity Card issued by a body which is authorised by the Commonwealth government agency or department responsible for giving an entity authorisation to issue an Aviation Security Identity Card and which includes the customer's photo.
12	Maritime Security Identity Card issued by a body which is authorised by the Commonwealth government agency or department responsible for giving an entity authorisation to issue a Maritime Security Identity Card and which includes the customer's photo.
13	Australian Government Issued Photo ID card (employee ID) issued by the relevant Commonwealth, State or Territory government and which includes the customer's photo.
14	Defence Highly Trusted Token issued by the Australian Department of Defence (or the Commonwealth Government Department responsible for issuing Highly Trusted Tokens at the relevant time).
15	Defence Force identity card issued by the Australian Defence Force and which includes the customer's photo.
16	Police identity card issued by an Australian State or Territory Police Force and which includes the customer's photo.
17	Prisoner identity card issued by the relevant Australian State or Territory prison authority and which includes the customer's photo.
18	A trade (work or business) licence issued by an Australian State or Territory government and which includes the customer's photo (e.g. trade licences, real estate agents, security agents etc.).
19	Tangentyere Community ID card issued by the Tangentyere Council (or an organisation which replaces the Tangentyere Council) and which includes the customer's photo.
20	Proof-of-Age card issued by an Australian State or Territory government and which includes the customer's photo.
21	Australia Post Key Pass issued by Australia Post and which includes the customer's photo.
22	Working with Children/Vulnerable card issued by a State or Territory government and which includes the customer's photo.

Table 2 – Category B documents

Item	Description of document
1	Bank or financial institution card, passbook or statement issued by a bank, credit union or building society. Card statements or passbooks must cover at least 6 months of financial transactions and be in the individual's name. The individual's signature must be on the card and their current address on the statement or passbook. Documents from foreign banks or institutions are not acceptable.
2	Medicare Card.
3	Post-Paid Telecommunications Billing Record issued by an Australian telecommunications company, which must be a statement of account for a post-paid carriage service issued in the previous 12 months, showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.
4	Rates Notice issued by an Australian local government council issued in the previous 12 months, showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.
5	Student ID card issued by an Australian tertiary education institution, Australian secondary school, TAFE or registered training organisation.
6	Concession and health care card issued by Services Australia or the subsequent agency or Department responsible for issuing concession and health care cards.
7	Veterans affairs card issued by the Department of Veterans' Affairs.
8	Tenancy agreement or lease being a current formal agreement or lease showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.
9	Motor vehicle registration for a vehicle registered in an Australian State or Territory, being current registration papers with the individual's name, address and proof of payment, showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.
10	Electoral enrolment, being proof of electoral enrolment showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.
11	Seniors card issued by a State or Territory government to a resident in that State or Territory who is 60 years of age or over.
12	A utility account showing the same name and address given by the customer to the gaining carriage service provider prior to a port occurring.