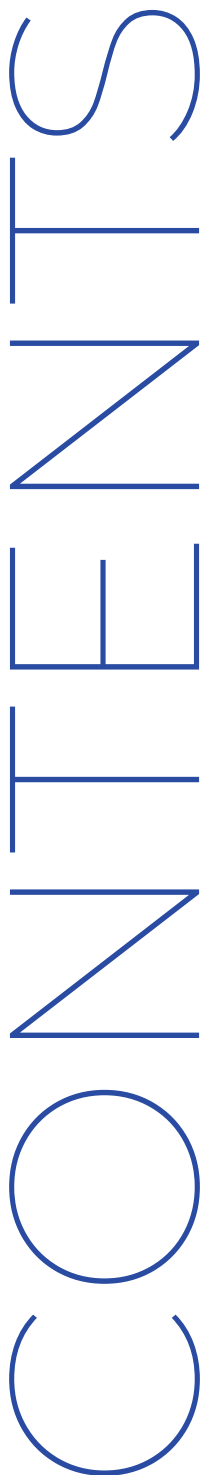




Privacy in Iraq – Case of Telecommunication Companies

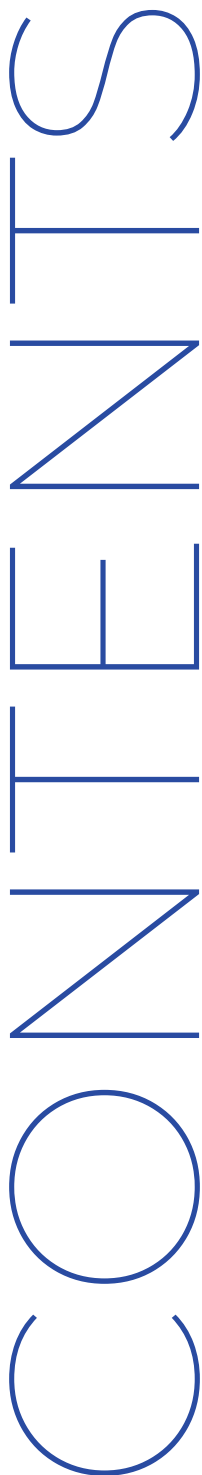


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Acknowledgements

This report examines privacy in Iraq, specifically focusing on the practices of two major telecommunication companies: Zain Iraq and Asiacell. With over 40 million mobile phone subscribers and nearly 20 million internet subscribers in Iraq, protecting privacy is more important than ever.

To evaluate the privacy practices of Zain Iraq and Asiacell, this report uses the Ranking Digital Rights Corporate Accountability Index methodology and scoring criteria. The report also reviews relevant privacy laws and compares the two companies' practices to those of others in the region. The findings reveal that while both companies have taken some steps to protect users' privacy, there is still room for further improvement, especially in comparison with mother companies or other companies in the region.

The report recommends that Governmental regulatory bodies should enforce comprehensive privacy laws with penalties for violations. They can collaborate with independent monitors, raise public awareness about privacy rights, and establish privacy-focused policies with telecommunication companies. It also recommends that Asiacell and Zain Iraq publish clear online privacy policies for all services, use visual aids for clarity, ensure consistent disclosure across subsidiaries, and share information about security oversight, possibly adopting existing policies from other companies.

In today's digital age, many people use digital devices for phone calls and the internet. Iraq is no exception, with over 40 million people subscribed to a mobile telephone service, and almost 20 million have internet subscriptions.^[1] While these numbers are promising, they are also a cause for concern as this means that telecommunication companies have access to the data of 40 million Iraqis. Their privacy depends on these companies' privacy policies and Iraq's legal obligations, laws, and internal policies.

Privacy is a fundamental human right that is becoming increasingly important as people rely more on digital technologies and the Internet to carry out daily activities. This is particularly true in Iraq, where cultural and societal factors can make privacy expectations more complex.

This report aims to provide a comprehensive overview of privacy in Iraq, focusing on two major telecommunication companies: Zain Iraq and Asiacell, both subsidiaries of parent companies based in Kuwait and Qatar. The report uses the methodology, process, and scoring criteria of Ranking Digital Rights (RDR) ^[2] to evaluate the companies' commitments and practices related to privacy. Technology for Peace (T4P) partnered with RDR to receive technical assistance and guidance for the adaptation process of the research methodology, including the provision of the necessary materials to conduct the data collection and analysis of the findings.

This report will examine current laws related to privacy in Iraq and the different privacy policies and data protection measures implemented by Zain Iraq and Asiacell. It will also examine shortfalls in the companies' privacy policies and compare their practices to those of other companies in the region.

This report aims to provide an objective and impartial analysis of privacy in the context of telecommunication companies in Iraq. It also aims to raise awareness of the importance of privacy in the digital age and offer recommendations for improving privacy protection for individuals and organizations in Iraq.

[1] Iraqi Ministry of Planning. 2021. *More than 40 million subscribers to the mobile phone service and 20 million have internet subscriptions*. Retrieved March 15, 2023, from <https://mop.gov.iq/archives/8270>

[2] Ranking Digital Rights. (n.d.). Ranking Digital Rights. Retrieved March 15, 2023, from <https://rankingdigitalrights.org>

NATIONAL PRIVACY CONTEXT

Iraq has ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to privacy, family, home, and correspondence without any arbitrary and unlawful interference. The covenant also ensures that everyone is protected by law against such interference or attacks. However,^[3] Iraqi laws lack specific data protection legislation or initiatives for the private sector, and there is no data protection authority.^[4]

Domestic Iraqi laws do include several articles that address data privacy and protection. For example, article 17 of the Iraqi Constitution grants individuals the right to personal privacy as long as it does not interfere with the rights of others and public morals. The article also emphasizes that the privacy of homes is protected and cannot be violated, searched, or endangered except through lawful means. Another relevant provision is Article 40, which ensures the right to free communication and correspondence without monitoring, wiretapping, or disclosure, except in cases where it is necessary for security reasons and authorized by a court.^[5] Additionally, articles 437 and 438 of the Penal Code, address the disclosure of confidential information, including letters, telexes, or telephone conversations.^[6]

[3] United Nations Office of the High Commissioner for Human Rights. (n.d.). International Covenant on Civil and Political Rights. Retrieved March 15, 2023, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[4] United Nations Office of the High Commissioner for Human Rights. (n.d.). International Covenant on Civil and Political Rights. Retrieved March 15, 2023, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[5] Constitute Project. (2005). Iraq Constitution 2005 [PDF file]. Retrieved March 15, 2023, from https://www.constituteproject.org/constitution/iraq_2005.pdf?lang=en

[6] International Labour Organization. (n.d.). Iraq Labour Code. NATLEX: Iraq (ILO). Retrieved March 15, 2023, from https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=57206&p_country=IRQ&p_count=232&p_classification=01.04&p_classcount=5

In 2017, a significant data breach occurred at Asiacell, an Iraqi telecommunications company, resulting in the unauthorized disclosure and circulation of millions of users' personal information. This included names, photographs, addresses, and official documents, which were subsequently offered for sale online. Asiacell promptly acknowledged the breach, reporting it to the intelligence services. However, specific details regarding the incident were not disclosed. ^[7] Similarly, in 2022, a separate data breach exposed the personal information of approximately 37 million individuals in Iraq. ^[8] The compromised personal data was used by criminal groups to procure sim cards and other services, as well as exploited by political parties to prove that they had the number of members necessary to register with the High Electoral Commission.

Recently, the Communications and Media Commission (CMC) published a Draft Data Classification Policy, which is currently undergoing public consultation. ^[9] This policy applies to both public and private sector actors and defines data, personal data, data owners, data classification, encryption, and data breaches. The policy requires data owners to classify data into at least four different levels and encrypt all data classified as levels three and four when transferring it to another entity. ^[10]

[7] Iraq Today. (2018, August 30.). فضيحة مدوية في شركة اسيا سيل [Shocking Scandal in Asia Cell Company]. Iraq Today. Retrieved March 15, 2023, from <https://iraqtoday.com/news/13553/%D9%81%D8%B6%D9%8A%D8%AD%D8%A9-%D9%85%D8%AF%D9%88%D9%8A%D8%A9-%D9%81%D9%8A-%D8%B4%D8%B1%D9%83%D8%A9-%D8%A7%D8%B3%D9%8A%D8%A7-%D8%B3%D9%8A%D9%84?fbclid=IwAR3zvJ-brTEN0KbNmftCXLWBDzVF7FW6HIEZOah5IoyniFYexSlyBsdphMo>

[8] Al-Araji, A. (2022, March 9). بيانات جهاز المخابرات ووثائق العراقيين للبيع [Available to all.. Intelligence Service data and Iraqi documents for sale]. UltraIraq. Retrieved March 15, 2023, from <https://ultrairaq.ultrasawt.com/%D9%85%D8%AA%D8%A7%D8%AD%D8%A9-%D9%84%D9%84%D8%AC%D9%85%D9%8A%D8%B9-%D8%A8%D9%8A%D8%A7%D9%86%D8%A7%D8%AA-%D8%AC%D9%87%D8%A7%D8%B2-%D8%A7%D9%84%D9%85%D8%AE%D8%A7%D8%A8%D8%B1%D8%A7%D8%AA-%D9%88%D9%88%D8%AB%D8%A7%D8%A6%D9%82-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D9%8A%D9%86-%D9%84%D9%84%D8%A8%D9%8A%D8%B9/%D8%B9%D9%84%D9%8A-%D8%A7%D9%84%D8%A3%D8%B9%D8%B1%D8%AC%D9%8A/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9>

[9] Communication and Media Commission. (n.d.). اعلان استشارة عامة [General Consultation Announcement]. CMC Iraq. Retrieved March 15, 2023, from <https://cmc.iq/ar/%d8%a7%d8%b9%d9%84%d8%a7%d9%86-%d8%a7%d8%b3%d8%aa%d8%b4%d8%a7%d8%b1%d8%a9-%d8%b9%d8%a7%d9%85%d8%a9/>

[10] Access Partnership. (2022, June 22). Access Alert: Introducing Iraq's Draft Data Classification Policy. Access Partnership. Retrieved March 15, 2023, from <https://accesspartnership.com/access-alert-introducing-iraqs-draft-data-classification-policy/>

METHODOLOGY

The objective of this project is to examine the privacy policies of telecommunications companies operating in Iraq, with a focus on Zain Iraq and Asiacell. This study analyses these companies' policies and practices in light of their pre-paid line service, using the methodology, process, and scoring criteria established by RDR. ^[11] For this research project, the following indicators were chosen:

- P1(a). Access to privacy policies
- P3(a). Collection of user information
- P4. Sharing of user information
- P5. Purpose for collecting, inferring, and sharing user information
- P6. Retention of user information
- P7. Users' control over their own user information
- P8. Users' access to their own user information
- P13. Security oversight
- P14. Addressing security vulnerabilities
- P15. Data breaches

[11] Ranking Digital Rights. (2020). 2020 Corporate Accountability Index. Ranking Digital Rights. Retrieved March 15, 2023, from <https://rankingdigitalrights.org/2020-indicators/>

A team of two researchers worked on the data collection, where each of them assessed the different indicators separately then they discussed their individual results to come up with the final scores. The analysis used RDR's scoring criteria as follows:

- “Yes”/ full disclosure (100 points): Company disclosure meets the element requirement.
- “Partial” (50 points): Company disclosure has met some, but not all aspects of the element, or the disclosure is not comprehensive enough to satisfy the full scope of the element.
- “No disclosure found” (0 points): Researchers were unable to find information provided by the company on its website that answers the element question.
- “No” (0 points): Company disclosure exists, but it specifically does not disclose to users what the element is asking. This is distinct from the option of “no disclosure found,” although both result in no credit.

The report involved a comprehensive approach to data gathering to ensure the accuracy and completeness of the information. In addition to utilizing the RDR methodology, process and scoring criteria, complementary data-gathering methods were employed.

The methodology included a jurisdictional analysis, which utilized a questionnaire provided by RDR. This helped to provide a clear understanding of the legal framework surrounding privacy in Iraq. Additionally, to gain an understanding of the user experience, sim cards from both companies were purchased and tested, and an analysis of the purchasing process and the mobile application for each company were included.

Furthermore, the privacy policies of parent companies of both Zain Iraq (Zain Group) and Asiacell (Ooredoo) were analysed in addition to various other regional companies operating under the same parent companies. For Ooredoo specifically, Telco Giant Scorecard (TGS) from RDR was used to complement the analysis.

Informal interviews were also conducted with employees at Zain Iraq and Asiacell to measure their understanding of privacy. Further interviews were conducted with legal experts to understand the legal context in Iraq regarding privacy. This comprehensive methodology allowed for a thorough evaluation of the privacy practices of both companies and the broader privacy context in Iraq.

THE IRAQI TELECOMMUNICATIONS SECTOR

Iraq's telecommunications sector has been heavily impacted by a succession of wars, internal conflicts, and authoritarian regimes, meaning that it lags behind other countries in regard to the development of technology.^[12] Cell phones and the internet were introduced relatively late, and until recently, only 2G was available from major telecommunications companies.^[13] However, since 2015, the most prominent companies have started to offer 3G,^[14] and have gradually deployed 4G across Iraq.^[15]

According to Internet World Stats, internet usage is growing fast in Iraq, with 74% of the population using the internet as of July 31, 2022, just below the Middle East average of 80%.^[16] Mobile internet speed has also been increasing, with Iraq ranking at 65th place in Ookla's "Global Speeds" rankings,^[17] compared to 133rd place in 2020.^[18] Regarding mobile devices, the Iraqi Ministry of Planning stated in 2021 that 40.7 million mobile lines were functional in Iraq, which means that 98.8% of Iraq's population were using mobile services at the time.

[12] Media Landscapes. (n.d.). Telecommunications Overview - Iraq. Media Landscapes. Retrieved March 15, 2023, from <https://medialandscapes.org/country/iraq/telecommunications/overview>

[13] Media Landscapes. (n.d.). Mobile Coverage - Iraq. Media Landscapes. Retrieved March 15, 2023, from <https://medialandscapes.org/country/iraq/telecommunications/mobile-coverage>

[14] *ibid*

[15] Elhaj, A. (2022, May 30). Telecommunications in Iraq: A Promising Market Conditioned by Geopolitical & Social Factors. Inside Telecom. Retrieved March 16, 2023, from <https://insidetelcom.com/telecommunications-in-iraq-a-promising-market-conditioned-by-geopolitical-social-factors/>

[16] Internet World Stats. (2022). Middle East Internet Usage and Population Statistics. Internet World Stats. Retrieved March 15, 2023, from <https://www.internetworldstats.com/stats5.htm#me>

[17] Speedtest. (n.d.). Speedtest Global Index. Speedtest. Retrieved March 16, 2023, from <https://www.speedtest.net/global-index>

[18] Faleh, O. (2021, November 22). Telecom Industry: An Iraqi Perspective. LinkedIn. Retrieved March 16, 2023, from <https://www.linkedin.com/pulse/telecom-industry-iraqi-perspective-omar-faleh/>

The Communications and Media Commission (CMC) and the Ministry of Communications (MoC) regulate the telecom sector in Iraq. The CMC is responsible for licensing telecommunication companies, and the three most prominent companies, Zain Iraq, Asiacell, and Korek Telecom, have been on the Iraqi market for a relatively long time.^[19] They were granted long-term licenses from 2007 to 2022,^[20] which have been renewed until 2030.^[21] Together, they serve more than 90% of the market, with Zain Iraq having more clients from the southern region and Asiacell having more clients in the Kurdish area of Iraq.^[22]

In periods marked by civil unrest, conflicts, or security incidents, and sometimes final school exams, the Iraqi government has occasionally employed measures to control the dissemination of information by imposing limitations or complete shutdowns on internet access. These deliberate actions, commonly known as internet blackouts or intentional disruptions, have consequences for internet service availability nationwide, impacting not only Asiacell and Zain Iraq but also other service providers operating in the country.^[23]

According to interviews, the MoC play a minimal role in regulating the work of telecommunication companies. Telecommunication companies primarily interact with the CMC and the Iraqi National Security Service (INSS) in national security cases, citizens' safety, and crime prevention and detection.

[19] Media Landscapes. (n.d.). Telecommunications Overview - Iraq. Media Landscapes. Retrieved March 25, 2023, from <https://medialandscapes.org/country/iraq/telecommunications/overview>

[20] ibid

[21] Elhaj, A. (2022, May 30)). Telecommunications in Iraq: A Promising Market Conditioned by Geopolitical & Social Factors. Inside Telecom. Retrieved March 25, 2023, from <https://insidetelcom.com/telecommunications-in-iraq-a-promising-market-conditioned-by-geopolitical-social-factors/>

[22] Media Landscapes. (n.d.). Company Profiles - Iraq. Media Landscapes. Retrieved March 25, 2023, from <https://medialandscapes.org/country/iraq/telecommunications/company-profiles>

[23] Access Now. (2023, February 7.). Iraq: KeepItOn. Retrieved 19 June 2023, from <https://www.accessnow.org/press-release/internet-keepiton-iraq/>

ZAIN IRAQ

Zain Iraq is part of the Zain Group, established in 1983 in Kuwait under the name MTC, which later became Zain. Zain Iraq had existed since 2007, when MTC Atheer and Iraqna merged under the name “Zain”.^[24] Zain operates in eight Middle Eastern and North African countries: Kuwait, Bahrain, Iraq, Jordan, Saudi Arabia, South Sudan, Sudan, and Morocco. In 2019 Zain Iraq had a market share of 43%.^[25]

ASIACELL

Asiacell is a subsidiary of the Qatari Ooredoo group. Ooredoo offers services in ten countries in the Middle East and the rest of Asia: Algeria, Indonesia, Iraq, Kuwait, Maldives, Myanmar, Oman, Palestine, Qatar, and Tunisia. Asiacell was the first mobile operator that covered all major cities in Iraq.^[26] In 2019, Asiacell had a market share of 38% in Iraq.^[27]

[24] Zain. (2008, January 6.). Iraq Mobile Operators MTC Atheer and Iraqna Unite. Zain. Retrieved March 25, 2023, from <https://www.zain.com/en/press/iraq-mobile-operators-mtc-atheer-and-iraqna-unite/>

[25] Media Landscapes. (n.d.). Company Profiles - Iraq. Media Landscapes. Retrieved March 25, 2023, from <https://medialandscapes.org/country/iraq/telecommunications/company-profiles>

[26] ibid

[27] ibid

RESULTS

Utilizing the methodology discussed above, this report analyzed publicly available documents found on Asiacell's and Zain Iraq's websites to assess the level of detail in their privacy policies. Since **no specific privacy policies for using pre-paid or post-paid sim cards were posted publicly**, below we provide an analysis of other documents and factors that affect customers' privacy. However, it's important to emphasize that these documents were not taken into consideration for the scoring as they are not relevant for the specific services assessed.

ASIACELL

- The first document that Asiacell published is called "Privacy and Policy".^[28] This document explains how Asiacell deals with personal data related to the website: "Please read our privacy policy carefully to get a clear understanding of how we collect, use, protect or otherwise handle your Personally Identifiable Information in accordance with our website." The document is hard to find on the homepage. It was not clear to the researchers whether that document is what is referred to as a "Privacy Policy" or not.
- The second document, which was found under the "terms and conditions" section, was called "Usage and privacy policy".^[29] This document is also related to the use of Asiacell's website. Although it covers some topics related to privacy, the document is more about the use of the website than about privacy. Similarly, this document is hard to find on the website.
- The last document that Asiacell published related to privacy is a document that can be found when clients want to charge their pre-paid products or when they want to make their post-paid bill payments. This document is called "Terms and Conditions".^[30] The document does mention some things about privacy such as "Asiacell cannot guarantee the privacy or confidentiality of communications," but they are often hidden in the sections.

[28] AsiaCell. (n.d.). Selfcare Privacy. AsiaCell. Retrieved February 22, 2023, from <https://www.asiacell.com/en/about-us/facebook-privacy/> and archive version: <https://web.archive.org/web/20230222142101/https://www.asiacell.com/en/about-us/facebook-privacy>

[29] AsiaCell. (n.d.). Terms and Conditions. AsiaCell. Retrieved February 26, 2023, from <https://www.asiacell.com/en/about-us/terms-and-conditions#> and archive version: <https://web.archive.org/web/20230227020728/https://www.asiacell.com/en/about-us/terms-and-conditions>

[30] AsiaCell. (n.d.). e-voucher. AsiaCell. Retrieved February 26, 2023, from <https://www.asiacell.com/en/personal/e-voucher> and archive version: <https://web.archive.org/web/20230227021733/https://www.asiacell.com/en/personal/e-voucher>

The information regarding privacy in the three documents is available in English, Arabic, and Kurdish, the main languages used in Iraq. However, the three documents vary in terms of clarity. The first document, entitled “Privacy and Policy”, is the most straightforward to read, with headings that accurately reflect the content of each section. The third document is the most difficult to comprehend due to its small font size and lack of clear information. Additionally, there are no options to download the document.

Asiacell offers an app. This app allows clients to recharge their pre-paid products or pay their bills. They can buy products from Asiacell, like sim cards or devices; find offers and promotions; win rewards with discounts for products for restaurants and other products; and get 24/7 support. The information is only available for people who are already clients with Asiacell, as you need to log utilizing the number from the sim card. The app also contains a privacy policy, which is similar to the one on the website.

During an informal interview with an employee from Asiacell, they stressed the importance of privacy and the company's commitment to safeguarding customer data. Similarly, Asiacell parent company Ooredoo committed to “safeguarding human rights” in its inaugural ESG report, but the company did not expand on what this commitment entails. However, the lack of specific privacy policies for their pre-paid and post-paid services was explained during an informal interview as being the result of the fact that this was not mandatory under the government regulations in Iraq.

[31] Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

FINAL SCORING

Although Asiacell publishes publicly available information about privacy on its website in the main languages of Iraq, it was not possible for them to earn points for this information according to the RDR scoring methodology. To gain credits for a privacy policy, it should be clear that the information applies to the pre-paid and post-paid services of the company. However, the documents that Asiacell has published entitled “privacy policy” ^[32] and “usage and privacy policy” ^[33] seem to only apply to the website. The third document found entitled “Terms and conditions”, ^[34] provides information about recharging pre-paid services and appears to apply to Asiacell's products. However, the privacy information was not accessible quickly in the document. This means the regular user may not be able to find this information easily.

[32] AsiaCell. (n.d.). Selfcare Privacy. AsiaCell. Retrieved February 22, 2023, from [31] [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard](https://rankingdigitalrights.org/tgs22/companies/Ooredoo). Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[33] AsiaCell. (n.d.). Terms and Conditions. AsiaCell. Retrieved February 26, 2023, from [31] [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard](https://rankingdigitalrights.org/tgs22/companies/Ooredoo). Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[34] AsiaCell. (n.d.). e-voucher. AsiaCell. Retrieved February 26, 2023, from [31] [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard](https://rankingdigitalrights.org/tgs22/companies/Ooredoo). Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

ZAIN IRAQ

The document called “Privacy Policy” is easy to find by clicking on the button “Privacy Policy” at the bottom of the homepage. This document seems only applicable to the data processing of personal information via the website: “This policy is formulated to give you a better understanding of the information collected when you visit our website and how your personal information is kept and processed by us.”^[31]

The Privacy Policy is understandable, with subheadings used to mark out the different sections. The privacy policy is available in English and Arabic. However, when clicking on the Kurdish language section of the website, the privacy policy will appear in English instead of Kurdish.

Zain Iraq has an app that only clients with a sim card can use. The app allows clients to manage services, recharge, view bills, transfer credit and get support. However, it does not provide any information on privacy policies.

During an informal interview, an employee from Zain Iraq assured the researchers that data privacy is taken seriously. They mentioned various ways to protect data, such as only allowing a certain number of employees to access data, sending e-contracts with information, and abiding by all government authorities’ requirements, including the CMC, MoC, and INSS.

FINAL SCORING

Although Zain Iraq has an understandable and easy-to-find Privacy Policy, it receives no points according to the RDR scoring methodology for the same reasons as Asiacell. The privacy policy found on their website only applies to the website and not to Zain Iraq's pre-paid and post-paid services.

[31] Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

COMPARATIVE ANALYSIS

Although both companies did not receive points according to the RDR scoring methodology, we analyzed the privacy policies that they do have. We wanted to see what elements they could use for a privacy policy that applies to their pre-paid and post-paid services and in which aspects they are lagging behind. Below we describe the main conclusions from this analysis.

Both companies pay attention to the collection of user information, sharing of user information, and the purpose for collecting, inferring, and sharing user information. However, this only applies to the use of their websites, meaning that there is a lack of transparency on the privacy policies of the actual services provided. Some of the essential information to mention in a privacy policy is the kind of user information the company collects and how; the kind of user information the company shares and with whom; and the purpose for collecting, inferring, and sharing user information. Both companies pay attention to these topics to some extent, although the information is limited to the use of their web portals and is not always complete. Zain Iraq, for example, does seem to share (non-identifiable) user information with third parties but does not mention the kinds of third parties or the names of third parties. "The information you provide will never be sold to any third party for their own marketing purposes without your express permission in writing unless it is used on an aggregated basis for statistical and research purposes without any information which can be used to identify you." According to the definition used by RDR, "user information" could also be aggregated information, as skilled analysts can often de-anonymize large data sets.

[35] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard](https://rankingdigitalrights.org/tgs22/companies/Ooredoo). Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard](https://rankingdigitalrights.org/tgs22/companies/Ooredoo). Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

Furthermore, both companies do not mention if they share information with governments or legal authorities. They only mention that one of the exceptions to sharing personal information (in general) is when it is necessary by law. It is unclear if this could also include sharing information with the government. Although both companies appear to consider data protection problems, the fact that there is limited information and incomplete policies accessible for the usage of their websites/apps reveals that both firms are not focused on the most important component of their business: offering secure mobile access. Furthermore, 2022 Telco Giant Scorecard (TGS) analysis of Asiacell parent company Ooredoo showed that "Ooredoo failed to provide any information about how it handles government demands for content takedowns, account restrictions, or user information. It was also unclear whether the company responds to any private requests for such information."

[36]

There is no attention to the retention of user information, users' access to their own information, or addressing security vulnerabilities and security audits in any of the publicly available policies. Both companies should disclose how long they retain user information for; users should be able to access all the information companies hold about them; the companies should address security vulnerabilities when they are discovered; and the companies should disclose information about their internal and external security audit. Neither of these topics is discussed in the publicly available policies found on Asiacell's and Zain Iraq's websites.

[36] Ranking Digital Rights. (n.d.). Ooredoo. Telco Giant Scorecard. Retrieved March 29, 2023, from [Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from https://rankingdigitalrights.org/tgs22/companies/Ooredoo](https://rankingdigitalrights.org/tgs22/companies/Ooredoo)

The publicly available policies of both companies pay little attention to users' control over their own information.

Companies are supposed to disclose to users what options they have in relation to controlling the company's collection, inference, retention and use of their information. Both Zain Iraq and Asiacell disclose little information about this topic. Both companies mention that the information is collected voluntarily, which would implicitly mean that the user can control the collection of this information. Zain Iraq however fails to mention how users can control this. Asiacell explains this explicitly by writing that the provision of some information when registering on their website or app is voluntary. Furthermore, Asiacell mentions it is possible to turn off cookies, to opt out of receiving correspondence and that users can change their personal information.

ASIACELL AND ZAIN IRAQ AND THEIR PARENT COMPANIES

Both Asiacell and Zain Iraq have parent companies located in another country (Qatar and Kuwait respectively) with subsidiaries in several countries. We analysed the privacy policies of these parent companies and some of their subsidiaries in other countries to see if they were comparable to those of Asiacell and Zain Iraq. In 2018 SMEX carried out research according to the RDR methodology of the terms of services and privacy policies from telecommunication companies in the Arab region. One of the findings of this report was that companies disclose more information in their home markets than at the subsidiary level. In our research we also found that both Ooredoo and Zain publish privacy policies inconsistently across different parts of their companies. As a result, Asiacell and Zain Iraq sometimes disclose less information about privacy than subsidiaries in other countries.

[37] SMEX. (2018). Dependent Yet Disenfranchised: The Policy Void that Threatens the Rights of Mobile Users in Arab States. Retrieved March 29, 2023, from [Ranking Digital Rights](#). (n.d.). Ooredoo. Telco Giant Scorecard. Retrieved March 29, 2023, from [Ranking Digital Rights](#). (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

ASIACELL AND OOREDOO

Ooredoo, the parent company of Asiacell and majority-owned by the government of Qatar, is represented in ten countries. Ooredoo has a website for the group as a whole ^[38] and a website for the subsidiary in every country. We could not find a privacy policy on the group website. We could only find Environmental, Social, and Governmental (ESG) reports. ^[39] According to the 2022 report Ooredoo bases its processing of customer data on a customer charter, a privacy policy, and local laws in the jurisdiction of each country. ^[40] RDR's Telco Giants Scorecard also analyzed Ooredoo's privacy policies based on RDR indicators and gave them a score of 12%, ranking them in last place amongst other telecommunications giants globally. ^[41]

The customer charter and privacy policy mentioned in the ESG reports is located on the website of Ooredoo Qatar, instead of the group website. The ESG reports also refer to some governance performance indicators such as, "the number of substantiated complaints concerning breaches of customer privacy and losses of customer data" and "privacy training sessions offered to employees". ^[42] While these indicators are discussed in relation to Ooredoo's operations in Qatar, Algeria, Maldives, Oman, Palestine and Tunisia, they are not mentioned in relation to Asiacell.

[38] Ooredoo. (n.d.). Ooredoo. Retrieved March 29, 2023, from [35] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[39] Ooredoo. (n.d.). ESG (Environmental, Social, and Governance). Ooredoo. Retrieved March 29, 2023, from [35] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[40] Ooredoo. (2022). ESG Overview, Environmental Social and Governance Report. Retrieved March 29, 2023, from [35] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[41] Ranking Digital Rights. (n.d.). Ooredoo. Telco Giant Scorecard. Retrieved March 29, 2023, from [35] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: Ranking Digital Rights. (n.d.). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>

[42] Ooredoo. (2022). ESG Overview, Environmental Social and Governance Report. Retrieved March 29, 2023, from https://www.ooredoo.com/wp-content/uploads/2023/03/Annual-Report-2022-ESG-English.pdf?cf_chl_tk=PHO_PLbx5DmPGRNa7wNF7LgLoEnFya3lKxMEEFV6g8K-l680690205-0-gaNycGzND9A

However, just like Asiacell, the privacy policies of Ooredoo Myanmar and Ooredoo Palestine are difficult to find on the home page. The privacy policies from Ooredoo Qatar, Ooredoo Maldives, Ooredoo Kuwait, and Indosat Ooredoo Hutchison (Indonesia) are easy to find on the homepage. We did not find any privacy policy for Ooredoo Algeria. Most of the privacy policies from Ooredoo subsidiaries seem to apply only to the website, just like the privacy policy of Asiacell. Exceptions are Indosat Ooredoo Hutchison (Indonesia) and Ooredoo Qatar. The privacy policy of Indosat Ooredoo Hutchison has hardly any information. In general, most of the information about privacy can be found on the website of Ooredoo Qatar, the company's home market.

RDR's 2022 TGS summarises Ooredoo's privacy ratings according to RDR's scoring criteria as follows:

Ooredoo disclosed less about its policies and practices affecting users' privacy than any other telecom companies evaluated. Its privacy policy revealed only limited information about how the company collects (P3a) and shares user information (P4). It provided no clues about how the company infers user information (P3b), how long the company retains user data (P6), what options users have to control their own data (P7), or how to access this data (P8). Ooredoo was also silent on third-party requests for user information. It disclosed nothing about its mechanisms for addressing security vulnerabilities (P14) and data breaches (P15).^[43]

[43] Ranking Digital Rights. (n.d.). Ooredoo. Telco Giant Scorecard. Retrieved March 29, 2023, from [Ooredoo. \(n.d.\). Ooredoo. Retrieved March 29, 2023, from \[35\] Zain Iraq. \(n.d.\). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo> and archive version: Ranking Digital Rights. \(n.d.\). Ooredoo Telco Giant Scorecard. Retrieved March 29, 2023, from <https://rankingdigitalrights.org/tgs22/companies/Ooredoo>](#)

Additional information about privacy can be found in different documents across Ooredoo Qatar's website, such as:

- The Privacy policy is very general and is applicable to all services provided by the Ooredoo Group: *"Our Privacy Policy is designed to inform you about the information we collect, how we use it, and to whom we may disclose it in accordance with Qatar's applicable legal and regulatory frameworks. This policy applies to the Ooredoo family of businesses."*^[44]

- The website of Ooredoo Qatar also contains a vulnerability disclosure^[45] policy. This document explains how it deals with reports of vulnerabilities in its products: *"This policy describes Ooredoo's approach to requesting and receiving reports related to potential vulnerabilities and errors in its products and services from those that interact with such products and services."*

- Ooredoo Qatar's website also contains a customer charter, as mentioned by the ESG report, and a section on privacy.^[46]

- Lastly, the website of Ooredoo Qatar contains an information security policy concerned with internal and external security assessments and audits.^[47]

[44] Ooredoo Qatar. (n.d.). Website Privacy Policy. Ooredoo Qatar. Retrieved March 29, 2023, from <https://www.ooredoo.qa/web/en/website-privacy-policy/>

[45] Ooredoo Qatar. (n.d.). Ooredoo Vulnerability Disclosure Policy. Ooredoo Qatar. Retrieved March 29, 2023, from <https://vdp.ooredoo.qa/p/syash-alifsah-an-althghrat-alamnyh-wtqdyymha?lang=en>

[46] Ooredoo Qatar. (2022). Our Customer Charter. Retrieved March 29, 2023, from <https://www.ooredoo.qa/web/wp-content/uploads/2022/03/our-customer-charter-en.pdf>

[47] Ooredoo Qatar. (2022). Information Security Policy (external_version-2022). Retrieved March 29, 2023, from https://www.ooredoo.qa/web/wp-content/uploads/2022/12/Information-Security-Policy-external_version-2022.pdf

ZAIN IRAQ AND ZAIN GROUP

The Zain Group is represented in eight countries. The group's website contains a privacy policy, which is easy to access through a button at the bottom of the homepage. ^[48] It is a general privacy policy that is applicable to the website and to the services they offer: *"This policy is formulated to give you better understanding of how we collect, share and store your information when you interact with us and use our products services."* The policy is structured in a clear way with icons, which makes it easy to read.

Most of the subsidiaries of Zain do have a privacy policy on the website which is easy to find on the home page. Only Zain Morocco and Zain ^[49]South-Sudan do not ^[50]have a privacy policy on their website. Some of the subsidiaries seem to have exactly the same privacy policy as Zain Iraq. This is the case for Zain Sudan and Zain ^[51]Kuwait. This ^[52]privacy policy is also only applicable to the website. Zain Jordan ^[53]has the most comprehensive privacy policy. Despite not being very clearly structured, it contains much more information than the privacy policy of Zain Iraq. This information also applies to the pre-paid and post-paid services they offer: *"This Privacy Policy gives your full visibility of how we collect, use, share and protect your personal data when you use our products, services and our website."*

[48] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from <https://www.iq.zain.com/en/privacy-policy> and archive version: <https://archive.is/k4TpL>

[49] Inwi. (n.d.). Inwi. Retrieved March 29, 2023, from <https://inwi.ma/>

[50] Zain South Sudan. (n.d.). Zain South Sudan. Retrieved March 29, 2023, from <https://www.ss.zain.com/>

[51] Zain Sudan. (n.d.). Zain Sudan. Retrieved March 29, 2023, from <https://www.sd.zain.com/English/Pages/home.aspx>

[52] Zain Kuwait. (n.d.). Shop. Zain Kuwait. Retrieved March 29, 2023, from <https://www.kw.zain.com/en/shop>

[53] Zain Jordan. (n.d.). Privacy Policy. Zain Jordan. Retrieved March 29, 2023, from <https://www.jo.zain.com/english/Pages/terms.aspx#privacyPolicy>

EXAMPLES FROM THE MIDDLE EAST

In order to give recommendations on how Asiacell and Zain Iraq could improve their privacy policies and make these publicly available, we looked for other examples from the Middle East, including from the parent companies of Asiacell and Zain Iraq and different subsidiaries.

In relation to the **layout**, the best privacy policy we found was on the website of Zain Group.^[54] The layout is very clear with icons and is very well structured. Every user has the right to know how their data is used by companies. However, not everyone has the time or ability to read poorly structured and overtly long texts. This privacy policy helps to make the information available to a broad audience.

Virgin Mobile KSA has a good practice in their privacy policy with regard to **indicator P3(a).3, about limiting the collection of user information to what is directly relevant and necessary to accomplish the purpose of its service.**^[55] The company indicates this by writing: “*we do not collect personal information that we do not need*”, however this language remains vague and can be arbitrarily interpreted resulting in breaches to customers’ privacy.

[54] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved June 19, 2023, from <https://www.iq.zain.com/en/privacy-policy> and archive version: <https://archive.is/k4TpL>

[55] Virgin Mobile Saudi Arabia. (n.d.). Privacy Policy. Virgin Mobile Saudi Arabia. Retrieved March 29, 2023, from <https://virginmobile.sa/en/privacy-policy/>

Both Zain Group and Zain Jordan have a good practice for **indicator P5.1: “For each type of user information the company collects, does the company clearly disclose its purpose for collection?”** Zain Group states the following in its privacy policy: *“We will use your information for the following purposes: Performance fulfillment of your service contract with us; Legitimate business requirements; Legal & Regulatory compliance requirements.”* While Zain^[56] Jordan puts it in the following way: *“How we use your personal information: 1) To provide you with your service, 2) To improve our service, 3) Marketing and tailoring our service to you, 4) Research and analytics, 5) Credit check, fraud prevention and security.”*^[57]

[56] Zain Iraq. (n.d.). Privacy Policy. Zain Iraq. Retrieved February 23, 2023, from <https://www.iq.zain.com/en/privacy-policy> and archive version: <https://archive.is/k4TpL>

[57] Zain Jordan. (n.d.). Privacy Policy. Zain Jordan. Retrieved March 29, 2023, from <https://www.jo.zain.com/english/Pages/terms.aspx#privacyPolicy>

RECOMMENDATIONS

RECOMMENDATIONS FOR GOVERNMENTAL REGULATORY BODIES

- The Iraqi government should consider adopting privacy laws based on international standards such as the Universal Declaration on Human Rights (article 12) and the International Covenant on Civil and Political Rights (article 17). They should make sure they are comprehensive and can be enforced. This may involve implementing severe penalties for companies that breach privacy laws.
- To ensure compliance with privacy laws, governments can establish or work with already existing independent monitoring systems (such as CMC) that conduct regular audits, inspections, and assessments of telecommunication companies' data practices. This helps to maintain the privacy and security of individuals' information.
- Governments can educate the public about their privacy rights and how telecommunication companies should protect their data through awareness campaigns. This will empower and inform users.
- Governments can partner with telecommunication companies to create privacy-focused policies and practices. This can be an arena where regional good practices can be utilized.

RECOMMENDATIONS FOR ASIACELL AND ZAIN IRAQ

- Publish a privacy policy online that is applicable to pre-paid and post-paid services.
- Use icons and illustrations to make privacy policies clear and simple like the example discussed above from Zain group.
- Be consistent in disclosure about privacy in all subsidiaries' companies. If there is a privacy policy for the whole group, make it available on the websites of all subsidiaries.
- Publish information about security oversight. Asiacell can use the information security policy of Ooredoo Qatar and publish this on its website.

CONCLUSION

This report highlighted the importance of privacy in Iraq, given the widespread use of digital technologies and the Internet by millions of people in the country. It evaluated the privacy practices of two prominent telecommunication companies, Zain Iraq and Asiacell. It found that both companies fall significantly short of the RDR scoring criteria, as neither one of them provided a privacy policy for pre-paid and post-paid services on their websites.

In addition, this report compared the privacy practices of Zain Iraq and Asiacell with those of their parent companies - Ooredoo and Zain - and various subsidiaries across the MENA region. It found that Ooredoo and Zain publish privacy policies inconsistently across different parts of their companies. As a result, Asiacell and Zain Iraq sometimes disclose less information about privacy than subsidiaries in other countries. Moreover, it shed light on some good practices from across the region that can be utilized by Asiacell and Zain Iraq to improve their privacy practices.

This report also demonstrated that within the context of Iraq where data breaches are frequent and customers' personal information is exploited for commercial and political purposes, it is crucial that telecommunications companies, such as Asiacell and Zain Iraq, develop and implement effective privacy policies. These must be in line with the government's overarching policies on privacy.

In the digital age, the protection of privacy is crucial. As such, this report also calls on the government of Iraq to modernize laws related to privacy, ensure that they are in line with international standards and effectively monitor companies' compliance with these laws.

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CONTACT

Tech 4 Peace

Baghdad, Iraq

www.t4p.co

info@t4p.co