



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

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A Consultation Paper on **Draft Telecommunications Consumer Protection Regulations**

INVITING PUBLIC COMMENT AND INPUT

21/07/2014

Draft Telecommunications Consumer Protection Regulations

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CONSULTATION FEEDBACK INFORMATION

- TRR welcomes and invites comments and feedback to this consultation document from all interested parties;
- We would appreciate your response to be clear by quoting the corresponding main sections and sub sections when providing your comments;
- More general comments on the consultation document should be indicated accordingly;
- In the interests of transparency, TRR will make public all or parts of any submissions made in response to this Consultation Document unless there is a specific request to treat all or part of a response in confidence. If no such request is made, TRR will assume that the response is not intended to be confidential. TRR will evaluate requests for confidentiality according to relevant legal principles;
- Respondents are required to clearly mark any information included in their submission that they consider confidential. They shall provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. TRR will determine, whether the information claimed to be confidential is to be treated as such, and, if so, will not publish that information. In respect of the information that is determined to be non-confidential, TRR may publish or refrain from publishing such information at its sole discretion.
- If you have specific questions, please use Section 5 (Your Specific Questions) to provide us with your queries;
- TRR will accept comments in English, French or Bislama;
- If comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by a disk containing the comments, in electronic format;
- Comments on this consultation document should be provided to TRR via the following means:
 - Email address consultation@trr.vu
 - Faxed to (678) 24470
 - Posted or hand delivered to:
Public Input – Draft Telecommunications Consumer Protection Regulations
Telecommunications and Radiocommunications Regulator
P O Box 3547, Port Vila, Vanuatu
- The deadline for public Comments is **4pm, 29 August 2014;**
- For any phone enquiries regarding this Consultation document, please call the following numbers:
 - (678) 27621 or (678) 27487

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- All comments may be reviewed by TRR's BAG and CAG, as appropriate at TRR's discretion, and if TRR believes it will assist its consideration of the views expressed. TRR will, however, keep the BAG and CAG informed of development of this Regulation and will use it to assist TRR's finalization of the Regulation. TRR will consider every comment submitted when finalizing its report or decision. For transparency, a record of every comment received will be made available for public information, unless comments are labeled 'In Confidence' (see also dot points 4 and 5 above);
- For more information about TRR's Consultation Guidelines, please visit the following website www.trr.vu
- You are welcome to visit our website <http://www.trr.vu> for more details on the latest developments in the telecommunication services industry and other related matters.

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INTRODUCTION

This Consultation Document (“document”) seeks public feedback on a draft Consumer Protection Regulation that proposes to add implementation detail to the procedures established by the Telecommunications and Radiocommunications Regulation Act No 30 of 2009 (“the Act”) and establish some key safeguards of the rights and interests of telecommunications consumers.

A draft of the proposed regulation, which is titled *Telecommunications and Radiocommunications (Consumer Protection) Regulations 2014* (“the draft Regulation”), is provided at Annex A.

Arrangements affecting the collection of information relating to service provider’s compliance with the requirements of the draft Regulation (and Part 8 of the Act more broadly) will be addressed through the TRR’s planned review of its general data collection arrangements.

It is likely that the draft Regulation may need to be amended or supplemented in the future as new consumer issues arise which require coverage in the Regulation. For example, the TRR is still working through some consumer-related issues relating to directory information services and emergency call services and intends addressing those issues through separate regulations and/or orders in the near future.

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1 INTERPRETATIONS

The key terms used in the draft Regulation are either already defined in the Act or otherwise are defined in the draft Regulation itself. Most significantly, the term 'consumer' is used instead of the term 'end user' because the former is better recognized in general usage. 'Consumer' has been given a definition in the draft Regulation that is the same as the definition of 'end user' in the Act, namely: 'a person who is the ultimate recipient of a telecommunications service or another service provided by means of that telecommunications service but does not include affiliates of a service provider'.

2 BACKGROUND

2.1 Part 8 of the Act sets out a number of important consumer protections, including:

- A prohibition on demands for payment for services that have not been requested (s.39(1));
- Certain minimum requirements for invoices (s.39(2));
- Guaranteed ability for a consumer to inspect and verify the debits a service provider makes against his or her pre-paid credit balance (s.39(3));
- A prohibition on false and misleading information (s.39(5));
- A prohibition on the use and disclose of the personal information of consumers (except in certain specified circumstances) (s.40);
- A requirement that service providers have in place procedures for handling consumer complaints (s.41);
- A prohibition on unjustified discrimination between consumers (except in certain specified circumstances) (s.42);
- The ability for the TRR to assume a role in the review and approval of the terms of services under which a service provider supplies, or offers to supply, a telecommunications service to a consumer (s.43).

2.2 The Act provides for TRR to (and also envisages that it will) set out additional implementation details and specific requirements in relation to these consumer protections, and in the interests of consumer protection generally (e.g. in Part 8 and section 7 of the Act).

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3 PURPOSE

3.1 TRR intends to introduce a regulation addressing certain consumer protection issues to:

- help implement, facilitate and give effect to the statutory consumer protections in Part 8 of the Act by adding supplementary detail or requirements and establish procedures to govern how they will be applied, implemented or assessed.
- formalise TRR's oversight of the terms and conditions under which telecommunications services are supplied to consumers to ensure that they are reasonable, appropriate and sufficient.
- ensure consumers are given sufficient information about the capabilities and limitations of their telecommunications services, and the terms and conditions under which it is provided.
- establish the minimum requirements and conditions available from operators to protect consumers.
- Strengthen customer relations and protection within the telecommunications sector.
- assist all licensees to develop their customer practices and service guarantees in accordance with Part 8 of the Act

4 REGULATORY IMPACT ASSESSMENT

4.1 The draft Regulation is to be made under subsection 7(3) of the Act, specifically to implement, enforce and to give effect to existing consumer protection provisions in Part 8 of the Act, which include, but not limited to:

- Section 43 of the Act regarding the terms of service on which a service provider supplies, or intends to supply, a telecommunication service to a consumer.
- Section 40 regarding the protection of the personal information of consumers.
- Section 41 regarding the service providers' procedures for dealing with disputes and complaints from consumers.
- Section 39 of the Act regarding the provision of information to consumers, including by way of advertisement, in a manner that is not misleading or deceptive, or likely to mislead or deceive.

4.2 This Regulation will also support and assist various clauses of the Licences such as:

- Clause 15 of the licences that deals with fair dealing practices; and
- Clause 16 regarding confidentiality of customer information;

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4.3 This draft Regulation supports the Government's National ICT Policy, Universal Access Policy and Cyber Security Policy in relation to the consumer interfaces of those policies.

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- 4.4 The implementation of the draft Regulation will support part 8 of the Act, by providing guidance to service providers on the consumer protection standards that should be applied in their consumer dealings.
- 4.5 From experience, the current TRR Consumer Protection Guideline has not been as effective as planned. This draft Regulation will address that outcome to some extent.
- 4.6 The Universal Access Policy will extend service coverage to 98% of the population by January 2018 and this means that many people in rural areas will become telecommunications consumers for the first time. They will have had either little or no experience as consumers in this sector. The regulation will provide guidance on their expectations as consumers of the standards that service providers should apply. They will be better able to assert their consumer entitlements as a result. .
- 4.7 The provisions of the Regulation will greatly assist all people in Vanuatu in what they can expect from the providers of their current telecommunication services.
- 4.8 The Regulation will support the improvement in the provision and quality of telecommunication services.
- 4.9 It is necessary and appropriate to make the draft Regulation at this time because there is considerable variation in the level and sufficiency of the information in both service providers' terms of service and in the information given to consumers about those terms of service or the services themselves. TRR is concerned that consumers' interests may not be or being given sufficient protection and thus wants to introduce a degree of regulatory oversight, as is provided for in the Act, to ensure that service providers address particular matters in their terms of service, that those terms of service are reasonable and sufficiently clear, and that service providers give consumers certain information about their service and contract. This is reflected in the types of complaints and queries that TRR is increasingly receiving from consumers. There is also currently insufficient protection for licensees regarding the circumstances in which it is appropriate and legitimate for them to use or disclose the personal information of consumers. Better specification of the legitimate uses and circumstances of disclosure is needed to provide certainty to licensees.
- 4.10 The draft Regulation will assist the implementation of TRR's work program, in particular in relation to quality of service regulation and consumer protection issues, by formally involving TRR in the review and approval of service providers' standard terms of service.
- 4.11 TRR has ensured that the draft Regulation is proportional to the issues being addressed and does not impose unnecessary burdens on licensees by limiting the scope of the new provisions and obligations to the minimum necessary to adequately safeguard consumers' interests and introduce some regulatory oversight. Thus the draft Regulation requires:
 - review and approval of service providers' terms of service but does not attempt to specify what those terms of service must be or to standardize them across different service providers beyond a minimum set of topics that they must cover.

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- service providers to provide consumers with information about certain matters that are directly relevant to consumers but does not attempt to specify the way in which that information is presented or communicated to consumers;
 - service providers to publish a Protection of Consumer Information policy but does not specify what those policies must be (other than in broad terms to ensure consistency with the Act).
 - Advertisements for telecommunications services to identify the performance characteristics that the user would be likely to experience under typical usage conditions (as distinct from theoretical or ideal conditions that are not likely to be experienced in practice) but does not specify how such information must be presented or communicated and does not involve TRR in review or approval of proposed advertising.
- 4.12 Further many of the requirements that the draft Regulation will introduce simply formalize practices or arrangements that service providers should already be doing or have in place in the interests of their customers. The draft Regulation thus introduces some minimum standards and a degree of regulatory oversight to activities that service providers should already be addressing as required under the Act and in licence obligations. For example, service providers already use standard terms and conditions to govern their supply of telecommunications services to consumers—the draft Regulation is thus only introducing an approval mechanism to ensure those standard terms are adequate. Service providers already provide various information to their existing and potential customers—the draft Regulation is simply ensuring that information is provided about certain key matters relevant to consumers’ interests.
- 4.13 The draft Regulation will help safeguard and promote sustainable and effective competition by ensuring some level of minimum uniformity in the way that licensees deal with their customers and consumers. Competition based on different standards, performance characteristics and so on is not removed by excessive regulatory uniformity. These regulations are addressed to minimum requirements and leave it licensees to innovate in creative and useful ways to improve their customers’ overall experience, and to compete at that level.
- 4.14 The draft Regulation addresses terms and conditions and enable public interest values to be brought to bear in the approval process.
- 4.15 The implementation arrangements are intended to be straight forward. The draft Regulation allows for any existing terms of service that are currently in use to continue to be used until they, or a modified version of them, are approved by the TRR. Further, the time and effort required to fulfill most of the other new requirements should be minimal because they simply formalize, or introduce some regulatory oversight of, activities that service providers should already be doing or internal policies that service providers should already have in place.
- 4.16 The benefits of the draft Regulation outweigh any negative effects of it, which are minimal. The minimal negative effects are related to a small increment in regulatory administration in all relevant organizations, but in the case of the licensees is little more than many would be

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undertaking now as part of enlightened and comprehensive customer care and contract administration.

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	Aspect	Under the status quo (i.e. with no additional regulation)	Under the draft Regulation as proposed
1	Approval of service providers' terms of service (s.4(1))	<p>(+) Service providers retain full control over the terms and conditions it will supply service to consumers</p> <p>(-) There is considerable variation in the quality and sufficiency of the terms and conditions that govern the supply of communications services to consumers, leaving some consumers' interests insufficiently protected or at risk</p> <p>(-) TRR is unable to address poor or inappropriate terms in a service provider's terms of service until after a problem or complain arises, which is too late</p>	<p>(+) TRR is able to ensure service providers address any inadequacies in their terms of service before consumers are affected by them.</p> <p>(+) Enables TRR to keep on file the terms of service governing all telecommunications services supplied to consumers, which will improve the TRR's ability to respond to any associated consumer complaints or enquires it may receive (although TRR expects fewer such complaints after it has completed the approval process for terms of service)</p>
2	Indicative list of the matters to be addressed in service providers' terms of service (s.4(2))	<p>(-) Some telecommunications services continue to be supplied under terms and conditions that are inadequate or provide insufficient protection for consumers interests, leaving consumers at risk in the event that a problem or disagreement arises</p> <p>(-) Significant variation in the matters covered in different service providers' terms of service, leaving some consumers less informed and less protected than others</p>	<p>(+) Service providers are given guidance as to the matters that the TRR expects to see in service providers' terms of service, which will ensure all service providers' terms of service address a minimum set of important matters related should streamline the approval process</p>
3	Indicative list of the matters that service providers must inform their customers of at the point of sale (s.5)	<p>(-) Risk that consumers are inadequately informed at the point of sale and enter into a contract for a telecommunications service based on incomplete or misleading information</p>	<p>(+) Certainty that consumers will be informed at the time of sale of certain key issues relating to the telecommunications service they are considering purchasing</p> <p>(+) Consumers are better informed, and base their decisions accordingly</p>

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4	Obligation on service providers to endeavor to ensure sufficient accuracy and completeness of customer information, to inform consumers of the purpose for collecting the information, and to enable customers to inspect and correct that information (s.6)	(-) No certainty that consumers will be adequately informed by licensees about the licensee's practices for the collection and use of personal information.	(+) Certainty that consumers will be informed of what information about them will be collected, how it will be used, and how the consumer can verify or change it. (+) Consumers are better informed, and base their decisions accordingly
5	Specification of the circumstances in which consumer information may be used or disclosed (s.7)	(-) As there are currently no authorized uses or discloses of customer information other than the general ones stated in the Act, important uses of customer information, including those related to safety of life, would continue not to be allowed.	(+) Service providers are authorized to use and disclose customer information for specified purposes, all of which are important and many of which consumers may expect already occur automatically.
6	Obligation on service providers to publish a policy statement explaining the type of customer information it collects, the purposes of which it is used, and the arrangements in place to protect confidentiality (s.8)	(-) There is no certainty that customers will be adequately informed, or have access to information, about service providers' practices and procedures for the collection, protection and use of personal consumer information (-) Poor or insufficient policies and practices regarding the collection, protection and use of personal consumer information may not be identified or corrected until after a problem or complaint arises	(+) Consumers are informed, or have easy access to information, about their service provider's policies and practices for the collection, protection and use of personal consumer information (+) Any poor or insufficient policies and practices regarding the collection, protection and use of personal consumer information are able to be identified and corrected early, before they lead to problems or complaints.
7	Obligation on service providers to mention performance under typical usage conditions (and not just theoretical ideal conditions) when advertising telecommunications	(-) Risk of consumers misunderstanding the actual performance capabilities of the telecommunication services advertised to them, leading to consumer complaints when their expectations are not met	(+) Consumers are better informed, and base their decisions accordingly (+) Consumers' expectations of their telecommunications services are realistic, resulting in less dissatisfaction and associated

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	services (s.9)		complaints to the TRR
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(+) = a consequence; (-) =negative consequence

5 CONSULTATION QUESTIONS

Q1 Do you support the draft Regulations as they have been drafted?

Q2 If the answer to Q1 is 'no', please indicate the alternative approaches that you would prefer to the consumer topics raised in the draft Regulations, including, if possible, the text that might appear in the draft Regulations instead of what is currently there. Please also state the reasons for your view.

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Q3 If the answer to Q1 is 'no' because a topic has not been covered or covered to the extent that you think it should be, please indicate the additional coverage and text that you would propose be included in the draft Regulations at this time, bearing in mind that some topics are likely to be included in separate regulations or later versions of these regulations by the TRR. Also please state the reasons for your view.

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ANNEX A

REPUBLIC OF VANUATU

**TELECOMMUNICATIONS AND RADIOCOMMUNICATION REGULATION ACT NO. 30 OF
2009**

**Telecommunications and Radiocommunications (Consumer Protection)
Regulation 2014**

Order No. of 2014

IN EXERCISE of the powers conferred by subsection 7(3) of the Telecommunications and Radiocommunications Act No. 30 of 2009, and with the approval of the Minister, I, Ronald Neil Box, the Telecommunications and Radiocommunications Regulator makes the following regulations.

Made at Port Vila this [xxth day of xx 2014]

Ronald Box
Telecommunications and Radiocommunications Regulator

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PART I PRELIMINARY

1 Short title

- (1) These Regulations may be cited as the *Telecommunication and Radiocommunications (Consumer Protection) Regulations 2014*.

2 Commencement

- (1) These Regulations shall come into force on the date they are published in the Gazette.

3 Definitions

- (1) Subject to sub-section (2), unless the context otherwise requires, terms used in these Regulations have the same meaning as in the *Telecommunications and Radiocommunications Regulation Act No. 30 of 2009*.

- (2) Unless the context requires otherwise:

“**advertising**” means the communication of information by a service provider directed via any media and any means to its customers or to potential customers of its service;

“**consumer**” means *end user* and is used where *consumer* is more appropriate according to general usage;

“**Personal consumer information**” includes without limitation:

- (a) a consumer’s name and address;
- (b) a consumer’s telephone number;
- (c) the content of a consumer’s communication;
- (d) records of a consumer’s calls, messages or internet sessions;
- (e) a consumer’s billing records;
- (f) data indicating a consumer’s current or past location;

“**the Act**” means the *Telecommunications and Radiocommunications Regulation Act No. 30 of 2009*;

“**these Regulations**” means the *Telecommunication and Radiocommunications (Consumer Protection) Regulations 2014*;

NOTE: The following terms are defined in the Act:

- customer

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- end user;
- licensee;
- Minister;
- Regulator;
- Service provider;
- telecommunications service; and
- Terms of Service.

PART II NOTIFICATION OF CHANGES OF SERVICE

4 Notification of Change of service

- (1) A service provider that intends to change any aspect of a telecommunications service shall do so by changing the Terms of Service in relation to that telecommunications service and giving affected customers notice in advance of the proposed change taking effect that is reasonable having regard to the nature of the change.

PART III APPROVAL OF TERMS OF SERVICE

5 Regulator to approve Terms of Service

- (1) A service provider that provides, or intends to provide, a telecommunication service to a customer shall submit a draft of its Terms of Service to the Regulator for its approval:
 - (a) prior to providing a telecommunications service to a consumer or customer under those proposed Terms of Service; or
 - (b) within 20 business days of the commencement of these Regulations in the case where a telecommunications service is being provided to a consumer under the proposed Terms of Service immediately before the commencement of these Regulations.
- (2) In addition to the matters set out in subsection 43(2) of the Act, and without limitation, draft Terms of Service submitted for approval by a service provider must set out the following:
 - (a) the service provider's quality of service standards or commitments;
 - (b) the service provider's credit policies;
 - (c) the service provider's policies and procedures relating to any change to a customer service, the suspension, disconnection or cancellation of a telecommunications service, and the procedures by which service may be reinstated, reconnected or upgraded;
 - (d) the post-sale support or assistance that is available to consumers, including any associated charges;
 - (e) the means by which a customer and consumer can, pursuant to subsection 39(3) of the Act, review and verify the debits against the consumer's pre-paid credit balance;

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- (f) the procedures, for the purposes of section 41 of the Act, by which the service provider will deal with disputes and complaints from consumers; and
- (g) the service provider's policies and processes in relation to the protection of the confidentiality of personal consumer information.

NOTE: Subsection 43(2) of the Act sets out certain matters that must be addressed in any draft Terms of Service submitted to the Regulator for its approval under subsection 43(3) of the Act.

- (3) Before deciding whether to approve a service provider's draft Terms of Service, with or without changes, the Regulator shall consider whether they:
 - (a) are consistent with the Act, in particular section 43 thereof; and
 - (b) are clearly and unambiguously expressed.
- (4) A service provider may amend its approved Terms of Service by:
 - (a) submitting a revised draft of its proposed Terms of Service that incorporates the proposed amendments; and
 - (b) clearly indicating to the Regulator all of the proposed changes that the service provider wishes to make to its approved Terms of Service.

NOTE: Pursuant to subsection 43(5) of the Act, once draft of a service provider's Terms of Service have been approved; they replace any previously approved Terms of Service that may be in effect.

- (5) The Regulator shall endeavour to make a decision whether to approve draft Terms of Service, with or without changes, within 30 business days.
- (6) Terms of Service that were employed by a service provider prior to the commencement of these Regulations, and which have not previously been approved by the Regulator under subsection 43(3) of the Act:
 - (a) shall be treated as draft Terms of Service for the purposes of section 43 of the Act upon their submission to the Regulator;
 - (b) shall remain in effect until the Regulator approves a set of draft Terms of Service applicable to that service provider under subsection 43(3) of the Act; and
 - (c) may continue to form the basis on which the service provider offers to provide consumers with a telecommunications service until the Regulator approves a set of draft Terms of Service applicable to that service provider under subsection 43(3) of the Act.

PART IV PROVISION OF INFORMATION TO CONSUMERS

6 Provision of service information at point of sale

- (1) A service provider that provides a telecommunication service to a consumer shall provide the consumer with accurate, relevant, current and easily understood information, in simple and plain language, at the point of sale that describes:
 - (a) the capabilities and limitations of the service, including the minimum quality of service that the consumer is guaranteed to receive;
 - (b) the geographic availability of the service;
 - (c) the associated prices and charges, including:
 - (i) the circumstances that result in a charge;
 - (ii) the frequency with which invoices, if any, will be issued;
 - (iii) the methods used to determine any variable charges;
 - (iv) whether the charges are subject to change during the period of the contract and, if so, how those changes will be communicated to the consumer;
 - (d) the Terms of Service;
 - (e) whether particular equipment or ancillary services are necessary to utilise the service or certain features and, if so, the associated charges that would apply;
 - (f) the commencement date, duration, and expiry date, if any, of the service contract;
 - (g) whether or not there is any warranty relating to any aspect of the service (including equipment) that is to be provided by the service provider;
 - (h) the minimum total charge, if calculable, that the consumer could expect to pay over the duration of the service contract;
 - (i) how the consumer can obtain additional information from, or report service faults to, the service provider; and
 - (j) the service provider's procedures for dealing with disputes and complaints from consumer consumers pursuant to section 41 of the Act.
- (2) The information described in subsection (1) shall be made available to consumers:
 - (a) free of charge; and

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- (b) in English, French and Bislama.

PART V PROTECTION OF PERSONAL INFORMATION

7 Confidentiality of personal consumer information

- (1) A service provider shall take reasonable steps to ensure that all personal consumer information it retains or discloses is accurate and complete for the purposes for which it is to be used.
- (2) A service provider shall permit a consumer to inspect its records regarding a telecommunications service provided to that consumer and shall promptly correct or remove information that is shown to be incorrect.
- (3) A service provider shall, upon request, disclose to a consumer the purpose of requesting or collecting any personal information about that consumer, and shall not use or maintain personal consumer information for undisclosed purposes.

8 Authorised uses and disclosures of personal consumer information

- (1) Without limiting the Regulator's authorisation and for the purposes of section 40 of the Act, a service provider is authorised to divulge personal consumer information if:
 - (a) the consumer has consented to the disclosure, or use, as the case requires, in the circumstances concerned;
 - (b) the consumer is reasonably likely to have been aware or made aware that information of that kind is usually disclosed, or used, as the case requires, in the circumstances concerned;
 - (c) in respect of information relating to the contents or substance of a communication, where it might reasonably be expected that both the sender and the recipient of the communication would have consented to the disclosure or use, if they had been aware of the disclosure or use;
 - (d) the disclosure or use is made for a purpose of, or is connected with, any other licensee carrying on its business as a licensee and the disclosure or use is made for a purpose of, or is connected with:
 - (i) the supply, or proposed supply, by the other licensee of a telecommunications service or goods or services for use in connection with the supply of a telecommunications service to the consumer; or
 - (ii) the installation, maintenance, operation or provision of access to a telecommunications network or a facility, where the network or facility is

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- (iii) used, or for use, by the other licensee to supply a telecommunications service to the consumer;
- (e) the disclosure or use is made for the purpose of establishing, maintaining or providing a directory information service and has been approved by the customer for that purpose;
- (f) the disclosure is made to an emergency service organisation for purposes connected with it dealing with a matter raised by the consumer during a call to an emergency call service;
- (g) the disclosure or use is reasonably necessary for a purpose connected with persons being alerted to an emergency or a likely emergency;
- (h) the service provider believes on reasonable grounds that the disclosure or use is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of a person;
- (i) the disclosure or use is reasonably necessary for the purpose of the preservation of human life at sea.

NOTE: Section 40 of the Act prohibits a service provider from diverging any personal consumer information to any other person who is not an agent or employee of the service except where required by law, authorised by warrant, or authorised by the Regulator.

9 Service providers to publish a Protection of Consumer Information Policy

- (1) A service provider that provides a telecommunication service to a consumer shall prepare and publish on its website a document titled “Protection of Customer Information Policy” that sets out:
 - (a) the type of personal consumer information that it collects from consumers or otherwise records as part of its supply of telecommunications services;
 - (b) the uses that are, or may be, made of that personal consumer information by the service provider or authorised third parties;
 - (c) the arrangements that the service provider has in place to protect the confidentiality of personal consumer information; and
 - (d) how a consumer can inspect and correct personal consumer information that is held by the service provider.

PART VI ADVERTISING OF TELECOMMUNICATIONS SERVICES

10 Accurate performance descriptions in telecommunications advertisements

(1) A service provider shall ensure that the content of any advertisement, notice or other communication about the performance of a telecommunications service that it publishes makes it clear what the end user might reasonably expect to experience under typical usage conditions in relation to the availability or performance of that service.

(a) NOTE: Subsection 39(5) of the Act prohibits a service provider from engaging in conduct that is misleading or deceptive or which is likely to mislead or deceive.