



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार /Government of India



Dated the 19th June, 2020

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), regarding implementation of The Telecom Commercial Communications Customer Preference Regulations (TCCCPR), 2018.

F. No. 311-04/2017-QoS---- Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as "TRAI Act"), has been entrusted with discharge of certain functions, inter-alia, to regulate the telecommunication services; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause(c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018 (hereinafter referred to as the "regulations"), to regulate unsolicited commercial communications;

3. And whereas regulation 3 of the regulations, inter-alia, provides that every Access Provider shall ensure that any commercial communication using its network takes place using registered headers only assigned to the sender for the purpose of commercial communication;

4. And whereas regulation 5 of the regulations, inter-alia, provides that every Access Provider shall develop or cause to develop an ecosystem to regulate the delivery of the commercial communications as provided for in the regulations and shall comply with any other directions, guidelines and instructions issued by the Authority from time to time in this regard;

5. And whereas regulation 8 of the regulations, inter-alia, provides that every Access Provider shall, before allowing any commercial communication through its networks, develop Code of Practice for Entities of ecosystem (CoP-Entities) as per Schedule-I, register entities as provided for in Code(s) of Practice for Entities, register Sender(s) and assign the header(s), header root(s) and Register Content Templates and Consent Templates;

6. And whereas clauses (a), (b) and (c) of sub-item (1) of item 4 of Schedule-I to the regulations, inter-alia, provides for header registration functions of every access provider to assign header as per allocation and assignment principles and policies, to facilitate content provider or principal entity to get new headers after carrying out pre-verifications of documents and credentials submitted by an individual, business entity or legal entity requesting for assignment of headers and bind them with a mobile device and mobile number(s), in a secure and safe manner, which shall be used subsequently on regular intervals for logins to the sessions by the header assignee;

7. And whereas clause (f) of sub-item (1) of item 4 of Schedule-I to the regulations provides for additional checks to be carried out by Access Providers while registration of Headers for look-alike headers which may mislead a common recipient of commercial communication and reads as under:



“(f) carry out additional checks for look-alike headers which may mislead to a common recipient of commercial communication, it may also include proximity checks, similarity after substring swaps specifically in case of government entities, corporate(s), well-known brands while assigning headers irrespective of current assignments of such headers, and to follow specific directions, orders or instructions, if any, issued from time to time by the Authority”;

8. And whereas clauses (b) and (f) of sub-item (1) of item 5 of Schedule-I to the regulations, inter-alia, provides that Header Registrar will carry out Header Registration Function, as mentioned in the para 6 above, and shall maintain minimum performance requirements as specified therein;

9. And whereas regulation 11 of the regulations, inter-alia, provides that every Access Provider shall give due publicity through appropriate means to make the customers aware regarding procedures and facilities for: registration of preference, registration and revocation of consents, making complaints or reporting of Unsolicited Commercial Communications, and that they shall not be involved in the activity of sending commercial communications, and the Authority may, from time to time, issue such directions as it deems necessary, specifying the content, medium, frequency and manner of such publicity;

10. And whereas item 5 of Schedule-I to the regulations, inter-alia, provides that every Access Provider shall set up entities Header Registrar, Consent Registrar, Consent Template Registrar, Content Template Registrar, Content Template Verifier, Telemarketers for Scrubbing function, Telemarketers for Delivery Function of Messages, Telemarketers for Aggregation Function and Telemarketer for voice calling function, or may delegate roles to perform functions specified in regulations;

11. And whereas paragraphs 3.1.1 and 3.1.2 of Explanatory Memorandum to the regulations discuss various problems of previous regulatory framework, such as *non-traceability of Senders of UCC and intermediaries, Cases where the request (consent) is taken by organizations or individuals to send transactional messages*



are unverifiable and accessible, as well as, customers don't have the choice to revoke such consent, Cases brought to notice by SEBI and RBI about UCC messages related to financial, trade and security market (by unauthorized entities);

12. And whereas paragraphs 3.3.23 of Explanatory Memorandum to the regulations explain that to support unbundling and delegation of functions specified in the CoP to different entities, sharing of data and execution of processes should be in such a manner that process is executed with the data, but it is not accessible in clear text form to any intermediate entity or other applications operating on the system and that the delegation of functions should be possible without compromising safety and security requirements of the data handling;

13. And whereas sub-regulation (3) of regulation 12 of the regulations, inter-alia, provides that Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, to register all person(s), business entity(ies) or legal entity(ies) for making Commercial Communication through its network who are involved from origination, transmission or delivery and have adequate documentary evidence in support to prove their identities;

14. And whereas sub-regulation (6) of regulation 12 of the regulations, inter-alia, provides that Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, to ensure that data is accessible only to the relevant entities only for performing roles assigned to them under these regulations and if not specifically permitted, the data should not be accessible in clear text to any person, including the person(s) operating the system or performing a delegated function, e.g. scrubbing, or accessible to any application(s) other than the application performing the delegated function(s);

15. And whereas, it has also come to the notice of the Authority that access provider(s) have entered into the agreement with telemarketers wherein telemarketers have been delegated roles and functions which are not envisaged

to be performed by a telemarketer, such as, registration of Principal Entities and/or assigning header(s) to Principal Entities after verification of their credentials, registering content or consent templates etc.

16. And whereas functions of header assignment, registration of content templates, consent templates are required to be carried out by Header Registrar, Content Registrar and Consent Registrar correspondingly and that the Access Providers are required to carry out functions, such as, header registration or consent registration on its own or through its agent to facilitate principal entity or consent acquirer;

17. And whereas it has also come to the notice that in some instances, access provider(s) have allowed telemarketers to present themselves on behalf of Principal Entities to get assigned headers and get templates registered, this in combination with delegations made as observed in para 15 shall result in same entity involved in verifying and approving the requests which has submitted the documents, credentials or templates for approving it causing thereby subversion of the regulatory process and defeating whole purpose of the regulatory framework;

18. And whereas, during various review meetings held with the Access Providers and information submitted by them, it was observed that: -

- a. The process of assigning headers by the access providers to new principal entities after verification of their documents and credentials is getting delayed and there is a need to complete this process in a time bound manner so that business interests of Principal Entities are not adversely affected due to delay in registration and assignment of headers for which they have submitted all relevant details and documents to the access providers;
- b. The applicant Principal Entities whose documents or details are either not complete or found with some deficiencies are also not being informed of

such deficiencies in a time bound manner and there is a need to define minimum performance requirements to inform such applicants in a time bound manner;

- c. The registered headers must be accessible to know the principle entity who has registered such header particularly if some mischievous activities are noted from such headers. Therefore, a mechanism is required to be devised for fetching of information or downloading information to know more details about a particular header. Access Providers can fetch the details of all the registered Principal Entities and headers assigned to them irrespective of the Access Provider who has actually registered the Principal Entity and has assigned the headers to it.
- d. The Principal Entities who have not requested Access Providers, so far, to get registered with them for assignment of headers may be made aware of the mandatory requirements such as header registration, content template registration etc. in case they are interested in sending commercial communications. For this, Access Providers need to communicate with principal entities including giving advertisement in leading national dailies to make PEs aware about the online processes that have been created to register them in a simple way and without the need to visit access provider physically.

19. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018, hereby directs all Access Providers: -

- a. **Minimum performance requirements for dealing with the request for assigning of a new header to a Principal Entity:** To ensure that there is no pendency in processing new requests for registrations and



assignment of headers etc. each access provider shall

- (i) ensure that registration of Principal Entity is approved within seven (07) working days from the date of submission of all relevant details by the Principal Entity;
- (ii) ensure that Principal Entity who has applied for registration is duly informed, within three (03) working days from the date of submission of the application, about the deficiencies observed in the application giving therein contact details of the Access Provider for any further clarification;
- (iii) ensure that header is assigned to a registered Principal Entity or rejected with valid reasons, within two (02) working days from the date on which such request for the assignment of header is made; in case of rejection, applicant shall be intimated of the reasons for such rejection;

b. **Publishing of information about registered Principal Entities (PEs) and the associated Headers:** Each Access Provider, in order to bring transparency about the senders, shall

- (i) publish on its website, the latest list of all PEs registered on DLT, irrespective of the Access Provider who has actually registered such PE, with complete details of Name, Address, City, Pin Code;
- (ii) publish on its website, the latest list of all headers associated with a particular PE with details of distinct purpose of each header for which it is to be used;
- (iii) facilitate its customers to fetch above information mentioned in (i) and (ii) for a particular Header via sending SMS with text "DETAILS of <Header>" to the number 1909, which is already in use for UCC related purposes.

c. **Service Agreements to delegate roles to entities and assigning of headers as per the regulations:** Every Access Provider shall ensure that no role is delegated by it to any entity which is not in accordance with



the provisions of the regulations, and shall

- (i) ensure that no service agreement is entered into which delegates the role(s) to be performed by the Access Providers to other entities such as Telemarketers;
- (ii) review and revise the existing terms and conditions of the service agreements with telemarketers, if any, wherein the Access Provider has delegated its role(s) and functions, such as, Entity Registration, Content/Consent Template Registration, Header Registration to telemarketer as these are not in compliance to the regulations.
- (iii) ensure that an entity other than a person or legal entity, who sent the message or made a voice call, caused the message to be sent or the voice call to be made or authorized the sending of the message or making of the voice call, do not present themselves as Principal Entity for registration or assignment of new headers.

d. **Run an awareness campaign for Principal Entities to get registered:**

Each Access Provider shall run a media campaign on its own or in collaboration with other Access Providers, within fifteen (15) days from the issue of this direction, by publication of advertisements in at least two leading National newspapers of Hindi and English, to make

- (i) Principal Entities, who have not registered so far, aware that by sending commercial communication without being registered with Access Providers and not using the headers assigned to them, they may violate the provisions of the regulations;
- (ii) Principal Entities aware about the measures that they need to take such as registration of header and content template, submission of existing subscriber's consents and acquisition process of consent to protect their business interests;
- (iii) Principal entities aware about the measures they need to take and also about measures taken by the Access Providers including, the details of web portal and relevant apps, to curb the menace of

unsolicited commercial communications;

(iv) Principal Entities aware about the links of the specific pages of websites of the Access Providers which provide interface to get registered with them through an online process and also publish Frequently Asked Questions (FAQs) developed for this purpose; use various other channels of campaign, such as digital media, to reach out to Principal Entities;

20. (a) The directions at sub-clauses (a), (c) and (d) of clause 19 above, shall come into force from the date of issue of this direction;

(b) The directions at items (i) and (ii) of sub-clause (b) of clause 19, above shall come into force after seven days from date of issue of this direction; and

(c) The directions at item (iii) of sub-clause (b) clause 19 above, shall come into force after 30 days from date of issue of this direction.



(Asit Kadayan)
Advisor (QoS)

To

All Access Providers as per list