

संख्या/ No.: D-27/(1)/2024-QoS(E-12845)
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
(सेवा गुणवत्ता-II अनुभाग/ Quality of Service-II section)

24th June 2024

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 enhancing user-friendliness of registration of Unsolicited Commercial Communication (UCC) complaints, Preferences and Consents through Mobile Apps and Web portals of Access Providers under Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018)

F. No. D-27/(1)/2024-QoS(E-12845) - Whereas the Telecom Regulatory Authority of India (hereinafter referred 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 compliance of terms and conditions of licence; 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 the 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 (hereinafter referred to as "UCC");

3. And whereas regulation 3 of the regulations, *inter alia*, provides that every Access Provider shall ensure that any commercial communication using its network only takes place using registered headers assigned to the senders 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 to provide facility to its Subscribers for registering preferences for Commercial Communication and maintain complete and accurate records of preferences; to provide facility to record consents of the Subscribers acquired

by the senders for sending Commercial Communication and maintain complete and accurate records of consents; to provide facility for revocation of consent by its Subscribers and accordingly update records of consent for the Subscribers; and to provide facilities for its Subscribers to register complaints against Senders of Commercial Communication and maintain complete and accurate records of status of resolution of complaints;

5. And whereas regulation 6 of the regulations, *inter alia*, provides that every Access Provider shall establish Customer Preference Registration Facility (CPRF) and shall make necessary arrangements to facilitate its customers, on 24 hours X 7 days basis throughout the year to provide modes, free of cost, to the customer, as per his choice, to register, modify or de register preferences through Mobile app developed in this regard either by the Authority or by any other person or entity and approved by the Authority; or Web portal with authentication through OTP;

6. And whereas regulation 8 of the regulations, *inter alia*, provides that every Access Provider shall, before allowing any commercial communication through its network, develop Codes of Practice (hereinafter referred to as "CoPs") for registration of preferences, recording consents and revocation of consents (CoP-Preference) as per Schedule-II; and Code of Practice for Complaint Handling (CoP-Complaints) as per Schedule-III;

7. 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 the procedures and facilities for registering preferences; the procedures and facilities for registration and revocation of Consents; and the procedures and facilities for making complaints, providing information or reporting Unsolicited Commercial Communication;

8. And whereas regulation 12 of the regulations, *inter alia*, provides that Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, *inter alia*, to record preferences, consents, revocation of consents, complaints etc. in a non-repudiable and immutable manner;

9. And whereas regulation 17 of the regulations provides that the Authority may direct Access Providers to make changes, at any time, in the Codes of Practice and Access Providers shall incorporate such changes and submit revised CoP within fifteen days from the date of direction issued in this regard;

10. And whereas regulation 23 of the regulations, *inter alia*, provides that every Access Provider shall establish Customer Complaint Registration Facility (CCRF) and shall make necessary arrangements to facilitate its customers on 24 hours X 7 days basis throughout the year to provide modes, as per choice of the customer and free of cost, to make complaint or to report violation of regulations, *inter alia*, through Mobile app developed in this regard either by the Authority or by any other person or entity and approved by the

Authority; or Web portal with authentication through One Time Password (OTP);

11. And whereas Schedule-III to the regulations pertains to the list of action items for Code of Practice for Complaint Handling (CoP-Complaints) and sub-item (3) of item 2 of the said Schedule, *inter alia*, provides that CoP-Complaints shall also include details about complaint registration through a mobile app and provide ways and means which can be used by the customer to compose complaint on behalf of recipient in a convenient manner and quickly; and ways and means to increase adoption of App to quickly detect spam participate to actively report to lead to larger set of information helpful to curb menace of Unsolicited Commercial Communications;

12. And whereas the Authority conducted a thorough assessment of the complaint and Preference Registration facilities established by the Access Providers by way of mobile Apps and Web Portals, and identified the following critical shortcomings that demand immediate attention:-

- (a) the absence of a direct option or hyperlink at a prominent location on the Main/Home page for registration of complaints, Preferences and Consents on the Access Providers' Mobile Apps and Web Portals coupled with the need for multiple redirects, significantly impedes user experience; and
- (b) while registering complaint through Access Providers' Mobile Apps, customers have to manually enter different field viz. number from which UCC was received, date of UCC and description of the UCC which is not only inconvenient but at times results in entering incorrect details making the complaint invalid;

13. 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 (6 of 2018) hereby directs all the Access Providers that -

- (a) the options/hyperlinks for registration of UCC complaints and registration/modification of Preference and Consents by customers is displayed at a prominent location on the first view of Main/Home page of the Access Providers' Mobile Apps and Web Portals;
- (b) there is a mechanism in the App to prompt customers to grant their permission to access call logs and other necessary details; inform them about the benefit of giving these permissions and the fact that providing of these permissions is not mandatory; and allow them to review their permissions;
- (c) the essential details, such as Senders' number/header, date of UCC, SMS text, etc., are auto populated while registering Unsolicited Commercial Communication (UCC) complaints

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- through Mobile Apps, if customers have granted permission to access their call logs and other necessary details;
- (d) necessary validations are applied at the backend to prevent invalid entries, such as entry of invalid/incorrect numbers/headers of senders, during registration of complaints; and
 - (e) the Code of Practice is updated and a compliance report of this direction is furnished within forty-five days from the date of issue of the direction.

Jaipal Singh 24/06/2024
(Jaipal Singh Tomar)
Advisor (QoS-II)

To

All Access Providers (including BSNL and MTNL)