

TELECOM REGULATORY AUTHORITY OF INDIA

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TRAI issues Regulation on Access to Information

The Telecom Regulatory Authority of India has issued Telecom Regulatory Authority of India (Access to Information) Regulation, 2005. The regulation has following features:

- (i) The service provider claiming confidentiality of documents filed with the Authority shall also give reasons for keeping the information confidential. The service provider shall also furnish a non-confidential summary of the portion sought to be kept confidential
- (ii) Any service provider seeking disclosure of confidential information should substantiate that the disclosure be in larger interest of the public. The request for disclosure should clearly state the purpose and the reasons for which the information is required.
- (iii) Information covered by any of the following categories shall be exempt from disclosure under the provisions of the Regulation:
 - trade and commercial secrets and information protected by law;
 - Commercially and financially sensitive information, the disclosure of which is likely to cause unfair gain or unfair loss to the service provider; or to compromise his competitive position
- (iv) Where the Authority proposes to reject the request for maintaining confidentiality it shall inform the service provider, and give him an opportunity to make a representation against the same. On consideration of his representation, if any, the Authority shall take a final decision. Where the Authority rejects the request of the service provider, it shall communicate to him in writing the reasons for doing so.

2. The Authority has issued “The Register of Interconnection Regulation, 1999” and “The Register of Interconnection Agreement (Broadcasting and Cable Services) Regulation 2004”. These Regulations provide how members of the public can access information relating to interconnection agreements in the telecom and broadcasting sector. The Reporting System on Accounting Regulation, 2004 provides for confidentiality of the financial information submitted under various provisions of the Regulation. TRAI can also call for information under Section 12 of the TRAI Act from any service provider in relation with its affairs. The Regulations already issued by TRAI do not provide guidance on disclosure of information available with the Authority for which confidentiality has been claimed. The present Regulation is being issued to fill up this gap.

As TRAI has made comprehensive Regulation on confidentiality of information provided to it, similar provisions in other existing Regulations/Orders have also been suitably amended/deleted.

Full details may be seen on the website of TRAI (www.trai.gov.in)