

**Fwd: Comments :Telecom Commercial Communications Customer Preference Regulations, 2018**

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Wed, 09 Oct 2024 5:16:37 PM +0530

To "Sanjay Kumar" <jtadv-qos2@traf.gov.in>

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==== Forwarded message =====

From: Vibhu Jhanb <Vibhu.Jhanb@aexp.com>

To: "advqos@traf.gov.in" <advqos@traf.gov.in>

Date: Wed, 09 Oct 2024 14:19:05 +0530

Subject: Comments :Telecom Commercial Communications Customer Preference Regulations, 2018

==== Forwarded message =====

Dear Sir,

We thank you for the opportunity to provide comments on the Telecom Commercial Communications Customer Preference Regulations, 2018.

The following is our submission per the template suggested:

**Q1**

**Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, along with necessary justifications.**

Transactional messages provide confirmation of completion of transactions and are mandated by regulated entities to be sent to customers. These messages also serve to protect customers in the event of a fraud. In some cases, calls need to be made for recovery of dues by customers. Having an opt out functionality may be counterproductive for such businesses. Hence, we suggest providing opt out functionality may be notified one time and not as part of every message/call. The transaction messages includes alerts whenever any spends are done by the customer, in case a customer opts-out they risk not receiving these transaction alerts.

In case of servicing calls important communication may be shared with the existing customers therefore an option to opt-out for servicing may not be provided.

Pre-verification tele calling process for leads generated through digital marketing should be categorized as transactional as these are solicited calls wherein the consent is captured and this process is a part of the application journey. It is recommended that, wherever an end-customer has expressed their desire for a call-back from the PE, including for further information about products and services, such communications should be categorized under the Transactional category (or alternatively, retain the Service Implicit category).

We suggest removal of cooling period of 90 days for obtaining fresh consent for transactional communication as the process of reacquiring consent from existing customers, as required by the TCCCPR, can be particularly onerous for businesses with large customer bases. This

can also cause consent fatigue? among customers, where repeated consent requests result in decreased customer engagement and responsiveness.

**Q2**

**Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world**

Consent for auto dialers or robo calling should be part of the same consent mechanism that exists for promotional calling so that customers who give consent for promotional calling do not miss out on any promotional offers made via auto dialers / robo calls. The requirement of promotional calls from 140 and servicing calls from 160 should be sufficient for customers to identify unwanted calls.

**Q4**

**Stakeholders are required to submit their comments in respect of Headers identifiers categories as suggested in para 2.31 of Chapter II or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.**

As Tele-sales is involved into fulfilment process of digital applications in the banking domain the following categorizations may be considered:

- KYC Completion, Any Other Document Collection, Consent obtaining calls & Welcome/On-Boarding Calls to be categorized as a Service Call
- All Crosssell, Upsell or Cold Calling to be categorized as a Sales Call

We recommend removal of prefix and simplification of header structure for clubbing messages from the same sender.

**Q5**

**Whether current provisions in the regulations for redressal of consumers? complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?**

Please elaborate of the evidencing that PE's needs to provide in case of a customer complaint.

**Q10**

**Whether there is a need to review exemptions accorded to transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?**

We recommend that there should be no removal of the exemption as transaction messages are essential to the customers. However, there is a need to harmonize the messaging template with clear distinction between a transactional and a promotional message. We support the exemption of SMS charge on all transactional messages and request that exemption to be extended to Service SMS, as a Service SMS are sent to customers with existing relationships after a consent has been obtained and are non-promotional in nature.

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Please feel free to reach out in case there is more clarification required in this matter.

Thank You.

Best Wishes,

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*American Express made the following annotations*

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*American Express a ajout le commentaire suivant*

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