

'New' Telco Consumer Protection Regulations

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The Regulations repeal several policies (set out below) with the aim of streamlining each of these policies into one to provide an umbrella framework which will govern the conditions, level and scope of service to be provided by all licensees of the TRA ("Licensees") to their respective subscribers. In this article, we provide a general overview of the Regulations and highlight some of their key aspects.

The Consumer Protection Regulations repeal the following TRA policies:

- Privacy of Consumer Information Policy
- Price Transparency Policy
- Consumer Complaints and disputes procedure
- Marketing and Communication Practices Policy
- Directory Information Policy

Note that the Unsolicited Electronic Communications Policy ("Spam Policy") dated 30 December 2009, remains in full force. The operation of the Regulations does not impact on the Spam Policy.

Key aspects of the Regulations include:

1. Provision of information to consumers

At the outset, the Regulations require all Licensees to take all reasonable steps to ensure that consumers make informed decisions. To this end, the Regulations mandate the provision of accurate and complete information, including:

- a written contract to all new subscribers specifying the complete terms and conditions, including any limitations and restrictions;
- details regarding the price and terms and conditions of the standard services offered to consumers; and
- any information relating to the circumstances under which the prices may vary during the term of the contract.

2. Confidentiality of subscriber information

Recognising the importance of maintaining the privacy of subscriber information, the Regulations require all Licensees to use reliable security measures in order to safeguard and prevent the unauthorised disclosure or use of subscriber information. Generally, the Regulations require Licensees to:

- refrain from using subscriber information for any purpose other than for which such information has been obtained (marketing purposes or in furtherance of anti-competitive practices, for example);
- obtain the consent of the data subject before sharing any such data subject's information with Licensee's

- affiliates or third parties;
- limit access to subscriber information to Licensee's authorised personnel that are trained in the Licensee's security and privacy protection practices; and
- refrain from obtaining non-essential information (i.e. any personal information relating to other individuals that are not essential and directly related to the requirements of the service ordered).

The TRA is entitled to visit the premises of the Licensee (or its affiliate(s)) where subscriber information is stored to review the security measures taken by the Licensee to maintain the security of subscriber information.

3. Marketing communications and practices

In addition to the Spam Policy generally prohibiting unauthorised electronic marketing communications, the Regulations set out further requirements regarding marketing communications and practices. In summary, the Regulations provide that marketing communications should not:

- exploit the credulity, lack of knowledge or inexperience of consumers;
- be unduly intrusive or coercive and should not or be likely to harass consumers;
- mislead or deceive consumers; and
- in the context of comparative claims, be unclear or likely to create confusion.

Note that the Regulations also contain separate sections addressing marketing communications aimed at specific audiences or in respect of specific topics (children and prize promotions, for example).

4. Complaints and dispute handling

A large number of the provisions contained in the Regulations deal with consumer complaints and disputes handling. Generally, the Regulations provide that Licensees must:

- make available information to consumers explaining the Licensee complaint policy and procedure;
- ensure that people with physical disabilities or special needs are capable of accessing the complaints handling process;
- provide consumers with at least one method of registering complaints free of charge; and
- keep the complainant updated regarding the progress and expected conclusion date of the complaint. At the date of conclusion, the complainant must be informed about the outcome of the case and the available remedies, if applicable.

Al Tamimi & Company's Technology, Media & Telecommunications team regularly advises on consumer protection issues. For further information about these matters, please contact Anita Siassios, a.siassios@tamimi.com.