

**The Telecommunications Regulatory Authority's Board of
Directors**

Resolution No. (3) of 2015

Promulgating the Bulk Messaging Regulation

Chairman of the Telecommunications Regulatory Authority's (the
Authority's) Board of Directors:

Having considered:

The Telecommunications Law promulgated by Legislative Decree No. 48
of 2002, particularly Article (3) and (35) thereof;

The Regulation issued by Resolution No. 1 of 2011 on Bulk Messaging;

After consulting with interested parties;

On the basis of the proposal submitted by the Authority's General
Director; and

Following the approval of the Authority's Board of Directors,

Has resolved as follows:

Article 1

This Regulation attached herewith shall be adopted.

Article 2

Resolution No. 1 of 2011 regarding the Bulk Messaging Regulation is
hereby being repealed.

Article 3

The official Arabic version of this Resolution and the Regulation attached
herewith shall be published in the Official Gazette and shall come into
force on the day following the date of publication.

Signed

Mohammed Ahmed Al Amer
Chairman of the Board of Directors

17 June 2015
LAD 0315 045

Issued on: 17 June 20

Bulk Messaging Regulation

Article 1

Definitions

For the purposes of this Regulation, any word or expression shall have the meaning given to it in the Telecommunications Law, and the following terms and expressions shall have the following meanings, unless the context otherwise requires:

Bulk Message means short text messages (“**SMS**”) or multimedia messages (“**MMS**”) sent or intended to be sent to one hundred (100) or more Recipients in the Kingdom of Bahrain at one time via short message or multimedia systems over a Licensed Operator’s Telecommunications Network for one of the following purposes:

- Offering to supply goods, services or business opportunities;
- Advertising or promoting goods, services, events, business opportunities or any other purpose designated by the Authority from time to time by a determination issued by the General Director of the Authority.

This shall include any Bulk Messages sent by the Licensed Operator for the purposes of offering to supply or promote the Licensed Operator’s goods, services, events or business opportunities.

Contracted Source means a Source who has entered into a contractual relationship, whether in written form or otherwise, with a Licensed Operator for the purpose of sending Bulk Messages to Recipients over the Licensed Operator’s

Telecommunications Network.

Non-Contracted Source means a Source who, without having entered into a contractual relationship with a Licensed Operator, sends Bulk Messages to Recipients over that Licensed Operator's Telecommunications Network.

Recipient means any User of or Subscriber to a mobile telecommunications service in the Kingdom of Bahrain.

Source means any Licensed Operator or artificial or natural person that sends a Bulk Message over a Licensed Operator's Telecommunications Network.

Solicited in relation to a Bulk Message, means a Bulk Message sent to Recipients that have requested that message and permitted the Source of the Bulk Message to send it to them.

Unsolicited in relation to a Bulk Message, means a Bulk Message sent to Recipients that did not request that message and did not permit the Source of the Bulk Message to send it to them.

Article 2

This Regulation applies to all Licensed Operators sending Bulk Messages. For the avoidance of doubt, and without prejudice to the definition of Bulk Message in Article 1 hereof, the following shall not be covered by the scope of this Regulation:

- a. Public security announcement;
- b. Network fault events reports or notices; and
- c. Any public announcement that is required to be made by operation of any applicable law or pursuant to an order of the Authority, Government Ministries or Government Agencies.

Article 3

Opt-out procedures

- a. Licensed Operators shall provide Recipients with a free-of-charge option to opt-out of receiving any Bulk Message which is nationally or internationally originated from any Source that is identified by numbers or alphanumeric codes, regardless of whether the Bulk Message is Solicited or Unsolicited.
- b. Licensed Operators shall provide the option either through a free-of-charge SMS or a toll free number.
- c. Licensed Operators shall make available all information and guidance relating to the Bulk Messages Opt-out option procedures on the Licensed Operator's websites and call centres. In addition, Licensed Operators should make such information available on flyers and brochures, which should be displayed at their outlets.
- d. Licensed Operators shall comply with any procedures and processes that the Authority, having consulted with interested parties in accordance with Article 3(f) of the Telecommunications Law, may establish from time to time for the purposes of establishing a harmonised opt-out option.

Article 4

Sending of Bulk Messages for Contracted Source

Within six months of the entry into force of this Regulation, when sending Solicited Bulk Messages itself or for a Contracted Source, Licensed Operators shall, to the fullest extent possible, comply or shall procure that the Contracted Source shall comply with the following:

- a. Bulk Messages shall only be sent to Recipients who have expressly consented to the receipt of Bulk Messages.
- b. The consent mentioned in Paragraph (a) above shall be acquired by the Source of the Bulk Message which shall maintain correct and updated records of such consent. Licensed Operators shall, where

applicable, procure the right to obtain copies of such records and consent forms from the Contracted Source.

- c. Solicited Bulk Messages shall only be sent between the hours of 09:00am and 08:00pm according to the Kingdom of Bahrain's timing.
- d. Unless expressly agreed with the Recipient, a maximum of one Solicited Bulk Message shall be sent per day to any single Recipient on behalf of any single Source.
- e. Each Solicited Bulk Message shall specify the identity and contact details of the Source on whose behalf the Solicited Bulk Message is being sent. Specifying the Source's details in any Bulk Message shall include, as a minimum, a valid telephone number or email address of the Source.
- f. Each Solicited Bulk Message shall specify the details of the opt-out option procedures described in Article 3(b) above.
- g. Where the cost of responding to Solicited Bulk Messages is different from the standard SMS or MMS applicable charge, then the cost for responding to the Solicited Bulk Message shall be specified in that Solicited Bulk Message.

Article 5

Sending of Bulk Messages for Non-Contracted Source

Without prejudice to Article 4 of this Regulation, the Telecommunications Law and Licences granted to Licensed Operators, Licensed Operators shall take appropriate measures to reduce the number of Unsolicited Bulk Messages which are sent over their Telecommunications Networks by Non-Contracted Sources.

Article 6

Enforcement

Without prejudice to the Authority's powers provided for in Article 35 of the Telecommunications Law, the Authority may, in the event that a Bulk Message is sent in a manner violating the provisions of this Regulation,

order the Licensed Operator to immediately stop sending Bulk Messages and take any other appropriate procedures.

The breach of any provisions of this Regulation by the Licensed Operator shall also be deemed to constitute a material breach of its Licences and the provisions of the Telecommunications Law.

Article 7

Right of Appeal

Orders issued by the Authority in accordance with the provisions of this Regulation, shall be subject to the right of appeal in accordance with the provisions of Articles (36) and (66) of the Telecommunications Law.

Article 8

Harmonisation of Circumstances

Each Licensed Operator shall make necessary amendments to its Standard Subscriber Agreement to enforce the provisions of this Regulation in accordance with the procedures set out in its Telecommunications Licences.