



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

# Consumer Protection Guidelines

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## Consumer Protection Guidelines

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## Consumer Protection Guidelines

### PURPOSE OF THE GUIDELINES

#### Introduction

1. These Consumer Protection Guidelines (“Guidelines”) are issued to assist Consumers and Licensed Operators providing telecommunications service in understanding their rights and obligations when buying or selling telecommunications services.
2. These Guidelines also outline what Telecommunications Regulatory Authority (“TRA”) is expected to do to communicate with Consumers about their rights and obligations.
3. These Guidelines are not a law but are intended to guide consumers and Licenced Operators in best practice consumer relations. However, as noted below, TRA may determine to issue binding regulations if consumer protection is not satisfactorily achieved and maintained.

#### Objective of the Consumer Protection Guidelines

4. These Guidelines are therefore intended to:
  - (a) increase awareness of Consumers’ rights;
  - (b) give Consumers and Licensed Operators a clear understanding of what they should expect from each other;
  - (c) outline how TRA expects Licensed Operators to respect and protect Consumers’ rights;
  - (d) encourage best practice by Licensed Operators and promote the provision of high quality services to Consumers;
  - (e) outline how the TRA will communicate with consumers and the industry.

#### Legal basis for these Guidelines

5. Article 3(b) of Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (“the Law”) requires that TRA undertakes its duties relating to Telecommunications services in the manner best calculated to:
  - (a) protect the interests of Subscribers and Users in respect of:
    - (i) the tariffs charged for services;
    - (ii) availability and provision of services;
    - (iii) quality of services; and
    - (iv) protection of personal particulars and privacy of services; and
  - (b) promote effective and fair competition among new and existing Licensed Operators.
6. Article 3(c)(18) of the Law requires TRA to exercise all powers and take all actions as may be reasonably necessary with respect to any matters deemed necessary to give effect to the provisions of the Law.

## **Consumer Protection Guidelines**

### **Application of the Consumer Protection Guidelines**

7. These Guidelines are applicable to all Licensed Operators providing Public Telecommunications Services and the Consumers of those services. They do not apply to Consumers of private Telecommunications services or private Telecommunications Networks.
8. Whilst these Guidelines are not binding, Licensed Operators are encouraged to comply with these Guidelines and Consumers are encouraged to ask their Licenced Operators to meet these Guidelines.

### **Review process**

9. TRA will continue to review market practice and Consumer complaints. It is intended that these Guidelines will be subject to periodic review and may be amended following consultation with interested parties in the light of experience in the Telecommunications sector, as well as ongoing developments in Telecommunications markets, or any changes that may occur to the national laws.
10. TRA may issue additional regulations or, where possible and necessary, regulatory enforcement actions if it considers that the objectives of these Guidelines have not been met or that Consumers are not adequately protected.

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### DEFINITIONS

11. Unless otherwise defined in this Guidelines any word, or expression, shall, unless the context so requires, have the same meaning given to it in the Law, regulations or Licences which shall be indicated by the use of capitalised words in the English version of this document.
12. In the event of conflict or ambiguity between the terms defined herein and the terms defined in the Law, regulations or Licences, the following order of precedence should apply:
  - (a) the Law and any laws issued addressing a similar matter in the Kingdom of Bahrain;
  - (b) Regulations;
  - (c) Licenced Operators' Licences;
  - (d) these Guidelines.
13. For the purposes of use in these Guidelines, the following terms will have the ascribed meanings:

**Consumer** means any User or Subscriber using or requesting publicly available Telecommunications services for their use;

**Regulation** means any Regulation issued by TRA;

**Subscriber** means, per the Law, any Person that is party to a contract with a Public Telecommunications Operator for the provision of Telecommunications services.

## Consumer Protection Guidelines

### CONSUMER RIGHTS

#### What Consumers should expect from Licensed Operators

14. Licensed Operators should provide clear and comprehensive information about tariffs, terms and conditions for available products and services.
15. Consumers should only be charged in accordance with tariffs, terms and conditions as they have agreed with their Licenced Operator.
16. Consumers are entitled to expect that Licenced Operators should:
  - (a) provide Consumers with clear and accurate bills, which enable those Consumers to readily understand the tariffs charged and method of calculation used in producing the bill for products and services;
  - (b) Licenced Operators should be fair, prompt and courteous when responding to problems encountered;
  - (c) not discriminate between Consumers, meaning that the Consumer has the right to be treated equally to other Consumers in similar circumstances;
  - (d) not engage in market abuse or unfair trade practices;
  - (e) ensure that complaints are properly dealt with, in accordance with the Licenced Operator's internal complaints resolution procedure established under article 55 of the Law; and
  - (f) safeguard the Consumers' right to complain in writing and receive a prompt response where appropriate. Further, Licenced Operators should not hinder the Consumers' right to have disputes resolved by TRA in accordance with article 56 of the Law.

#### Tariffs and Terms

17. Article 58 of the Law requires that tariffs be fair, reasonable and based upon forward looking costs. TRA aims to encourage this primarily through the development of a competitive environment in the Telecommunications sector.
18. Full terms and conditions of the service together with full details of tariffs should be available to all new Subscribers before the provision of any service. These should either be provided in written form (whether electronic or hard copy) or new Subscribers should be directed to where they can obtain a copy of the terms and conditions. New Subscribers should be given a reasonable opportunity to inspect and review these terms and conditions prior to being bound by the terms of a new service.
19. All tariffs, including premium rate and value-added services, should be published wherever the service is advertised, including print and broadcast media, or clearly direct consumers to where they can obtain a copy of the tariffs. Tariffs should be available for Consumers in all the Licensed Operator's outlets in printed form, as well as electronically on the Licensed Operator's website.
20. TRA should, whenever necessary, provide Consumers with information about premium charges or value-added services in order to guard against market abuse, fraud, false and misleading advertising, misrepresentation, or incomprehensible service charges.

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21. Licensed Operators should inform Subscribers in writing of the Subscriber's assigned credit limit, if any, with respect to each service or bundle of services purchased by the Subscriber.
22. Consumers should be able to block or restrict calls to premium rate or value-added service numbers, as well as international telecommunications services.

### Consumer contracts

23. All Licensed Operators should prepare and have approved by TRA their standard subscriber agreements and Code of Practice in accordance with the obligations under their Telecommunications Licences.
24. All Licensed Operators should ensure that their standard subscriber agreements do not contain unfair terms and conditions, are transparent and drafted in plain and clear language, and are available in both Arabic and English.
25. TRA suggest that, at a minimum, standard subscriber agreements for a specific Telecommunications service should include terms that will explain adequately to the Consumer the following, where relevant to the specific Telecommunications service:
  - (a) the provision of the service(s), equipment required, username and password provision;
  - (b) the time to connect the call;
  - (c) the availability and limitations on the use of the service, volume of usage, and area of usage;
  - (d) the calculation of charges and fees, billing, charges for different services, method of payment;
  - (e) the process for suspending or disconnecting the service by the Licensed Operator;
  - (f) the process for effecting termination by the Consumer;
  - (g) the policy relating to protection of personal information;
  - (h) warranties in respect of the service and associated equipment;
  - (i) the consumer complaint and dispute resolution procedures;
  - (j) the contact details for the Licenced Operator's customer service department; and
  - (k) the contact details for TRA.

### Billing

26. Licensed Operators should issue bills which:
  - (a) are clear, and establish verifiable charges in a format that can be easily understood;
  - (b) are complete so that Consumers can confirm or challenge billing information, including amongst other things calls charges, payments and late charges;
  - (c) contain a disclosure of the basis of their billing (for example, do they charge per second, per minute or per block of time) for all calls and an itemised list of all subscription charges; and
  - (d) are itemised as to national and international usage, monthly subscription fees, premium rate or value-added service charges, internet subscription and usage

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fees where applicable, or directory assistance fees. Such information should be provided without additional charge.

27. Licensed Operators may offer online itemised bill display, downloads and electronic bill payment as per their agreement with the Consumer.
28. Billing records should be retained by the operators in accordance with Bahraini document retention laws, but in any event not less than a period of 12 months in normal cases. If a dispute commences within 12 months of a bill being raised Licensed Operators should retain the records until settlement of that dispute.

### **Roaming charges**

29. All roaming tariffs should be available in a user-friendly format to Consumers. Licensed Operators are required to comply with the Roaming SMS Regulation, TRA Regulation number 1 of 2008 and any amendments to it
30. Licensed Operators should ensure that all roaming charges are billed to the Consumer as soon as possible from the call date but should endeavour in all events to do so within sixty (60) days from the call date.
31. The due date for bills should be clearly indicated on all bills provided to Consumers. TRA recommends that Licensed Operators do not require payment of bills by Consumers for at least thirty (30) days from the billing date.
32. Consumers should have the right to query the accuracy of the bill and/or arrange a payment plan in order to avoid service disconnection within the provided due payment period.

### **Advance payments**

33. Licensed Operators may seek refundable advanced payments from Consumers in the following circumstances:
  - (a) the Consumer has a poor credit history objectively determined by a reputable credit rating agency;
  - (b) for new Subscribers; or
  - (c) for international services including the roaming service.

### **Late payment fees and suspension or termination**

34. These Guidelines do not inhibit Licensed Operators from imposing reasonable late payment fees or following a suspension or disconnection procedure for a particular service if the Subscriber fails to pay his/her bill within the contractual payment period and did not arrange a payment plan.

### **Complaints and redress**

35. Licensed Operators should provide their customer service centres with a complaint handling procedures manual that aims to resolve disputes in an effective and efficient manner. Additionally, Licensed Operators are encouraged to provide a free phone number for inquiries and clear written and verbal complaint procedures in accordance with article 55 of the Law.
36. Licensed Operators should also make TRA's contact details available for Consumers, notifying Consumers that they may raise their complaint to TRA if their original complaint is not handled to their satisfaction by their Licenced Operator and in accordance with that Licenced Operator's complaints procedure.



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### Dispute resolution

37. In accordance with article 56 of the Law either the Licensed Operator or Subscriber may refer an unresolved dispute to TRA.
38. Article 56(d) of the Law allows TRA may issue a regulation to ensure effective and efficient handling and resolution of disputes.
39. Whether or not a formal procedure is implemented under article 56(d) of the Law, TRA shall endeavour to:
  - (a) promptly investigate any matter which is raised to TRA by a Consumer or Licensed Operator;
  - (b) promptly respond to all written communications;
  - (c) determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties;
  - (d) require evidence or arguments to be presented in writing, other than in exceptional circumstances. TRA will decide the matters upon which it will hear oral evidence or arguments; and
  - (e) promptly make recommendations or resolve disputes between Licensed Operators and Subscribers.
40. Licensed Operators should only suspend or terminate the Telecommunications service provided to a Subscriber in accordance with the terms of its written agreement with the Subscriber. Licensed Operators should not suspend or terminate services merely due to a Subscriber initiating a complaint or dispute resolution process unless the Licensed Operator has obtained the prior permission of TRA, which may be granted where there is a significant risk of serious and irreparable harm to the Licenced Operator.

### Privacy and confidentiality

41. Licensed Operators should take steps to protect the Consumer's privacy regarding personal information and calling patterns.
42. Consumers should expect that their personal privacy will be protected, to have protection from unauthorised use of their personal records and information and protection from illegal, unsolicited, unwanted or offensive communications.
43. Subject to any obligations to disclose information in accordance with the laws of the Kingdom of Bahrain, Licensed Operators should maintain the confidentiality of, and refrain from using or disclosing, other than for the proper purposes of providing Telecommunications services, any:
  - (a) confidential, personal and proprietary information obtained in the course of its business from any Consumer, where such information originates from any such Consumer;
  - (b) any information regarding usage of a Telecommunications Network or service; or
  - (c) information received or obtained in connection with the operation of a Telecommunications Network or the provision of a Telecommunications service.
44. The above provisions should not apply where Consumers give their informed permission and express consent to the disclosure of personal information and calling

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patterns, or where such disclosure is a requirement of the law of the Kingdom of Bahrain.

### Telemarketing

45. Licensed Operators are expected to protect Consumers from unwanted or illegal electronic solicitations, including live voice solicitations, artificial pre-recorded voice advertisements, electronic mail, electronic wireless messages (e.g. SMS, MMS) and facsimile messages.
46. TRA has issued a Regulation regarding Bulk Messaging (TRA Regulation No. 1 of 2011) on 24 February 2011.

### Insolvency of Licensed Operators offering prepaid Telecommunications services

47. TRA may implement regulatory measures to protect Consumers from the insolvency of Licensed Operators offering prepaid Telecommunications services.
48. Any measures taken should not place an unwarranted financial burden upon Licensed Operators or act as a barrier to entry of new Licensed Operators.
49. TRA will consult on any measure(s) proposed to be implemented with Licensed Operators and Consumers whenever necessary.

### Protection of Families and Children

50. Licensed Operators should make available educational material for Consumers which informs them of any relevant protection or control mechanisms for their service which can be used to protect children.
51. TRA encourages Licensed Operators to prepare a set of guidelines to promote their social responsibility with regard to this matter; for example, through the Memorandum of Understanding that has been signed by the Internet Service Providers on 28<sup>th</sup> April 2010.

### Information Registration

52. Licensed Operators should maintain a register of their Subscribers for the following services:
  - (a) fixed line services
  - (b) mobile services
  - (c) broadband services
  - (d) leased line services.
53. This register should include at least the Subscriber's name and identification details and one or more addresses. Nothing in the Guidelines limits Licensed Operators' duties under the Law, their Licence or any regulations, including the Prepaid SIM Registration Regulation, Regulation number 2 of 2008 dated 31 July 2008, as amended by Decision number 5 of 2008 dated 24 December 2008.

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### CONSUMER CHOICE

#### Competition and choice of Licensed Operators and Telecommunications services

54. TRA will continue to formulate strategies to promote and enhance competition within the Telecommunications sector in order to provide Consumers with an increased choice of Telecommunications services, a widespread availability of services, improved quality of service, and more affordable prices.
55. Licensed Operators are encouraged to ensure that switching from one Licensed Operator to another Licensed Operator is efficient and easy for Consumers. This should not exclude Consumers from fulfilling reasonable contractual obligations in their contracts with Licensed Operators.
56. Consumers that obtain or accept Telecommunications services by using a short message service (SMS) text or other form of approval will be obliged to pay for such Telecommunications services. In the event of a dispute between a Consumer and a Licensed Operator with respect to the purchase or charging of such services, TRA will expect the Licensed Operator to prove that the system it uses requires the affirmative interaction of the Consumer with that system prior to the Telecommunications service being delivered and charged to the Consumer.

#### No Slamming

57. Licensed Operators should not switch Subscribers from one Licensed Operator to another Licensed Operator without the Subscribers' express knowledge and consent (known as 'Slamming') or otherwise switch Consumers from one Telecommunications service to another or from one Licensed Operator to another through unfair practices or without their explicit written authorisation.

#### No undue discrimination

58. Subject to any legal requirements of area or population coverage, Universal Service or Access, a Licensed Operator may generally decide upon the location and type of services it wishes to offer, however Licensed Operators should not unduly discriminate in the provision of services to Consumers.
59. This does not prevent Licensed Operators from differentiating services for different categories of Consumers or targeting specific groups of Consumers for special offers.

#### Unfair Trade Practices

60. TRA will monitor and may introduce a regulation where it considers that Licensed Operators are using unfair trade practices. These unfair trade practices include:
  - (a) conduct that is misleading and deceptive or is likely to mislead or deceive, including but not limited to:
    - (i) misleading Consumers through false or deceptive advertising;
    - (ii) misleading Consumers by giving false or deceptive information or failing to give important information in a clear manner;
  - (b) using aggressive sales techniques that harass Consumers or lead to them making a decision that they would not have made under other circumstances;

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- (c) engaging in anticompetitive behaviour, including those activities and omissions as specified in the TRA's Competition Guidelines; and
- (d) such other practices as may be identified by TRA from time to time.

### Licensed Operator information requirements

61. Licensed Operators should take such steps as are necessary to ensure that Consumers can reasonably and reliably have access to information to assist them in the selection of the Telecommunications services of their choice. Such information should include details on installation, fault reporting, billing, price and directory assistance.
62. Licensed Operators should provide or make available to their Subscribers, on request and free of charge, directories in both the Arabic and English languages, the form and content of which may be determined by TRA from time to time. Such directories should include at a minimum:
  - (a) the name and telephone number of each of the Licensed Operator's Subscribers that have agreed for this information to be published;
  - (b) the name and telephone number of other Licensed Operators' Subscribers that have agreed for this information to be published;
  - (c) a list of national and international dialling codes;
  - (d) Emergency Numbers; and
  - (e) TRA contacts details.
63. Licensed Operators should ensure that they have obtained the express permission of Subscribers before publishing their information or providing it to another Licensed Operator. Licensed Operators should provide to other Licensed Operators the names and telephone numbers of their Subscribers that have expressly agreed for those details to be published by third parties, which shall be used solely for the purpose of compiling a directory, as referred to above.
64. TRA encourages Licensed Operators to work together to prepare a comprehensive directory that would be available to all Consumers.

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### COMMUNICATIONS

#### Information dissemination by TRA

65. TRA will act to inform Consumers about provisioning of services, service pricing, quality of service ("QoS"), billing practices, and dispute resolution.
66. TRA will:
  - (a) communicate in Arabic and English, using clear and simple language;
  - (b) utilise a variety of media to communicate with Consumers;
  - (c) take into account the interests of Consumers with disabilities including those with sight or hearing impairment;
  - (d) solicit the opinion of stakeholders; and
  - (e) request organisations and civic groups to become channels of communication.
67. TRA will issue publications, in both electronic and printed formats, assisting Consumers to better understand their rights, responsibilities and opportunities. These publications will:
  - (a) explain Consumers' rights relating to the provision of Telecommunications services;
  - (b) promote awareness of the changes affecting the Telecommunications sector and the role which TRA plays in encouraging the provision of high quality services at reasonable prices; and
  - (c) provide answers to frequently asked questions on TRA's website.
68. TRA will publish on a regular basis information guides in accordance with international best practice, which will seek to ensure that Consumers are aware of their rights in dealing with Telecommunications providers and/or can make informed decisions regarding the available services.
69. TRA will publish reports periodically, as it deems appropriate, on the Telecommunications market to ensure that Consumers have up-to-date information on sector developments.

#### Monitoring and Reporting

70. Pursuant to the Quality of Service Regulation published on 11 September 2008 (TRA Regulation No. 5 of 2008), TRA will review annual and periodic reports provided by Licensed Operators on quality of service performance.
71. For the purpose of performance monitoring, TRA will also conduct periodic Consumer surveys.

#### Information programmes for consumer protection

72. TRA will work with both Government and Non-Government organisations to provide public education and awareness programmes to improve Consumer protection.

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73. The emergence of new technologies and services in the Telecommunications sector will further increase the demand and need for concise information that will help Consumers understand the impact of these new technologies and services.
74. Accordingly, as new Telecommunications technologies and services emerge, TRA will review, from time to time, the adequacy of existing Consumer protection measures and will advise Consumers accordingly.

### **Consultation**

75. TRA has formed Consumer advisory groups such as residential and business users' groups to obtain feedback and opinions on proposed decisions and regulations by TRA. TRA will continue to engage with these groups and will endeavour to participate in further Consumer forums, trade group meetings and conventions in order to remain aware of relevant Consumer issues.
76. TRA will also seek Consumer views through public consultations and surveys and may publish the results in summary form, together with TRA's position on such issues, resulting decisions and actions taken.