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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 822

07 AUGUST 2017

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)
REGULATIONS**

The Independent Communications Authority of South Africa ("the Authority") hereby intends to amend End-user and Subscriber Service Charter Regulations 2016 published in Government Gazette No 39898 of 1 April 2016 to the extent indicated in the schedule.

A copy of the proposed regulations is available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, Sandton, Block D, Ground floor during the Authority's business hours (8:00 to 16:30).

Interested persons are hereby invited to submit written representations with regard to the proposed regulations. Written representations must be submitted to the Authority within thirty (30) working days from the date of the publication of this notice by post or hand delivery or email or facsimile transmission as follows:

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Rubben Mohlaloga

Acting Chairperson

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)
REGULATIONS

The Independent Communications Authority of South Africa has, under section 4, read with section 69(3) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedule.

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the regulations published by Government Notice No. 39898 of 1 April 2016.

2. Amendment of regulation 1 of the Regulations

Regulation 1 of the Regulations is hereby amended by the addition of the following definitions, after the definitions of "Complainant" and "Speech Quality", respectively:

"Data bundle" means set amount of data for a set price."

"USSD" means a Global System for Mobile (GSM) communication technology that is used to send text between a mobile phone and an application program in the network."

3. Amendment of regulation 8 of the Regulations

Regulation 8 of the Regulations is hereby amended by the deletion of sub regulation (7).

4. Insertion of regulations 8A, 8B and 8C respectively in the Regulations

The following regulations are hereby inserted in the Regulations, after regulation 8:

“8A. VOICE AND SMS SERVICES

- (1) A Licensee must send notifications for voice and SMS usage intervals to an end-user, the intervals must show 50%, 75%, 90% and 100% service depletion. The notification must be through SMS or any other applicable means.
- (2) A Licensee must provide end-users who are on post-paid / hybrid tariff plans with an option to buy additional voice services or SMS services upon depletion of such services.
- (3) Where an end-user who is on a post-paid / hybrid tariff plan does not buy additional voice services or SMS services, the licensee will disconnect the end-user from access to services and allow such end-users to only use emergency services and customer care services.

8B. DATA SERVICES

Out of bundle billing practices:

- (1) A Licensee must provide a mechanism for end-users to opt-in for or opt-out of bundle charges when their data bundle is depleted.
- (2) A Licensee must ensure that an end-user is:
 - (a) sent data depletion notifications on regular intervals through SMS, USSD or any other applicable means, the interval must show 50%, 75%, 90% and 100% depletion of data bundles;

- (b) sent warning notifications when his / her data bundle has completely run out or is depleted;
 - (c) provided with an option to buy additional data bundles upon depletion of his / her allocated data through the USSD platform or any other applicable means;
 - (d) not defaulted automatically to out of bundle data charges upon depletion of his / her data bundles; and
 - (e) provided an option through SMS, USSD or any other applicable means to opt-in or opt-out of data bundle usage.
- (3) Where an end-user does not opt-in or opt-out of out of bundle data usage when his / her data bundle has been depleted, a Licensee must automatically disconnect the end-user from out of bundle data usage until such time that the end-user gives express consent or authorization.

Expiry of data practices:

- (4) A Licensee must adhere to the table below with regard to the validity period for data expiry:

Data bundle sizes	Validity periods
1 MB – 50MB	10 days
50MB – 500 MB	30 days
500MB – 1 Gig	60 days
1Gig – 5 Gig	90 days
5 Gig – 10 Gig	180 days
10 Gig – 20Gig	12 months
20 Gig >	24 months

- (5) A Licensee must notify its end-users with expiry of their data period within seven (7) days prior to expiry date of such data.

- (6) The notification must be through SMS, USSD or any other applicable means.
- (7) A Licensee must provide end-users with an option to roll over unused data when end-users recharge with data bundles before the expiry date. The roll over validity period will be as per the table in sub section (4).

8C. CONSUMER EDUCATION AND AWARENESS

- (1) A Licensee must conduct education awareness campaigns aimed at:
 - (a) educating end-users on the use of smart phones;
 - (b) educating end-users on how to use data; and
 - (c) educating end-users on a broad range of products and services offered.
- (2) A Licensee must conduct four (4) quarterly education campaigns per annum."

5. Short Title and Commencement

These regulations are called the End-User and Subscriber Service Charter Amendment Regulations 2017 and will come into force upon publication in the Government Gazette.

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