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TRAI SEEKS COMMENTS ON PROPOSED REVISIONS IN TCCCPR

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On 28 August 2024, the Telecom Regulatory Authority of India (TRAI) issued a consultation paper (CP) on review of the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR). These revisions are aimed at strengthening the framework for curbing the growing menace of unsolicited commercial communication (UCC) and ensuring more effective compliance.

Background and context

The TCCCPR was introduced more than 6 years ago to combat UCC while facilitating the transmission of such communications to targeted customers who have registered their preference or recorded consent in the prescribed manner. Despite these regulations, the volume of UCC has surged, prompting TRAI to release multiple directions to strengthen the system in the recent past, including updating the Distributed Ledger Technology (DLT) platform and implementing a specific 140-numbering series for promotional calls.

Key areas of consultation

The CP aims to seek views of stakeholders on pivotal issues, with a view to crease out plaguing challenges that have stifled the enforcement of TCCCPR at anticipated levels. Some of the key areas of consultation are as follows:

1. Classification of commercial communications

- As a departure from the present classification under TCCCPR, TRAI proposes merging 'transactional' and 'service' communications into a unified category for simplicity as such types of communications are triggered by a transaction performed or entered into by the recipient. A new category for 'government' communications has also been suggested. While users may opt out of transactional communications, they will not have the option to block government messages. Resultantly, there will be three categories of commercial communications, viz. transactional, promotional and government communications.
- Another proposed change is the removal of the 'fully block' option in the preference register, allowing only an opt-out for transactional messages and requiring explicit consent for promotional communications via the Digital Consent Acquisition System (DCA).

2. Auto-dialler/robo calls

TRAI is considering mandatory explicit consent for promotional communications through auto-diallers and robo calls, drawing on international best practices, due to the staggering number of such calls in recent times. Such type of communications are typically initiated automatically by an equipment on the basis of stored/ programmable instructions or pre-recorded messages. Additionally, the CP proposes approval of content templates and pre-scrubbing of pre-recorded calls to ensure compliance and enhance consumer trust.

3. Revisions in headers

To simplify identification of senders and types of commercial communications, TRAI suggests suffixing communication types with -T, -P, and -G for transactional, promotional, and government messages, respectively. Other options include removing prefixes for access provider and service areas or allowing the same header to be clubbed for both transactional and promotional messages.

4. Complaint redressal mechanism

TRAI emphasizes real-time updates between Terminating Access Providers (TAPs) and Originating Access Providers (OAPs) for faster complaint resolution. Additionally, the existing system, which issues warnings and suspends services only after repeated offenses, is viewed as insufficient for providing effective deterrence. Stricter enforcement, particularly against unregistered telemarketers (UTMs), is proposed by reducing time frames and thresholds. Differential criteria for penalizing individual subscribers versus enterprise subscribers and penalties for misuse of the numbering series are also being considered.

5. Increased transparency

The CP suggests making header information and details of complaints publicly accessible via access providers' websites or TRAI's website. This would enhance accountability and enable consumers to better understand the sources of communications that are received.

6. Bulk calling and UCC detection based on recipient feedback

To address delays in UCC detection, the CP proposes a UCC Detect System to monitor real-time bulk calls exceeding a prescribed daily limit. This system would involve gathering feedback from recipients to verify whether calls were indeed unsolicited in nature.

7. Recalibration of financial disincentives

TRAI seeks to establish standardised financial disincentives, with distinct governance frameworks for registered and unregistered telemarketers. This move aims to ensure proportional penalties and stricter control over UCC violators.

8. Reintroducing differential tariffs for Bulk Communication

The CP explores reinstating a mandatory tariff for bulk communications, a measure that was previously in place before the enactment of TCCCP in 2018 and was deliberately done away with the expectation that the comprehensive nature of TCCCP does not warrant this mechanism. However, if re-introduced, this could act as a deterrent against bulk UCC by increasing the cost of sending over 100 bulk SMS messages per day through different tariff slabs.

Comments

The CP raises critical questions for addressing the shortcomings in the prevailing framework. The proposed merger of communication categories means senders must reassess how transactional communications are handled under the new opt-out system. Promotional communications will require more rigorous consent mechanisms through the DCA, compelling companies to refine their data collection and customer preference systems. Businesses relying heavily on bulk calls and SMS messages for marketing will need to adopt more targeted, consent-based approaches to avoid penalties and other consequences. The reintroduction of tariffs will also add a cost element to bulk messaging strategies, further emphasizing the need for compliant and well-planned campaigns.

The industry's feedback and TRAI's subsequent recommendations will be instrumental in shaping the future of UCC governance. Companies must make use of this opportunity and submit comments to enable a 360-degree view on the matter.

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