

COP-COMPLAINT HANDLING

Foreword:

- i. This document is formulated to comply with “The Telecom Commercial Communications Customer Preference Regulations released dated July 19th, 2018 by the Telecom Authority of India (TRAI). (‘TCCCP Regulations 2018’).
- ii. This document can be here after named as “Code of Practice-Complaint handling or CoP-Complaint”
- iii. The Code of Practice formulated in this document only refers to the complaint handling related to the complaints received to Access provider by its subscribers for Unsolicited Commercial Communication.
- iv. For avoidance of doubt, in the case of any difference between texts, the text set out in the TCCCP Regulations, 2018 shall take precedence. In case of any confusion in interpretation or clarification needed, the clarifications thus provided by respective Telecom Service Provider (TSP) shall be final and binding.
- v. This document will be considered to be valid, post approval by the Authority; and will be effective from the implementation date of TCCCP regulation 2018 as decided by Authority.

Section I. Effective Date

1. Being a huge change in the entire chain of ecosystem (i.e. system, business processes and functions to be performed by associated parties), there is a need for seeking consensus of TRAI on the first CoP, before solutioning the architecture, its development and deployment.
2. Therefore, this CoP will be effective on final approval from TRAI. In case of any observations from TRAI, the CoP will be effective once such observations are addressed by TSP(s) and agreed with TRAI.
3. Post approval from TRAI, the solutioning of architecture, processes, its development and deployment activities will start.
4. The estimated timelines for above is 6 months post CoP approval (except Migration of existing) and it would need to be reviewed post actual requirements emanates from finalized CoP and vendor finalization.

Section II. Scope

The Scope of this CoP is to:

1. Effective and timely handling and resolution of UCC complaints raised by customers.
2. Comply with the TCCCP Regulation, 2018.
3. Cover process and modes for registration of complaints by customers. Complaints raised within 3 days of UCC event, will be treated as valid.
4. Process for complaint handling, verification and resolution, including necessary action on UCC made by RTM & UTM.
5. Provide Network system functioning conditions including SLAs and architecture
6. Provide minimum set of information which will be put on DLT system for sharing with different Entities and in between TSPs.

Section III. Process for Complaint registration, verification and resolution

A Modes of Complaint Registration

1. Procedure for UCC Complaint registration through Voice Call

Sr.no.	Procedure
1	Customer to dial Toll Free number 1909 to register the UCC complaint.
2	Customer to provide following details to customer care executive. a) Date of UCC communication received. b) SMS Header or Telephone number from which UCC received. c) Brief description of UCC received. d) Referred telephone number(s), if any.
3	Customer care executive will validate the complaint for below conditions: a) The subscriber is registered in DND with preference of related category being blocked. b) Date of UCC is not greater than 3 calendar days from complaint registration date. (Date of UCC will be excluded for the calculation of 3 calendar days) c) The call is being made from the same number on which UCC received.
4	a) After successful validation, the customer care executive will register the complaint in respective system and communicate the unique complaint number to customer. Further, an automated SMS containing unique complaint number will be sent to customer within 15 minutes of complaint registration. b) If validation unsuccessful, the customer care executive will inform the customer accordingly. c) Content of complaint to be given to the OAP by the TAP through DL- complaint
5	Provision for complaint withdrawal/revocation with a notification to TAP Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism

2. Procedure for UCC Complaint registration through SMS

Sr. no.	Procedure
1	Customer to send SMS in below format on Toll Free number 1909 to register the UCC complaint. “The details of unsolicited commercial communication, XXXXXXXXXXXX, dd/mm/yy” Where XXXXXXXXXXXX– is the telephone number or header of the SMS, as the case may be, from which the unsolicited commercial communication has originated. Explanation: The telephone number or header and the date of receipt of the unsolicited commercial SMS may be appended with such SMS, while forwarding to 1909, with or without space after comma. In case of UCC over voice, customer may provide content of communication in brief.
2	If SMS format is incorrect, an automated error reply SMS will be sent to customer along with correct format.
3	If format is correct, the complaint will be registered in TSP system & an automated SMS with unique complaint number will be sent to customer within 15 minutes of complaint

	registration.
	Provision for complaint withdrawal/revocation with a notification to TAP
4	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism

3. Procedure for UCC Complaint registration through Web Portal

Sr.no.	Procedure
1	Customer to visit TSP's website for registering UCC complaint.
	Customer to select respective Circle & enter his/her mobile number, below inputs to be mandatorily filled by the customer
	a) Date of UCC received. b) SMS Header or Telephone from which UCC received.
2	c) Brief description of UCC received.
3	After providing all inputs, customer will get an option to generate OTP.
	On receipt of OTP, customer will key-in the OTP and after online validation of OTP, Complaint will be auto raised in TSP's system and confirmation of successful validation will be flashed to the customer during the session itself. Further, an automated SMS containing unique complaint number will be sent to customer within 15 minutes of complaint registration. TSPs may choose to have this OTP validation option at any stage.
4	Provide for complaint withdrawal/revocation with a notification to TAP
5	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism

4. **Procedure for UCC Complaint registration through Any Other mode:** TSP may choose to take and register UCC complaints from customer on any other mode / platform as decided by TSP from time to time.
5. **TRAI** to develop system for registering complaints through mobile app. Post development of system, it will be integrated with DLT and included in CoP.

Section IV. Process for Complaint Resolution and Remedial action against sender(s)

1. Complaint Mechanism:

- A. TAP shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP shall communicate to the customer about the closure of his complaint in accordance to this CoP.
- B. Post receipt of complaint through above-said modes, Terminating Access Provider (TAP) shall record the complaint on DL-Complaints and shall notify the details of the complaint to the concerned Originating Access Provider (OAP) in real time
- C. Post above, TAP shall examine within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number or header from which UCC was received and update the findings on DL-Complaints. In case, occurrence not available then, complaint/report to be updated as invalid.

Alternatively, DL-Complaint should be auto-updated for complaint status and action taken when the complaint status is updated in CRM.

DL-Complaint to have an MNP dip followed by number series dip/Header Master list (as in the DL-Header register), to identify OAP for simultaneous notification/transmission of complaint.

- D. **In case the Complaint is related to Registered Telemarketer (RTM):** The OAP (it includes the TSP who is both TAP and OAP), in case the complaint is related to RTM, shall examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and
 - i. Pre-checks would involve checking:
 - a. CDR to check occurrence of complained communication
 - b. Sender and Header/CLI was registered
 - c. If content was a Service message, whether related customer consent was taken or not.
 - d. OAP will check whether the content was a transactional message or not, basis the transactional template
 - e. Customer Preference
 - ii. In case, all regulatory pre-checks were carried out and delivery of commercial communication to the recipient was in confirmation to the provisions of the regulation and related CoPs, OAP shall communicate to TAP to inform complainant about the closure of complaint as 'No Action required as Consented Commercial Communication'. In case of CDR showing no such occurrence of complained communication, the OAP shall communicate to TAP to inform complainant about the closure of complaint as 'No Occurrence found at OAP end'.
 - iii. In case, any non compliance of the regulation, the OAP shall within two business days from the date of receipt of complaint, take actions against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint through DL-Complaints.

	Value of "Counts of UCC for RTMs for one calendar month"	Amount of financial disincentives in Rupees
a)	More than zero but not exceeding hundred	Rupees One Thousand per count
b)	More than Hundred but not exceeding One Thousand	Maximum financial disincentives at a) plus Rupees Five Thousand per count exceeding Hundred
c)	More than One Thousand	Maximum financial disincentives at b) plus Rupees Ten Thousand per count exceeding One Thousand

- iv. In case of voice UCC, if complaint mentions use of Auto-dialer and the caller has not informed use of Auto-dialer to OAP, the OAP to monitor the issue and in case of complaints more than 10 in a week, issue a notice to the calling entity seeking explanation.
- v. In case of violation OAP shall take appropriate remedial action, as provided for in the Code of Practice(s), to control Unsolicited Commercial Communications so as to ensure compliance with these regulations;

E. In case the complaint is related to Unregistered Telemarketer (UTM): The OAP

- i. Shall examine communication detail records (CDRs), within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received.
- ii. In case of no occurrence of complained communications under sub-regulation (5)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint as 'No Occurrence found at OAP end'
- iii. In case of occurrence of complained communications under sub-regulation (5)(a), OAP shall further examine, within two business days from the date of complaint, whether there are similar complaints or reports against the same sender; and
 - a) In case, it is found that number of complaints against the sender is from ten or more than ten Recipients/complainants over a period of last seven days, the OAP shall put Sender under Usage Cap and at the same time shall initiate investigation as provided for in point number F. below.

Provided that such Usage Cap shall be valid till investigation is completed or thirty days from the date of effect of restrictions, whichever is earlier;

- b) In case it is found that number of complaints against the sender are from less than ten recipients over a period of last seven days, the OAP shall, from the previous thirty days data of CoP_UCC_Detect System, check whether suspected sender is involved in sending Commercial Communication in Bulk or not. Bulk for this purpose would mean as per the definition in the regulation.
 - i. In case, sender has sent commercial communications in bulk, the OAP shall put the sender under Usage Cap, and at the same time initiate investigation as provided for in point no. F. below.

Provided that such restrictions shall be valid till investigation in this regard is completed under the CoP or thirty days from the date of effect of restrictions, whichever is earlier.

- ii. In case, sender has not sent commercial communications in bulk, the OAP shall warn such sender through a notice to be delivered at registered postal address or email id.

F. Investigation of a complaint against UTM:

- i. OAP shall issue notice, within three business days, to give opportunity to such sender(s), under sub regulations E.a) and E. b) i., to represent their case and shall investigate, within thirty business days from the date of receipt of complaint and shall conclude whether the communication so made was UCC or not; and conclusion of the investigation was that sender was engaged in sending unsolicited commercial communications, OAP shall take action against such sender as under: -

- a) For first instance of violation, due warning shall be given.

Provided that the first instance of the violation shall include all the complaints against the sender within two business days after the date of receipt of the first complaint, against which the sender is to be warned under this sub-regulation.

- b) For the second instance of violation, Usage Cap shall continue for a period of six months;

Provided that the second instance of the violation shall include all the complaints against the sender after the issuance of first warning within two business days after the date of receipt of the complaint against which second warning is being given to the sender.

- c) For third and subsequent instances of violations, all telecom resources of the sender shall be disconnected for a period up to two years and OAP shall put the sender under blacklist category and communicate to all other access providers to not to allocate new telecom resources to such sender for up to two years from the date of such communication.

Provided that the third instance of the violation shall include all the complaints received against the sender after the date of second warning within two business days after the receipt of the complaint against which telecom resources are being disconnected.

Provided further that one telephone number may be allowed to be retained by such sender with the Usage Cap for a period up to two years, subject to payment of commercial consideration to such effect as decided by TSP from time to time.

- d) TRAI may examine such cases at a later date where usage caps have been placed or have been disconnected and may order removal of restriction on usage or restoration of telephone numbers, or removal from blacklist. To meet this, TSP should keep the telecom resources in temporary suspension and not permanently disconnect the same.

- ii. Regulation 26 – TRAI to have access to automated reports. No manual reporting required.

Section V. Information handover over DLT to Entities and/or other TSPs

- 1. By TAP: On receipt of Complaint and after doing checks**
 - a. Date and time of UCC
 - b. Date and time of receipt of complaint
 - c. Sender and recipient of complained UCC
 - d. Unique reference number
 - e. Text as captured during the registration of complaint
 - f. Reference number mentioned in complaint, if any.

- 2. By OAP, after pre-checks for RTM cases**
 - a) CDR availability status (Y/N)
 - b) Scrubbing status
 - c) Whether complaint done in prescribed time
- 3. By OAP, after pre-checks for UTM cases**
 - a) CDR
 - b) Whether bulk push or not
- 4. By OAP, Action taken on RTM and UTM cases**
 - a) Information as per action taken
- 5. By OAP, after investigation on UTM cases**
 - a) Find of investigation
 - b) Revised action taken as per regulation
 - c) Remarks

Section VI. Consequence management

1. In case of UCC emanating from telecom resources allocated to RTM, the TSP shall impose suitable and deterrent penalty, as per the agreement signed between TSP and RTM.

Section VII. System Functioning Conditions

1. System Architecture

Depending upon CoP finalization and discussions with vendor, the system architecture freezed by TSPs for implementation will be incorporated in this CoP as well.

2. Standards, Specification and SLAs

An SLA will be agreed between TSPs interconnecting over DLT layer, from time to time and same will be translated into technical SLAs.

3. Flowchart of Complaint Registration, Resolution and remedial action

Section VIII. Amendment to CoP

This CoP can be amended by respective TSPs at any given point in time subject to approval accorded by TRAI from time to time, based on the requirements raised by TSP.

Section IX. Publication of CoP

This CoP should be published by TSP on its website. A digital copy of the same should be sent to below, on their appointment/registration:

- a) Entity - HR
- b) Entity – Consent Template Registrar
- c) Entity - Consent Registrar
- d) Entity - Content Template Registrar
- e) Entity – Content Template Verifier
- f) Entity- Telemarketer functional Entity registrar
- g) All registered Sender(s)
- h) All registered Telemarketers
- i) All registered Aggregators

Further, on any amendment to the CoP, same should be published by TSP over its website and also sent to above over their registered email-ids.

Section X. Definitions

The definitions would be as per the definitions contained in TRAI's TCCCP Regulations, 2018.

Section XI. Version History