

# **NIGERIAN COMMUNICATIONS ACT**

**(2003 No. 19)**

## **CONSUMER CODE OF PRACTICE REGULATIONS 2007**

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#### *Regulation*

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##### **GENERAL CONSUMER CODE OF PRACTICE**

**S. I. 32 of 2007**

**NIGERIAN COMMUNICATIONS ACT  
(2003 No. 19)**

**Consumer Code of Practice Regulations 2007**

*Commencement: [1<sup>st</sup> August 2007]*

**In exercise of the powers conferred upon it by section 70 of the Nigerian Communications Act 2003 and of all other powers enabling it in that behalf, THE NIGERIAN COMMUNICATIONS COMMISSION hereby makes the following Regulations:**

**PART I - SCOPE AND OBJECTIVES**

1.-(1) These Regulations are made pursuant to Part I of Chapter VII of the Nigerian Communications Act (in these Regulations referred to as “the Act”), and provide a further definition of the procedures and substantive requirements for developing consumer codes to govern the provision of services by licensed telecommunications operators in Nigeria and related consumer practices.

Scope of Regulations.

(2) Specifically, these Regulations are made pursuant to section 106 of the Act and the functions of the Commission identified in Sections 4(1)(b) and 4(1)(p) of the Act.

2. The specific objectives of these Regulations are to -

Objectives.

confirm and clarify the procedures to be followed by Licensees in preparing approved consumer codes of practice in accordance with section 106 of the Act; and to determine and describe the required contents and features of any consumer code prepared by, or otherwise applicable to, Licensees.

3. These Regulations apply to all Licensees and any other providers of communication services in Nigeria.

Application.

**PART II - CONSUMER CODES OF PRACTICE**

4.-(1) A Licensee may, at any time, prepare an individual consumer code for the provision of services and related consumer practices applicable to the Licensee, and submit that individual consumer code for approval by the Commission.

Preparation and submission of License Codes.

(2) Attached as Schedule 1 to these Regulations is a General Consumer Code of Practice (the “General Code”), which the Commission is hereby publishing to provide direction on the required terms of any consumer code to be approved by the Commission or otherwise applicable to Licensees.

Schedule.

(3) Individual consumer codes prepared and submitted by Licensees shall include at least the terms and conditions of the General Code, or equivalent terms and conditions that are no less favourable to consumers than the General Code.

5. The Commission recognizes that in developing individual consumer codes there may be differences due to the service platforms used or types of services provided by individual Licensees, such as wireless versus fixed line or telephony versus data services. Nevertheless, the General Code remains a minimum set of requirements and the minimum standard for the provision of services and related consumer practices applicable to Licensees.

General Code as minimum set of requirements and standard for the provision of services.

6.-(1) Within thirty days of submission of an individual consumer code by a Licensee, the Commission shall take one of the following actions:

Approval by Commission.

- (a) approve the proposed consumer code without alterations;
- (b) approve the proposed consumer code with such alterations as the Commission identifies as necessary to meet the minimum requirements of the General Code;
- (c) deny approval of the proposed consumer code, with directions to the Licensee regarding areas for improvement or further development of the proposed consumer code; or
- (d) identify an extended period of time for review of the proposed consumer code, following which the Commission may take any of the actions described in subparagraphs (a), (b) or (c) above.

(2) Pending approval by the Commission of any individual consumer code submitted by a Licensee, the provision of services and related consumer practices applicable to that Licensee shall be governed by the General Code.

7.-(1) Following approval by the Commission of an individual consumer code submitted by a Licensee, the individual consumer code shall be published by the Licensee in two national newspapers or as otherwise directed by the Commission, and the approved individual consumer code shall govern the provision of services and related consumer practices applicable to that Licensee beginning on the publication date.

Publication of approved individual consumer code.

(2) Approved individual consumer codes may be published or distributed by the Commission in any way it deems appropriate. Licensees shall also provide a copy of any approved individual consumer code to consumers on request.

### **PART III - COMPLIANCE AND ENFORCEMENT**

**8.** Licensees shall be subject to the compliance provisions set out in Part VIII of the General Code, or equivalent provisions of any approved individual consumer code.

Compliance provisions.

**9.** Any Licensee that contravenes any of the provisions of these Regulations is in breach thereof and is liable to such fines, sanctions or penalties, including any penalties determined under the Nigerian Communications (Enforcement Processes, etc.) Regulations 2005, as may be determined by the Commission from time to time.

Contravention and enforcement

### **PART IV - MISCELLANEOUS**

**10.** The Commission may from time to time issue additional rules, directions or guidelines on any aspect of these Regulations, and either of general application or specific to a Licensee.

Power of the Commission to give directives, etc.

**11.** The Commission may also revise the General Code at any time by publishing a replacement Schedule to these Regulations, and may direct Licensees to make alterations to any previously approved individual consumer codes as required to give effect to the amendments to the General Code.

Amendment of the General Code.

**12.** These Regulations may be cited as the Consumer Code of Practice Regulations 2007.

Citation.

GENERAL CONSUMER CODE OF PRACTICE

ARRANGEMENT OF CODES

*Code*

<p><b>PART I - INTRODUCTION</b></p> <p>1. Scope and objectives.</p> <p>2. Definitions.</p> <p>3. Application of the Code.</p> <p>4. Code Administration.</p> <p>5. Code Amendment.</p> <p><b>PART II - PROVISION OF INFORMATION TO CONSUMERS</b></p> <p>6. General</p> <p>7. Service Contracts.</p> <p>8. Description of Services.</p> <p>9. Pricing Information</p> <p>10. Contract Terms and Information</p> <p>11. Product Warranties and Maintenance.</p> <p>12. Provisioning of Service.</p> <p>13. Fault Repair and Service Interruption.</p> <p>14. Operator Assistance, Directories and Directory Assistance.</p> <p>15. Special measures for consumers with disabilities.</p> <p>16. Access to emergency services.</p> <p><b>PART III - ADVERTISING AND REPRESENTATION OF SERVICES</b></p> <p>17. The Advertising Practitioners Council of Nigeria (“APCON”)</p> <p>18. Availability of services.</p> <p>19. Advertising of packaged services</p> <p>20. Unsolicited telemarketing.</p>	<p><b>PART IV - CONSUMER BILLING, CHARGING, COLLECTION AND CREDIT PRACTICES</b></p> <p>21. General Principles</p> <p>22. Billing information.</p> <p>23. Itemization of charges</p> <p>24. Timing for Issuance of Bill</p> <p>25. Receipts and consumer payment advice.</p> <p>26. Billing Frequency</p> <p>27. Non-Payment of bills.</p> <p><b>PART V - CONSUMER OBLIGATIONS</b></p> <p>28. Acceptance of Licensee terms.</p> <p>29. Access for maintenance.</p> <p>30. Tampering with equipment.</p> <p>31. Re-selling services without Authorization.</p> <p>32. Misuse of a public telecommunications service.</p> <p>33. Dishonest churning.</p> <p><b>PART VI – PROTECTION OF CONSUMER INFORMATION</b></p> <p>34. Purpose.</p> <p>35. General principles.</p> <p>36. Implementation of a “Protection of Consumer Information Policy”.</p> <p>37. Access to policy.</p> <p>38. Maintaining data quality.</p>
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# GENERAL CONSUMER CODE OF PRACTICE

## PART I - INTRODUCTION

1.-(1) This General Consumer Code of Practice (the “General Code”) is published by the Nigerian Communications Commission pursuant to section 106 of the Nigerian Communications Act 2003 (in these Codes referred to as “the Act”), which contemplates the development of a consumer code that would govern the provision of services by licensed telecommunications operators in Nigeria.

Scope and objectives.

(2) This General Code is to be read in conjunction with the Consumer Code of Practice Regulations 2007.

2. All terms used in this General Code are either defined in the code or have the meanings defined in the principal Act.

Definitions.

3. The Code applies to all Licensees, and in regard to all telecommunications services offered to the public. It is intended to guide the production of individual codes by each Licensee – with the substantive content of this General Code as a minimum set of requirements. It is recognized that in developing individual versions of the code there may be some differences due to the service platforms or types of services involved, such as wireless versus fixed line or telephony versus data services. Pending approval by the Commission and publishing by any Licensee of any individual code, this General Code shall apply.

Application of the Code.

4.-(1) The Commission intends to establish a forum of industry and consumer representatives (the “Consumer Forum”) to assist in ongoing monitoring and review of the General Code to ensure that it is kept up to date and adequately addresses consumer issues.

Code administration.

(2) Compliance procedures are described in Part VIII of this General Code. Compliance monitoring and code administration will typically be undertaken by the Consumer Affairs Bureau of the Commission, or such other departments or authorities within the Commission as are designated from time to time.

5. The Commission, acting on its own initiative or with the assistance of the Consumer Forum, may recommend amendments to this General Code and/or any individual Licensee’s consumer code. The Commission would expect to consult on any such changes pursuant to sections 57 and 58 of the Act.

Code amendment.

## PART II - PROVISION OF INFORMATION TO CONSUMERS

6.-(1) Licensees shall provide Consumers with information on their services that is complete, accurate, and up-to-date and in simple, clear language.

General.

(2) Licensees shall endeavour to respond in a timely manner to Consumer requests for information on their services and such information shall be provided free of charge and shall include at least the following:

- (a) current service arrangements, including rates and terms and conditions for all services offered to the public, shall be readily available in print and electronic format (including on each Licensee's web site). Such information shall also be available at all retail outlets where the Licensee's services are sold;
- (b) services that are subject to price or tariff regulation by the Commission shall be described in service tariff pages published in an accessible form, including being made available at designated company offices and on the Licensee's web site;
- (c) for those Licensees that publish subscriber directories, the terms of service shall be printed in the front section of such directories; and
- (d) where a Licensee seeks any change in the tariff rates for services, affected Consumers shall be notified of the proposed price change in an effective manner that, in particular, lets them comment to the Commission on the proposed changes. After approval by the Commission, Consumers should also be notified of the resulting tariff changes in an effective manner.

7. Licensees shall supply, or make available on request, a copy of the contract or agreement for the provision of services, and such contracts shall be written in plain and clear language.

Service contracts.

8.-(1) Before entering into a contract for any service, Consumers shall be provided a complete description of the service in clear and plain language, avoiding unnecessary technical terms. Where other services are required in order to effectively utilize the service, the Consumer shall be sufficiently informed of such requirements or service dependencies.

Description of services.

(2) The Licensee shall also provide information on the service quality levels offered, the waiting time for initial connection and any service areas and coverage maps if applicable.

(3) The Licensee shall provide specific information regarding any compensation, refund or other arrangements which may apply if contracted quality service levels are not met, along with the procedures and methods for resolving disputes in respect of the service contract.

(4) Where services are packaged with one or more other services or products, the Licensee shall provide the Consumer in relation to each service or product:



- (a) a description of each component service or product, and where the Licensee sells the service or product component separately, the price that the Licensee would charge for the component on a stand-alone basis; and
- (b) for services that are bundled with services from third parties, Licensees shall be fully responsible for the effective performance of the entire package including service support, maintenance, complaints handling, dispute resolution and other administrative requirements.

(5) Where services are subject to upgrade or migration options, Consumers shall be provided with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration.

9. Before a contract for service is entered into, the Licensee shall inform the Consumer of:

Pricing information.

- (a) the applicable rates or charges;
- (b) what the charges include;
- (c) each part or element of an applicable charge, and the method of its calculation;
- (d) the frequency of the charge or other circumstances that give rise to the charge;
- (e) whether the charges or elements thereof are subject to change from time to time, the circumstances of such changes and how the Consumer will be informed of such changes.

10. The contract itself shall contain the following information regarding the term:

Contract terms and termination.

- (a) the commencement date of the contract;
- (b) what the minimum contract term is, if applicable;
- (c) where applicable, the minimum contract period and the manner and consequences of termination;
- (d) the situations where early termination is possible;
- (e) the amount or method of calculating any charges payable upon early termination;
- (f) the conditions and terms of renewal of the contract, if applicable;

- (g) the conditions and terms of disconnection and reconnection and fees that may be charged for disconnection or reconnection;
- (h) terms and conditions that may apply to refund of any deposit including timing and any deductions or charges applicable;
- (i) terms and conditions relating to situations that may give rise to the interruption, withdrawal or discontinuation of the service; and
- (j) terms and conditions relating to the delivery, installation or activation of the service.

11.-(1) Before entering into a contract to provide services, the Licensee shall inform the Consumer as to whether there is any contractual warranty relating to products (if any) supplied for use in connection with the service, including how to obtain warranty service if needed and where a copy of the warranty is not provided with the products, the Licensee shall inform the Consumer how and where it is available.

Product warranties and maintenance.

(2) Licensees will provide specific information regarding any maintenance services offered.

12. Licensees shall provide services within any service supply time targets set out in the Commission's Quality of Service Regulations, subject to the following:

Provisioning of service.

- (a) in the event the Licensee encounters technical problems that interfere with provisioning of the service(s), the time for provisioning will be subject to any time or process of rectification permitted by the Commission;
- (b) Licensees will not be responsible for any readiness of premises or availability of infrastructure or equipment that is beyond the reasonable control of the Licensee; and
- (c) Licensees will not be responsible for delays or refusals of service requests caused by the Consumer being identified as not credit-worthy.

13.-(1) Licensees shall implement the facilities and processes needed to permit Consumers to report faults 24 hours a day.

Fault repair and service interruption.

(2) Licensees shall comply and shall cause their agents to comply with the relevant fault repair standards set out in the Commission's Quality of Service Regulations.

(3) Licensees shall endeavour to give advance warning of anticipated service disruptions or planned outages, including details of the disruption or

outage, the services and service areas affected and any applicable compensation or other remedies.

(4) In the event of force majeure such as floods and storms the Licensee shall endeavour to rectify the fault within such period of time as may be reasonable in the circumstances.

14.-(1) The Licensee shall ensure that any Consumer can access:

- (a) operator assistance services; and
- (b) a directory enquiry facility containing directory information on all subscribers in Nigeria, except for those subscribers who have exercised their right to have their directory information suppressed or removed.

Operator assistance, directories and directory assistance.

(2) Where the Licensee assigns telephone numbers to subscribers, it shall ensure that each of those subscribers is, on request, supplied free of charge, with a directory containing directory information on all subscribers who have been assigned telephone numbers in the subscriber's local area.

(3) Any directories supplied shall not contain directory information for those subscribers who have exercised their right to have their directory information suppressed or removed.

(4) A directory may be produced by or for the Licensee, or by another person not acting on behalf of a Licensee. Where a directory is produced by or for the Licensee, the Licensee shall ensure that it is updated on a regular basis (at least once a year).

(5) The Licensee may charge Consumers a reasonable fee for providing directory enquiry services, subject to the approval of the Commission, and may charge a reasonable fee for any additional directories requested by Consumers.

15.-(1) The Licensee shall from time to time consult the Consumer Forum to ensure that the requirements and interests of disabled Consumers are fully taken into account in the development and provision of its services.

Special measures for consumers with disabilities.

(2) The Licensee shall comply with any specific obligations that the Commission may impose on operators in respect of special services or service arrangements for subscribers with disabilities.

16.-(1) The Licensee shall comply with any network or other requirements that may be approved by the Commission in respect of the provision of emergency services, including such measures as location identification information, special numbers and routing to emergency services locations.

Access to emergency services.

(2) Calls to emergency services shall be free of charge.

(3) Licensees may apply to the Commission regarding the recovery of any special costs of implementing or operating emergency services, which the Commission may consider pursuant to section 107 of the Act.

### **PART III - ADVERTISING AND REPRESENTATION OF SERVICES**

17. The Advertising Practitioners Council of Nigeria (APCON) regulates advertising practices in Nigeria, and has established the Nigerian Code of Advertising Practice. Licensees shall comply with the advertising standards established by APCON, and any other applicable laws or standards, in addition to the rules regarding the advertising or other promotion of telecommunications services set out in this General Code.

The Advertising Practitioners Council of Nigeria (APCON).

18.-(1) Licensees shall make clear in advertising materials which promote the availability of a service any geographical or technical limitations on the availability of the service to consumers which:

Availability of services.

- (a) substantially affect the performance of the service; and
- (b) are known to the Licensee.

(2) Licensees shall make clear in any advertising materials which promote a service offer any limitations in the offer which restrict it -

- (a) to a particular group of people;
- (b) to a partial zone, region or other geographical area within the country;
- (c) to a particular period of time; or
- (d) through the limited availability of equipment, facilities or other materials.

19.-(1) Where a Licensee represents in advertising materials that a service is provided as part of a package, the Licensee shall ensure it is able to supply all components of the service package. In the event the Licensee is or may be unable to supply any component of the package, appropriate information about this limitation shall be included in the advertising materials.

Advertising of packaged services.

(2) Where advertising materials indicate the price of a component of a service package, a Licensee shall include in the advertising materials a statement of the minimum total charge for the package, and indicate any conditions that may apply to obtain the component at the stated price.

20.-(1) No Licensee shall engage in unsolicited telemarketing unless it discloses -

Unsolicited telemarketing.

- (a) at the beginning of the communication, the identity of the Licensee or other person on whose behalf it is made and the precise purpose of the communication;
- (b) during the communication, the full price of any product or service that is the subject of the communication; and
- (c) that the person receiving the communication shall have an absolute right to cancel the agreement for purchase, lease or other supply of any product or service within seven (7) days of the communication, by calling a specific telephone number (without any charge, and that the Licensee shall specifically identify during the communication) unless the product or service has by that time been supplied to and used by the person receiving the communication.

(2) Licensees shall also conduct telemarketing in accordance with any “call” or “do not call” preferences recorded by the Consumer, at the time of entering into a contract for services or after, and in accordance with any other rules or guidelines issued by the Commission or any other competent authority.

#### **PART IV - CONSUMER BILLING, CHARGING, COLLECTION AND CREDIT PRACTICES**

21. A Licensee shall at all times endeavour to -

General principles.

- (a) ensure that billing is accurate and timely;
- (b) ensure that billing accuracy is verifiable;
- (c) ensure that sufficient information shall be on the bill or otherwise readily available to the Consumer for verification of the bill without any charge;
- (d) ensure that upon a bona fide request from a Consumer, the Licensee shall inform or provide the Consumer with timely, accurate and current information about its billing terms and conditions and options relevant to that Consumer;
- (e) retain records of a Consumer's bill and related charges for a minimum period of twelve (12) months; and
- (f) in interpreting the obligations described in this section, references to “billing” or “bill” include the Licensees systems for recording and processing any prepaid transactions, including the debiting of call charges against prepaid card balances.

22. A Licensee shall ensure that, at a minimum, the following information is included in any bills issued by it or on its behalf:

- (a) the Consumer's billing name and address;
- (b) the Licensee's current business name, address and registered number;
- (c) a way of identifying the bill uniquely;
- (d) the billing period;
- (e) a description of the charges (and credits) for which the Consumer is billed;
- (f) the total amount billed, applicable credits, payments or discounts, and the net amount payable by the Consumer (or repayable by the Licensee);
- (g) the date on which the bill is issued;
- (h) the bill (or refund) payment due date;
- (i) methods of bill (or refund) payment;
- (j) methods of contact for complaints and billing inquiries; and
- (k) any call charges applicable for complaints and billing inquiry calls.

23.-(1) A Licensee shall ensure that Consumers have access to itemized details of all charges, either on the bill or on a separate statement provided by the Licensee upon request.

Itemization of charges.

(2) Unless otherwise requested by or agreed with the Consumer, Licensees shall provide itemized details during the current billing period. Where applicable, the Licensee shall inform Consumers of the notice period required to obtain itemized billing. In addition, Licensees shall ensure that itemized details contained in previous bills are available for 12 months, or any longer period required by law.

(3) A Licensee shall not charge Consumers for bills or billing related information, except where the Consumer requests information not required to be provided under this General Code such as requests for billing details more than one (1) year old. Licensees shall inform Consumers of any applicable charge resulting from their billing requests, and shall obtain the consent of the Consumer to any charge before it is imposed.

24. A Licensee shall process and issue bills within 30 days of the closure of each billing period. A bill shall include all charges incurred during the billing period except where:

Timing for Issuance of bill.

- (a) there exists a separate agreement with the Consumer to the contrary; or
- (b) there is a delay as a result of the inclusion by the Licensee of information from other suppliers or service providers in the bill; or
- (c) there is a delay as a result of a change initiated by the Consumer, such as where the Consumer has requested a different billing frequency or billing period; or
- (d) there is a delay as a result of the suspension of charges that are in dispute; or
- (e) there has occurred a billing system or processing problem, in which case the problem shall be rectified and bills issued without undue delay and in accordance with any time periods identified by the Commission; or
- (f) billing is delayed by circumstances beyond the reasonable control of the Licensee, such as an event of force majeure.

25. Licensees shall ensure that Consumers are able to verify their bill payment by acknowledgement of payment on the next bill issued, telephone confirmation by calling a specified number, or such other appropriate and accessible methods as may be made available by Licensees.

Receipts and consumer payment advice.

26. Licensees shall provide Consumers with advance written notification of any proposed changes in billing periods, such advance notification to be at least equal to two (2) of its otherwise applicable billing periods (i.e., at least 2 months in advance where the billing period being changed is monthly).

Billing Frequency .

27. Where a Consumer has not paid the Licensee all or part of a bill for services provided by the Licensee, any measures taken by the Licensee to effect payment or disconnection shall -

Non-Payment of bills.

- (a) be proportionate and not unduly discriminatory; and
- (b) be accompanied by appropriate warning to the Consumer in advance of any resulting service interruption or disconnection; and
- (c) confine any service interruption or disconnection to the service(s) concerned, as far as technically feasible.

## PART V - CONSUMER OBLIGATIONS

28. Consumers shall be bound by a Licensee's terms of service on return of a signed service agreement, or on clearly accepting the service terms by any form of telecommunications. Consumers shall also be deemed to accept a Licensee's service terms on any commencement of use of the service that follows adequate communication by the Licensee of its service terms.

Acceptance of  
Licensee terms

29. Consumers shall grant the Licensee or its authorized representatives, without charge, access to premises, equipment or facilities as reasonably required for any provisioning or maintenance of the services, equipment or facilities.

Access for  
maintenance.

30.-(1) Consumers shall not use any equipment or related facilities provided by a Licensee for reasons other than those related to normal service, and shall not do anything that interferes with the functioning of such equipment or facilities, without prior written authorization from the Licensee. Consumers shall be responsible for any loss of or damage to equipment or facilities that results from actions contrary to their service terms or this General Code.

Tampering with  
equipment.

(2) Equipment owned by the Licensee and connected to a telecommunications network may not be moved to a location or address other than the location or address where service was installed, without prior written authorization from the Licensee. This restriction shall not apply to any equipment that is accompanied by operating instructions indicating that it may be disconnected and reconnected as part of its normal use.

(3) Modification or attachment of any unauthorized device to the Licensee's equipment or facilities is prohibited without prior written authorization from the Licensee.

(4) No equipment or device that interferes in any way with the normal operation of a telecommunications service, including any equipment or device that intercepts or assists in intercepting or receiving any service offered by the Licensee that requires special authorization, may be installed by or on behalf of any Consumer.

31. Consumers shall not re-sell any service provided by a Licensee except as permitted by the service agreement of the Licensee (and subject to any applicable licensing or authorization by the Commission pursuant to the Act).

Re-selling services  
without authorization.

32. Consumers shall not misuse public telecommunications services, including by:

Misuse of a public  
telecommunications  
service.

- (a) dishonestly obtaining telecommunications services; or
- (b) possessing or supplying equipment that may be used to obtain such services dishonestly or fraudulently; or



- (c) using services to send messages that are obscene, threatening or otherwise contrary to applicable laws or regulation.

33.-(1) In a competitive market, a Consumer may be tempted to accumulate payment arrears with one Licensee for services used, then ‘switch’ service to another Licensee without settling payment with the previous Licensee. This type of “dishonest churning” by Consumers constitutes an abuse of a competitive telecommunications market. In order to prevent this abusive behaviour, Consumers shall be required to settle all valid payment arrears with a Licensee before switching to another service provider.

Dishonest churning.

(2) Licensees shall be permitted to investigate if a person seeking its services has settled with his or her previous supplier, before having any obligation to provide service to that person.

## **PART VI - PROTECTION OF CONSUMER INFORMATION**

34. -(1) The purpose of this part is to set out the responsibility of a Licensee in the protection of individual Consumer information.

Purpose.

(2) Licensees should also be aware of the authority granted to the Commission under Section 147 of the Act, which permits the Commission in certain situations to allow “authorised interception of communications”, including stipulating the technical requirements for authorised interception.

35.-(1) A Licensee may collect and maintain information on individual Consumers reasonably required for its business purposes. However, the collection and maintenance of information on individual Consumers shall be –

General principles.

- (a) fairly and lawfully collected and processed;
- (b) processed for limited and identified purposes;
- (c) relevant and not excessive;
- (d) accurate;
- (e) not kept longer than necessary;
- (f) processed in accordance with the Consumer’s other rights;
- (g) protected against improper or accidental disclosure; and
- (h) not transferred to any party except as permitted by any terms and conditions agreed with the Consumer, as permitted by any permission or approval of the Commission, or as otherwise permitted or required by other applicable laws or regulations.

(2) Licensees shall meet generally accepted fair information principles including:

- (a) providing notice as to what individual Consumer information they collect, and its use or disclosure;
- (b) the choices Consumers have with regard to the collection, use and, disclosure of that information;
- (c) the access Consumers have to that information, including to ensure its accuracy; and
- (d) the security measures taken to protect the information, and the enforcement and redress mechanisms that are in place to remedy any failure to observe these measures.

(3) These rules apply to individual Consumer information whether initially provided verbally or in written form, so long as that information is retained by the Licensee in any recorded form.

36. Any Licensee that collects information on individual Consumers shall adopt and implement a policy regarding the proper collection, use and protection of that information. Licensees shall ensure that any other Licensees or other persons with whom they exchange or otherwise disclose such information have adopted and implemented an appropriate protection of Consumer information policy .

Implementation of a "Protection of Consumer Information Policy".

37.-(1) A Licensee's policy on the protection of Consumer information shall be made available in an accessible and easy to read manner, including as specifically directed by the Commission from time to time.

Access to policy.

(2) The policy shall state clearly what information is being collected; the use of that information; possible third party exchange or disclosure of that information; and the choices available to the Consumer regarding collection, use and disclosure of the collected information.

(3) The policy shall disclose the consequences, if any, of a Consumer's refusal to provide information.

(4) The policy shall also include a clear statement of how to contact the Licensee regarding information issues and related information access or complaint mechanisms.

38.-(1) Licensees collecting, maintaining, using or disclosing individually identifiable Consumer information shall take reasonable steps to ensure that the information is accurate, relevant and current for the purposes for which it is to be used.

Maintaining data quality.

(2) Licensees shall establish appropriate processes or mechanisms so that inaccuracies in individual Consumer information, including out of date information, may be identified and corrected. Other procedures to ensure data quality may include use of reliable sources and collection methods, reasonable and appropriate Consumer access and correction, and protection against incidental or unauthorized alteration.

## **PART VII - COMPLAINTS HANDLING**

39.-(1) Licensees shall provide easily understood information about their complaint processes in various media and formats, including as specifically directed by the Commission from time to time.

Information to Consumers.

(2) Licensees shall ensure that Consumers can easily identify how a complaint may be lodged, either at a Licensee's premises or using identified forms of telecommunications.

(3) Information on the complaints handling processes shall contain information -

- (a) to Consumers about their right to complain;
- (b) on how Licensees can be contacted in order to make a complaint; and
- (c) on the types of supporting information including, documents the complainant needs to furnish when making a complaint.

(4) All complaints will be recorded by Licensees, and processed in accordance with identified practices and procedures.

40.-(1) Licensees are encouraged to make adequate provision to ensure that people with physical disabilities or other special needs are able to access their complaint handling processes, including ensuring that Consumers can be easily represented by their authorised representatives in order to make a complaint.

Special needs.

(2) In cases where Consumers specifically request assistance in lodging complaints, Licensees are encouraged to provide reasonable assistance.

41.-(1) Written complaints shall be acknowledged by the Licensee and acted on within any time frames set out in the Commission's Quality of Service Regulations (or as otherwise directed by the Commission from time to time). A Licensee can acknowledge and otherwise initially respond to a complaint either verbally or in writing, but should make reasonable efforts to make the initial response in the manner requested by the complainant.

Complaint processes.

(2) Non-written complaints shall be taken as acknowledged by the Licensee at the time the complaint was communicated to the Licensee.

(3) Where possible, Consumers shall be advised when they make a complaint of the expected actions and timing for investigating and resolving the complaint. In the event that the Licensee regards the complaint as frivolous or vexatious, the Consumer shall be informed accordingly and if dissatisfied the Consumer shall have the further recourse described below. In any event, no Consumer complaint shall remain unresolved for more than three (3) months.

(4) Licensees shall implement processes to provide Consumers with sufficient information and the means to inquire on the progress of complaints. Such processes may include complaint reference numbers or other identifiers in order to facilitate timely and accurate responses to subsequent enquiries by Consumers.

(5) Consumers shall be advised of the outcome of the investigation of their complaint, and any resulting decision by the Licensee.

(6) Where a Consumer is not satisfied with a decision reached pursuant to a complaint, the Licensee shall give the Consumer the option of pursuing an identified escalation process by which the decision may be examined by a suitably qualified person in the Licensee's organization. Where the Consumer has already been provided with the benefit of the Licensee's escalation process(es) and where there are no further escalation processes, the Licensee shall inform the Consumer accordingly.

(7) In the event that a complaint has not been resolved to the Consumer's satisfaction, including as a result of any escalation process, within sixty (60) days of being communicated to the Licensee, the Licensee shall inform the Consumer that he or she may refer the complaint to the Commission.

(8) Failure to deal with Consumer complaints, and any related service failures, shall also be subject to the requirements of the Quality of Service Regulations, including payment of any specific service credits or rebates established pursuant to those regulations.

42. Complaint handling processes shall be provided free of charge. However, a Licensee may impose a reasonable charge for complaint handling processes where investigation of the complaint requires the retrieval of records more than twelve (12) months old, and where that retrieval results in any incremental expense or significant inconvenience to the Licensee. Any such charges shall be identified and agreed to by the Consumer before being incurred.

Charges.

43.-(1) Licensees shall advise Consumers that, in the event they remain dissatisfied with the outcome of a complaint, they may refer the complaint to identified persons or departments within the Commission.

Further recourse.

(2) For disputes that remain unresolved by other means, the Commission will apply the processes set out in its Dispute Resolution Guidelines.

44.-(1) A Licensee shall avoid imposing any disconnection or credit management action regarding any service to which a complaint or billing dispute relates while the complaint or dispute is being investigated. The Licensee shall inform the Consumer that while the complaint or dispute is being investigated, the Consumer is obliged to make payment of any outstanding amounts other than the amount that is specifically in dispute.

Action on  
disputed charges.

(2) Where a Licensee intends to take disconnection or credit management action against a Consumer regarding any amount that has been the subject of a complaint or dispute, the Licensee will specifically notify the Consumer before taking the intended action.

45.-(1) Licensees shall have appropriate recording systems for complaints and their outcomes. Such tracking is also needed to meet the requirements of the Quality of Service Regulations.

Internal data  
collection and  
analysis.

(2) Complaints tracking data shall be categorised and analysed by the Licensee from time to time to allow for the identification of recurring problems. Licensees shall inform the Consumer that a record of their complaints is being kept, and if requested by the Consumer shall describe the complaints tracking system used by the Licensee.

46. Licensees shall review their complaint handling and tracking processes from time to time to ensure effective processing of complaints. Licensees shall also report on the outcome of these reviews as requested by the Commission, and shall make any changes to complaint handling and tracking processes identified by the Commission.

Review.

47. Licensees shall update any information regarding their complaint handling and tracking processes as appropriate, including information provided to Consumers or the Commission.

Changes to  
complaint  
handling  
processes.

48. Information collected and recorded as part of the Licensee's complaint handling processes shall be retained by Licensees for at least twelve (12) months following resolution of a complaint.

Retention of  
records.

49. The Commission may from time to time audit the complaints handling and tracking processes of Licensees, including by exercising its powers pursuant to section 141 of the Act.

Audit by  
Commission.

**PART VIII - CODE COMPLIANCE**

50. Licensees shall -

Licensee responsibilities.

- (a) develop appropriate policies and procedures for ensuring compliance with this General Code (or any individual consumer code approved by the Commission);
- (b) ensure that the compliance policy, procedures and applicable code provisions are publicized to employees and other representatives of the Licensee;
- (c) develop appropriate procedures or programs to educate employees regarding code compliance issues;
- (d) implement appropriate management structures and practices to monitor compliance with the policies, procedures and code provisions; and
- (e) provide information to the Commission, as provided for in this General Code or as otherwise requested by the Commission, relevant to the Licensee's consumer code obligations and ongoing compliance efforts.

51.-(1) The Commission will monitor compliance with applicable code provisions on a regular basis to ensure the overall effectiveness of consumer codes in achieving their objectives, which include -

Compliance monitoring and reporting by the Commission.

- (a) complaints monitoring;
- (b) routine verification of code compliance by Licensees; and
- (c) identification of other consumer code issues.

(2) The Commission will publish quarterly progress reports to assist it in its ongoing monitoring and review of consumer codes and related issues. The progress reports will include -

- (a) identified breaches of applicable code provisions, and any remedial actions taken;
- (b) recurring complaints and actions taken to address these;
- (c) statistics on complaints and their resolution; and
- (d) steps taken by Licensees in the development of in-house compliance systems.

(3) The Commission's annual report will contain a summary of all progress reports for the relevant year.

52.-(1) Complaints about failure to comply with this General Code or any other applicable consumer code will arise in two broad categories: Consumer complaints and "Industry" complaints.

Complaints regarding compliance.

(2) The Commission shall administer appropriate and impartial processes for the investigation and resolution of both Consumer and Industry complaints.

(3) In the event the Commission finds that a complaint does not fall within its jurisdiction, the Commission will refer the matter to the appropriate body.

53. All complaints by Consumers will first be lodged and dealt with by the relevant Licensee in accordance with Part VII of this General Code. Where a Consumer lodges a complaint with the Commission and does not initially contact the Licensee, the Commission will forward the complaint to the Licensee for resolution in accordance with Part VII of this General Code.

Consumer complaints.

54.-(1) Industry complaints are those made by one Licensee against another for an alleged breach of a consumer code. Industry complaints will also include complaints by a group representing consumer interests against a Licensee.

Industry complaints.

(2) All Industry complaints will be lodged directly with the Commission. Where an Industry complaint is lodged with a Licensee, without evidence that the complaint has been lodged with the Commission as well, the Licensee shall forward a copy of the complaint to the Commission without delay, and will notify the complainant that its further contact regarding the complaint should be with the Commission and not the Licensee.

55.-(1) The Commission will oversee compliance with and administration of the General Code and any other applicable consumer codes.

Commission investigation.

(2) The Commission will analyse and investigate complaints in order to determine whether there has been a breach of the applicable code. In the event the Commission finds that there has been a breach, it will consider the following factors in arriving at a decision on the remedial actions or penalties to be imposed:

- (a) seriousness of the breach;
- (b) past conduct of the Licensee with respect to compliance with the code;
- (c) representations made by the Licensee with regards to the breach and related circumstances; and

(d) any compensation offered by the Licensee to affected Consumers for the breach.

(3) The monitoring and enforcement of consumer codes will be exercised in accordance with the Nigerian Communications (Enforcement Processes, etc) Regulations 2005. With respect to any penalties for contravention of applicable code provisions, the Commission will be guided by the considerations set out in Chapter IV (“Administrative Fines”) of those regulations.

(4) The Commission may also issue a caution notice to a Licensee with no record of past problems, identifying remedial measures to be undertaken but imposing no other penalties or sanctions.

(5) Continuing or repeated breaches of this General Code or any other applicable consumer code shall be reviewed by the Commission to determine if they constitute an offence under the Act, including as a breach of applicable licence conditions.

(6) Unless otherwise specifically identified by the Commission, the parties to a complaint shall be responsible for their own costs or expenses associated with the complaint. The Commission shall also identify any circumstances in which any costs or charges will be payable to the Commission in connection with its involvement in the resolution of any complaint, prior to a party incurring the payment obligation.

56. In the event that a decision by the Commission is not accepted by a party to the decision, that party will have the right to challenge the decision pursuant to Sections 86 to 88 of the Act, in accordance with the practices and procedures described in those sections.

Appeals process

57. Information disclosed in the course of any complaint or compliance proceeding under this General Code or other applicable consumer code may be protected as confidential information as provided under the Act, including Sections 59, 60 and 86(3) of the Act.

Confidentiality

**MADE** at Abuja this 3<sup>rd</sup> day of July, 2007.

**ENGR. ERNEST NDUKWE (OFR)**  
*Executive Vice Chairman*



### **EXPLANATORY NOTE**

*(This note does not form part of the above Regulations  
but is intended to explain its purport)*

The Regulations provide for General Consumer Code of practice to govern the provision of services by licensed telecommunications operators in Nigeria and related consumer practices.