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## GENERAL NOTICE

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### NOTICE 1740 OF 2007



**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA HEREBY  
PRESCRIBES REGULATIONS, IN TERMS OF SECTION 4 READ WITH SECTION 69(1) OF THE  
ELECTRONIC COMMUNICATIONS ACT, 2005 (NO. 36 OF 2005), IN RESPECT OF A THE  
CODE OF CONDUCT FOR ELECTRONIC COMMUNICATIONS AND ELECTRONIC  
COMMUNICATIONS NETWORK SERVICES LICENSEES**

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## **REGULATIONS IN RESPECT OF THE CODE OF CONDUCT FOR ELECTRONIC COMMUNICATIONS AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES LICENSEES**

The main objectives of these regulations are to:

1. prescribe guidelines that will set acceptable standard of conduct by licensees in respect of consumers; and
2. protect the rights of consumers in the electronic communications sector;

### **SCHEDULE**

#### **1. DEFINITIONS**

In these regulations any word or expression to which a meaning has been assigned in the Electronic Communications Act, 2005 (Act No. 36 of 2005) has the meaning so assigned and, unless the context indicates otherwise -

**“Act”** means the Electronic Communications Act 2005 (No. 36 of 2005)

**“Authority”** means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act 2000 (No 13 of 2000) as amended.

**“Code of Conduct” (“the Code”)** means a code of practice, or similar document, intended to safeguard or promote the interests of consumers by regulating the conduct of persons engaged in the supply of goods or services to consumers.

**“consumer”** means a natural person excluding a juristic person, and includes an end-user (as defined in section 2 of the ECA), who uses and/or receives for own use, the services and/or products of a licensed service referred to in Chapter 3 of the Act.

**“ICASA Act”** means the Independent Communications Authority of South Africa Act, No 13 of 2000.

**“service provider”** means

- a) a juristic person that sells to a consumer electronic communications service(s) and/or product(s) for the consumer's own use.
- b) a network operator;
- c) a juristic person that purchases network services from a network operator to resell these services to the consumer.

**“National Credit Act”** means the National Credit Act, No. 34 of 2005

## **2. SCOPE AND APPLICATION OF CODE**

2.1 The Code of Conduct applies to electronic communications service licensees and electronic communications network service licensees.

2.2 The Code of Conduct must form the basis of individual codes of practice to be developed by licensees for their own businesses and outlets.

2.3 The Code must be applied in accordance with relevant legislation and regulations governing such electronic communications service licensees and all electronic communications network service licensees.

## **3. GENERAL STANDARDS TO BE ADHERED TO BY ELECTRONIC COMMUNICATIONS SERVICES AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES LICENSEES**

### **3.1 Key Commitments**

All Licensees must:

- a) act in a fair, reasonable and responsible manner in all dealings with the consumer;
- b) ensure that all services and products meet the specifications as contained in their licences and all the relevant laws and regulations;
- c) not unfairly discriminate against or between consumers on the basis of race, gender, sex, age, religion, belief, disability, ethnic background or sexual orientation;

- d) display utmost courtesy and care when dealing with consumers;
- e) provide consumers with information regarding services and pricing;
- f) provide consumers with guidance in regard to their customer needs, upon request;
- g) keep consumers' personal information confidential;
- h) advise consumers to refer the complaint to the Authority.

### **3.2 Publication of the code:**

- a) Licensees must display a copy of "key commitments" section of the Code at its consumer service centres and business outlets and on its website;
- b) Licensees must provide a copy of the Code to any consumer upon request.

### **3.3 Use of official languages:**

- a) Licensees must provide a printed Code to consumers in English and in at least one (1) or more official languages to consumers
- b) Licensees must provide a copy of the Code to consumers in other official languages upon request.

### **3.4 Consumer Rights:**

Licensees must inform consumers about their rights in terms of the services they provide. The rights consumers include, but are not limited to:

- a) a right to be provided with the required service without unfair discrimination;
- b) a right to choose the service provider of their choice;
- c) a right to receive information in the preferred language;
- d) a right to access and question records and information held by the service provider;
- e) a right to the protection of the consumers' personal data, including the right not to have personal data sold to third parties without permission by the consumer;
- f) a right to port a number in terms of applicable regulations;
- g) a right to lodge a complaint; and
- h) a right to redress.