

Code of Practice (CoP) – For Complaint Handling

A. Foreword

This Code of Practice (CoP) is formulated to comply with TRAI's The Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) (TCCCP Regulations 2018).

The Code of Practice formulated in this document only refers to the complaint handling related to the complaints received by RCOM for Unsolicited Commercial Communication.

This CoP deals with Entities involved in performing various functions as required under the said regulation, and prescribes the functions to be performed by them. It also provides for the process for header registration.

For avoidance of doubt, in the case of any difference between texts, the text set out in the TCCCP Regulations, 2018 shall take precedence.

This CoP is the outcome of mandate given in TCCCPR 2018 and has evolved with the joint initiative and concurrence of all the Access Providers.

The CoP will take effect as per the provisions mentioned under the section "Effective Date" of this CoP document.

Any modification to this CoP would be well within the right of RCOM, with no liability of any financial claim or damages or any other adverse action, subject to suitable information of such changes being provided to concerned stakeholders.

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I. Effective Date

The CoP is published to seek in consensus with TRAI for compliance with the Regulations.

This CoP will become the base document for technical solutioning and customer servicing processes once RCOM receives inputs from the TRAI, or 30 days from the date of submission to the TRAI. In case of any inputs/observations from the TRAI within this period, this CoP will be effective once such inputs/observations are addressed by RCOM.

The solutioning of architecture, processes, its development and deployment activities will commence after finalization of CoP.

The effectiveness of new ecosystem and processes would depend on its concurrent deployment and integration by all TSPs on a common date.

II. Scope

The Scope of this CoP is to:

1. Comply with the TCCCP regulation, 2018.
2. Cover process and modes for registration of complaints by customers.
3. Cover process for complaint handling, verification and resolution, including necessary action on RTMs & UTMs.
4. Provide Network system functioning conditions including SLAs and architecture.
4. Provide minimum set of information which will be put on DLT system for sharing amongst all Entities and stakeholders.
5. Effectively and timely resolve UCC complaints.

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) 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) The call is being made from the same number or Pilot Number of the customer 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 email containing unique complaint number will be sent to customer within 15 minutes of complaint registration. b) If validation is unsuccessful, the customer care executive will inform the customer accordingly.

2. Procedure for UCC Complaint registration through Web Portal

Sr.no.	Procedure
1	Customer to login in his account on the TSP's website for registering UCC complaint.
2	Customer to provide below inputs mandatorily - a) Date of UCC received. b) Telephone from which UCC received. c) Brief description of UCC received. d) Referred Telephone Number, if any
3	Complaint will be auto raised in TSP's system and an automated email containing unique complaint number will be sent to customer within 15 minutes of complaint registration.

3. Procedure for UCC Complaint registration through Any Other mode

TSP may choose to take and register UCC complaints from customer from any other mode / platform as decided by TSP from time to time.

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

1. Complaint Mechanism:

A. 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.

B. 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 and change status of complaint on DL-Complaint as a report instead of complaint.

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 call, whether related customer consent was taken or not.
- d) OAP will check whether the content was a transactional call 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'.

OAP will update the status of complaint in CRM. CRM should update automatically in DL along with the remarks and status.

iii. In case, any of the regulatory pre-checks were not carried out, 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.

OAP will update the status of complaint in CRM. CRM should update automatically in DL along with the remarks and status.

iv. The actions for valid complaints will be as follows:

- a) In case complaint against promotional call.
- b) In case complaint against service call.
- c) In case complaint against transactional call.

v. 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.

vi. In case The 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. Usage cap means a limit of 20 calls per day, and no data.

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.

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.

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 (if available) of UCC- if TAP is not seeking time from complainant then TAP will not be able to update time of UCC. Only date can be updated.
- b) Date and time of receipt of complaint
- c) Sender (header/telephone number) and recipient of complained UCC
- d) Unique reference number
- e) Text as captured during the registration of complaint
- f) Referred telephone number mentioned in complaint, if any.

After pre-checks for RTM cases OAP to update remarks for both valid and invalid complaints. (Standard texts can be updated for both valid and invalid SRs basis which SR closure can happen in TAP CRM system)

2. By OAP, after pre-checks for RTM cases

- a) Unique Reference Number
- b) Date and time of receipt of complaint
- c) Date and time of UCC
- d) Complainant Number
- e) Header/number from which UCC is received
- f) TAP name
- g) TAP Service area
- h) Date of UCC referred to OAP
- i) UCC TYPE (Voice)
- j) Description of UCC
- k) CDR status (Matched/Not Matched)
- l) Action Taken
- m) Remarks
- n) After pre-checks for UTM cases Remarks to be updated by OAP for both valid and invalid complaints.

(Standard texts can be updated for both valid and invalid SRs basis which SR closure can happen in TAP CRM system)

3. By OAP, after pre-checks for UTM cases

- a) Unique reference number
- b) Date and time of receipt of complaint
- c) Date and time of UCC
- d) Complainant Number
- e) Header/number from which UCC is received
- f) TAP name
- g) TAP Service area
- h) Date of UCC referred to OAP
- i) UCC TYPE (Voice)
- j) Description of UCC

- k) CDR status (Matched/Not Matched)
- l) Action Taken
- m) Remarks

4. By OAP, Action taken on RTM and UTM cases

- a. Unique reference number
 - b. Date and time of receipt of complaint
 - c. Date and time of UCC
 - d. Complainant Number
 - e. Header/number from which UCC is received
 - f. TAP name
 - g. TAP Service area
 - h. Date of UCC referred to OAP
 - i. UCC TYPE (Voice)
 - j. Description of UCC
 - k. CDR status (Matched/Not Matched)
 - l. Action Taken
 - m. Remarks
- b) 5. By OAP, after investigation on UTM cases
- a. Unique reference number
 - b. Date and time of receipt of complaint
 - c. Date and time of UCC
 - d. Complainant Number
 - e. Header/number from which UCC is received
 - f. TAP name
 - g. TAP Service area
 - h. Date of UCC referred to OAP
 - i. UCC TYPE (Voice)
 - j. Description of UCC
 - k. CDR status (Matched/Not Matched)
 - l. Action Taken
 - m. Remarks

VI. Consequence Management

1. In case of default/breach in functions to be performed by respective Entities registered/appointed by RCOM, strict action shall be taken against the same which may include warning notice, show cause notice, penalty, temporary or permanent termination etc.
2. RCOM shall formulate an internal process on above & incorporate in agreements with RTM.

VII. System Functioning Conditions

1. System Architecture

Depending upon CoP finalization and discussions with vendor, the system architecture freezed by TSPs for implementation should 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.

VIII. Amendment to CoP

This CoP can be amended by RCOM at any given point in time subject to following:

- a) It is understood that the CoP stipulates various requirements which are interlinked with CoPs of other TSPs as well. Considering the same, wherever the amendment can lead to change in information sharing with other TSP and/or billing, processing etc. with other TSP, such amendment shall be shared with a two-week advance intimation before actually implementing the same.
- b) Wherever there is any material change for any existing Sender(s) which impacts performance of its obligations, an advance notice of at least 7 calendar days along with changes and its effective date for such existing Sender(s), shall be given on their respective registered email-id.

IX. Publication of CoP

This CoP shall be published by RCOM on its website. A digital copy of the same shall 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 shall be published by RCOM on its website.

X. Definitions

In this Code of Practice, unless the context otherwise provides, the Definition of various terms used under different clauses of the document will be according to the Definitions given under Regulation 2 of the Telecom Commercial Communications Customer Preference Regulations, 2018.

XI. Version History

S.No.	Date	Version	Details