

# Consumer Guidelines



Liberia Telecommunications  
Authority (LTA)

Microsoft

# Background

Over the last decade, the telecommunications sector has been subject to transformation with the development of competition and the flow of a range of new technologies and services. Competition has brought significant benefits to consumers with falling prices, better quality of services, and a wider choice of service providers and access to new services. The technological and service developments have resulted in communications by electronic means becoming predominant in the Liberian society, and this will become even more so as next generation communication infrastructures and services are put into place. The significant benefits to consumers in the development of new services and technologies has also had some costs as consumers have been faced with more difficult choices, a range of offers sometimes with unclear pricing structures and contracts which at times limited the flexibility of consumers.

The emphasis on creating competition in telecommunications and **Information and communications technology or information and communication technology** markets has been mainly through supply side measures but, in recent years, there has been more recognition that informed and empowered consumers can, through demand-side choices, encourage industries to produce and introduce new products, improve quality and compete in pricing. By making informed choices between suppliers, consumers not only benefit from competition, but they guide and sustain market flow and competition. At the same time, as the use of communication services has increased, more emphasis is being placed on reviewing consumer policy relating to telecommunications and ICT services by expanding the range of consumer measures to provide better protection, more flexibility in the market for consumers, and better access to information.

It is in this context that the Liberia Telecommunication Authority has developed a set of guidelines for ensuring that consumer interests in telecommunications and ICT services are adequately protected. This recognizes the need to ensure transparent and effective consumer protection while maintaining an environment that provides incentives for investing in developing new communication and telecommunications services. In this respect, the principles in this policy guideline should be read in conjunction with those in the 2007 Telecommunication Act.

By “telecommunications,” this document refers to telecommunication service providers, ICT and Internet access and telecommunication services provided by cable companies and Internet Service Providers.

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# Introduction

1.1 For the purposes of this Guidelines, '**Consumer**' has the same meaning as "end user" used by the Telecommunications and ICT Regulation Act 2007 ("the Act"), which means a person who is the recipient of a telecommunications service or another service provided by means of that telecommunications service but does not include associates of a service provider.

1.2 The Telecommunications and ICT Regulator (Liberia Telecommunications Authority) has responsibility for supervising and regulating consumer affairs in the telecommunications sector in order, among other things, to inform and educate the Consumer, protect the Consumer and build trust and security for Consumers and establish appropriate procedures for resolving Consumer disputes with Telecommunication service providers.

1.3 By outlining the rights and obligations of Service Providers and Consumers with respect to Telecommunications Services, these Consumer Protection Guidelines will detail the specific objectives that LTA is setting for Service Providers.

1.4 While LTA has the authority to issue mandatory regulations, it has decided to proceed **[first]** with these Guidelines. LTA will continue to monitor the efficiency of these Guidelines in protecting consumer interests and only if needed, issue regulations in their place. However, when there is a conflict between this CPG and the Act and the Telecommunications License (the License), the provision of the Act and the License will always take precedence.

# Objectives of the Consumer Protection Guidelines

2.1 Part X of the LTA ACT reinforces laws, regulations and guidelines related to the protection of consumers. Consumer protection is particularly important in the telecommunications sector as a result of the introduction of competition which gives consumers choices for the first time in a rapid technological changes which characterize the sector.

2.2 The Consumer Protection Guidelines are therefore intended to:

- a) clarify how LTA expects Service Providers to educate Consumers and respect and protect rights;
- b) encourage best practices by Service Providers and promote the provision of high quality services to Consumers;
- c) ensure that Consumers have all the information they need to make informed choices about products and services in a competitive market;
- d) specify Service Providers obligations with respect to Terms of Service, transparency in billing, quality of service and advertising;
- e) provide Consumers the opportunity to resolve disputes with their Service Providers in an organized manner;
- f) increase awareness of Consumers' rights and discourage Service Providers from abusing these rights.

## Legal Basis

3.1 Section 3 (a) and (b) of the LTA Act empowers LTA to implement, facilitate and enforce the provisions of the ACT with respect to Telecommunications Services.

3.2 Section 48 of the ACT requires fair dealing with Consumers, provision of clear and concise invoices, and retention of records.

3.3 Section 49 of the Act requires all Service Providers to protect the confidentiality of Consumer information.

3.4 Section 53 (1) requires a Service Provider to establish procedures for dealing with complaints by Consumers regarding the Telecommunications Services and gives LTA the right to investigate and mediate disputes between Consumers and Service Providers.

3.5 Section 55 requires Service Providers to submit a draft Terms of Service for approval.

3.6 These Guidelines apply equally to agents and distributors of Service Providers. Service Providers must ensure that their agents and distributors implement these Guidelines.

## Applications of the Consumer Protection Guidelines

4.1 These Consumer Protection Guidelines apply to all Service Providers of Telecommunications Services. Service Providers are encouraged to comply with these Guidelines and Consumers are encouraged to ask their Service Providers to meet these Guidelines.

4.2 LTA will continue to review market practices and Consumer complaints. LTA may issue additional regulations or determinations if it considers that the objectives of these Guidelines have not been met or that Consumers are not adequately protected.

4.3 It is intended that these Guidelines will be subject to regular review and may be revised or modified following consultation with concerned parties in the light of experience in the telecommunications sector, as well as ongoing developments in telecommunications markets, or any changes to national law.

5.1 Unless otherwise defined in Guidelines, any word or expression shall have the meaning given to it in the Act, LTA Regulations (if any) or Licenses. In the event of conflict or ambiguity between the terms defined herein and the terms defined in the Act, Regulations or Licenses, the following order of precedence should apply:

- g) The Telecom the Act;
- h) LTA's Regulations;
- i) Service Providers' Licenses;
- j) These Consumer Protection Guidelines.

5.2 For the purposes of these Guidelines, the following terms will have the ascribed meanings:

**Consumer or end user** as referred to in the Act means any person using or requesting retail telecommunications services for their own use and not for resale;

**Service Provider** has the same meaning as defined in the Act.

**Unfair Practices** means any fraudulent, deceptive, or dishonest practices that are prohibited under Part X of the Act, Section 5 of the Telecommunications License and Clause C of these Guidelines.

# Information Dissemination to Consumers

6.1 Service Providers are obliged to communicate with Consumers in plain, simple language.

6.2 Service Providers should take such steps as are necessary to ensure that Consumers can reasonably and reliably have access to information to assist them in the selection of Telecommunications Services of their choice.

6.3 A Service Provider should give its Consumers the choice of receiving information in English, and other languages.

6.4 A Service Provider should ensure that information provided to Consumers is accurate, relevant, current and timely.

6.5 Providers of voice services should provide essential emergency service free of charge and provide assistance for resolving problems.

6.6 A Service Provider is encouraged to take into account the interests of Consumers with disabilities including those with sight or hearing impairment;

## **Informing and Educating the Consumer**

7.1 Consumer empowerment and protection is important economically and socially. Informing and educating the consumers will assist with their understanding of what is possible, what should be expected, selection and appropriate usage of telecommunications products and services.

7.2. Informing consumers about potential security and privacy risks in using communication services and available measures to limit these risks.

7.3. Enhancing consumer awareness of the availability and benefits of available services and suppliers, and consumer rights.

7.4 Consumers of communication services should be provided by service providers with clear and accurate information about the terms, conditions and costs associated with those services; the information should be available and easily accessible and sufficient to enable them to make informed decisions.

7.5 Developing information resources that could help consumers make informed choices and increase awareness of their rights and relevant consumer protection measures would be beneficial. In developing such resources, attention should be given to the special needs that disadvantaged or vulnerable consumers may have.

## Terms of Service

8.1 Service Providers should ensure that their Terms of Conditions (T&Cs) of Service do not contain unfair terms and conditions.

8.2 According to Part X section 55 of the Telecommunications License, Service Providers should submit Terms and Conditions (T&Cs) of Service to the Regulator for review.

8.3 The T&Cs of Services need to be clear and drafted in plain and clear language, and available in English, and where necessary explained verbally in simple English for consumers.

8.4 At a minimum, T&Cs of Service for a specific telecommunications service are expected to include terms that will explain adequately to the Consumer the following, where relevant to the specific Service:

- a) the terms of the service(s), time to connect the call, equipment required, username and password provision;
- b) the availability and limitations on the use of the service, capacity of usage, and area of usage;
- c) the calculation of charges and fees, billing, charges for different services, method of payment;
- d) the process for disconnecting the service by the Service Provider;
- e) the process for consumers to terminate service;
- f) the level of protection of private information;
- g) warranties in respect of the service and associated equipment;
- h) the consumer complaint and dispute resolution procedures;
- i) the contact details for the Service Provider's customer service department; and
- j) contact details for LTA.

# Invoices/ Receipts

9.1 Service Providers should issue bills which:

- a) are clear, and establish charges in a format that can be easily balanced and verified;
- b) are complete so that Consumers can confirm or challenge billing information, including amongst other things call charges, payments and late charges;
- c) contain a disclosure of the price per minute paid for all calls and a list of all subscription charges; and d) are itemized as to universal usage, monthly subscription fees, premium rate or value-added service charges, internet subscription and usage fees where applicable. Such bills should be provided without additional charge.

9.2 Service Providers should ensure that all roaming charges are billed to the Consumer as soon as possible without exceeding **60** days from the call generation date.

9.3 Service Providers may offer electronic bill display, downloads and electronic bill payment as per their arrangement or contract with the Consumer.

9.4 Billing records should be kept by the operators for a period of **12** months in normal cases. If a dispute starts within **12** months of a bill being raised Service Providers should retain the records until settlement of that dispute.

9.5 Service Providers may seek refundable profit-bearing deposits from Consumers in the following circumstances:

- a) the Consumer's acceptance in writing;
- b) the Consumer has a poor credit history;
- c) for new Consumers; or
- d) for international services including the roaming service.

9.6 The due date for bills should be clearly indicated on all bills provided to Consumers. LTA recommends that Service Providers do not require payment of bills by Consumers for at least thirty (30) days from the billing date.

9.7 Consumer should receive their bills at minimum **10 days** prior to the billing date.

9.8 Where a service has been disrupted for whatever reason the customer should be credited for the period in which service was not available.

9.9 Consumers should have the right to inquire about the accuracy of bill and/or arrange a payment plan in order to avoid service disconnection within the due payment period.

9.10 These Guidelines do not inhibit Service Providers from imposing reasonable late payment fees or following a disconnection procedure for a particular service if the Consumer fails to pay his/her bill within 30 days from when it was billed and did not arrange a payment plan.

9.11 All Service Providers must provide telecommunications service that would meet specific quality of service standards. These standards shall be consistent with any Quality of Service Guidelines or Regulations produced by LTA and by international best practices.

9.12 The Service Providers shall not make any false or misleading advertisement on the availability, price or quality of its service or equipment. The claim is false or misleading if, at the time the Service Provider knew or reasonably ought to have known that it was false or misleading in any material respect or it was likely to confuse or mislead the customer to whom it was made.

## **Protecting the Consumer and Building Trust and Security**

10.1 According to Part X Section 45 of the LTA Act, a Service provider must not, without any consent of the end user, divulge any personal end user information to any other person who is not an agent of or employee of the service provider, unless required by law or authorized by a court warrant..

10.2 All Service Providers should protect the Consumer's privacy regarding personal information and calling patterns. Other than in the case of Lawful Interception following due process, the Consumer has the right to personal privacy, to have protection from unauthorized use of their personal records and information, and protection from illegal, unsolicited, unwanted or offensive communications.

10.3 Subject to any obligations to disclose information in accordance with the laws of Liberia, Service Providers should maintain the confidentiality of, and refrain from using or disclosing, other than for the proper purposes of providing Telecommunications services, any:

- a) confidential, personal and proprietary information obtained in the course of its business from any Consumer, where such information originates from any such Consumer;
- b) any information regarding usage of a Telecommunications Network or service; or
- c) information received or obtained in connection with the operation of a Telecommunications Network or the provision of a Telecommunications Service.

10.4 The above provisions should not apply where Consumers give their informed permission and consent to the disclosure of personal information and calling patterns, or where such disclosure is a requirement of the laws of Liberia.

## Unfair Practices

11.1 LTA will monitor and take appropriate action against Service Providers that use Unfair Practices.

These Unfair Practices include:

- a) going against the requirements of professional diligence in a way that is likely to alter the economic behavior of Consumers or potential Consumers;
- b) conduct that is misleading and deceptive or is likely to mislead or deceive, including but not limited to:
- c) misleading Consumers through false or deceptive advertising;
- d) misleading Consumers by giving false or deceptive information or failing to give important information in a clear manner;
- e) using aggressive sales techniques that harass Consumers or lead to them making a decision that they would not otherwise have made under other circumstances;
- f) engaging in anticompetitive behavior, including those activities and omissions that can negatively impact Competition
- g) such other practices as may be specified by LTA.

11.2 Service Providers should make available educational material for Consumers which informs them of any relevant protection or control mechanisms for their service which can be used to protect children.

11.3 Service Providers are expected to protect Consumers from unreasonable, unwanted or illegal electronic solicitations, including live voice solicitations, artificial pre-recorded voice advertisements, electronic mail, electronic wireless messages (e.g. SMS, MMS) and fax messages.

11.4 Service Providers must not switch Consumers from one Service Provider to another Service Provider without the Consumers' express knowledge and consent or otherwise switch Consumers from one Telecommunications service to another or from one Service Provider to another through unfair practices or without their explicit written authorization.

11.5 Service Providers should not change the Terms and Conditions (T&Cs) of a service of an existing customer without prior warning and an opportunity for the customer to cease the service.

## **Complaints and Redress**

12.1 Service Providers shall provide Customers with a procedure for complaint-handling that is effective and efficient in resolving disputes. This procedure will be documented and made available to the public in writing and verbally. The process will include guidelines and timeframes for resolving disputes and faults.

12.2 Service Providers should provide a free phone number for inquiries, faults and complaints.

12.3 Service provider shall keep records, and maintain for 18 months, records of all disputes and complaints from consumers and amount of time taken to respond to such complaints as well as to resolve them. This information is to be made available to LTA upon request.

12.4 Service Providers should also make LTA's contact details available for Consumers, notifying Consumers that they may raise their complaint with LTA if their original complaint is not handled to their satisfaction by their Service Provider within 30 days and in accordance with that Service Provider's complaints handling procedure.

## Dispute Resolutions

13.1 LTA's Consumer Complaints Process set out on [www.lta.gov.lk](http://www.lta.gov.lk) protects the interests of Consumers by:

- a) handling inquiries and complaints, undertaking investigations, making recommendations and achieving resolutions for Consumers; and
- b) establishing a Dispute Resolution Process which acknowledges and responds promptly to all written communications regardless of whether or not a full response to the enquiry or complaint can be provided at that time.

13.2 LTA may also institute a formal Dispute Resolution Process between Consumers and Service Providers designed to be prompt, transparent, comprehensible and Consumer-friendly.

13.3 Whether or not a formal procedure is implemented, LTA shall:

- a) promptly investigate any matter which is raised by a Consumer and provide feedback within **30** days;
- b) determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties; and
- c) require evidence or arguments to be presented in writing, except in exceptional circumstances in which case the LTA will decide the matter by way of oral evidence or arguments.

13.4 Service Providers should refrain from suspending or terminating the Telecommunications service provided to Consumers during the complaint handling by LTA unless they have obtained the prior permission of LTA, which may be granted where there is a significant risk.

13.5 Annex A contains a form for Consumers to use to file complaints with LTA.

13.6 Annex B contains a form for LTA to track consumer complaints, and measure the nature of complaints against individual service providers.

**Annex A. LTA CUSTOMER COMPLAINT FORM**

Liberia Telecommunications Authority  
Consumer and Public Affairs Department  
12th Street Sinkor, Tubman Boulevard  
Monrovia, Liberia

**CONSUMER COMPLAINT FORM**

**COMPLAINANT's INFORMATION**

Please Print or type

Mr. \_\_\_\_ Ms. \_\_\_\_

Name: \_\_\_\_\_  
(Last Name) (First Name) (Middle Initial)

Home Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone number(s): \_\_\_\_\_ e-mail: (optional) \_\_\_\_\_

**NATURE OF COMPLAINT**

Complaint Registered Against:

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Please check the box which best describes the nature of your complaint and provide details on the next page:

Overbilling

Call drops

Arbitrary disconnection of Service

Deceptive Adverts

undelivered SMS

unsolicited SMS/text

sale of substandard product

poor interconnectivity

Other(s) \_\_\_\_\_

Action (s) taken by Complainant to Service provider to resolve situation:

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Date(s) Action taken: \_\_\_\_\_



Signature of Complainant: \_\_\_\_\_