



PRINCIPLE 4—Promoting and Protecting the Interests of Consumers and Promoting Ubiquitous Access as far as practicable

Consumer Interests and Ubiquitous Access

The statements provided in this document will be kept under review and amended as appropriate in light of further experience and developing law, practice, market conditions and any change to the Authority's powers and functions.

These comments provide the Authority's general view of promoting the interests of consumers and promoting ubiquitous access and do not have binding legal effect.

The Legislative Mandate

The Authority promotes and protects the interests of consumers based on the legislative mandates to do so, which include the following:

- The Telecommunications Act Chap 47:31
- Relevant Regulations made pursuant to the Act
- Concession Agreement
- Relevant guidelines and methodologies made pursuant to the Act.

Specifically, the following citations inform the Authority's actions in promoting ubiquitous access and the interests of consumers:

Promoting and Protecting the Interests of Consumers:

The Telecommunications Act (Chap 47:31):

Section 3(c) which states:

“The objects of the Act are to establish conditions for— promoting and protecting the interests of the public by—
(i) promoting access to telecommunications services;
(iii) providing for the protection of customers;
(iv) promoting the interests of customers, purchasers and other users in respect of the quality and variety of telecommunications services and equipment supplied”

Section 18(1)(m) which states:

“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular investigate complaints by users, operators of telecommunications networks, providers of telecommunications and broadcasting services or other persons arising out of the operation of a public telecommunications network, or the provision of a telecommunications service or broadcasting service, in respect of rates, billings and services provided generally and to facilitate relief where necessary”

Section 18(1)(q) which states:

“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular— establish a consumer complaints committee to collect, decide on and report on consumer complaints, such reports to be included in the Authority's annual report;”

Section 18(3) which states:

“In the performance of its functions, the Authority shall have regard to the interests of consumers and in particular—

- (a) to the quality and reliability of the service provided at the lowest possible cost;*
- (b) to fair treatment of consumers and service providers similarly situated;*
- (c) in respect of consumers similarly placed, to non-discrimination in relation to access, pricing and quality of service; and*
- (d) current national environmental policy.”*

Ubiquitous Access:

The Telecommunications Act (Chap 47:31) Section 3(d) which states:

“promoting universal access to telecommunications services for all persons in Trinidad and Tobago, to the extent that is reasonably practicable to provide such access;”





Policies and Frameworks

The Authority continues to promote and protect the interests of consumers in both the telecommunications and broadcasting sectors. The following policies address these matters:

- Consumer Rights and Obligations Policy
- Broadcast Complaints Handling Procedures
- Draft Broadcasting Code

In addition, the following frameworks and regulations assist the Authority in advancing its goal in promoting ubiquitous access:

- Digital Divide Survey Report, 2007 & 2013
- Results of the Digital Divide Survey, 2013
- Telecommunications (Universal Service) Regulations
- Universal Service Framework for Trinidad and Tobago (USFTT)

“The Universal Service Framework puts in place robust regulatory initiatives to improve ICT development of the country by facilitating the construct of a knowledge-based economy predicated on widespread access to basic telecommunication services through low-cost, high quality connections, high computer literacy, comfort in using the Internet, its useful content and innovative Internet applications to create value.” USFTT (2012)

Consumer Rights

The Authority seeks to promote and protect the interests of consumers within Trinidad and Tobago’s telecommunications and broadcasting sectors by advocating the following consumers’ rights:

- Right of Access to Services
- Right to Information
- Right to Efficient Service Activation
- Right to Privacy
- Right to Fair Billing Practices
- Right to Protection from Unfair and Unethical Business Practices
- Right to Complaint Redress
- Right to Quality of Service



These Rights are detailed in the “Consumer Rights and Obligations, - Consumer and Customer Quality of Service Standards for the Telecommunications and Broadcasting Sectors of Trinidad and Tobago.”

The ICT Development Index (IDI) was developed by the International telecommunications Union. This IDI is a composite index combining 11 indicators into one benchmark measure that serves to monitor and compare developments in ICTs across countries. The objectives of the IDI seek to measure, amongst other things:

- The level and evolution over time of ICT developments in countries and relative to other countries
- Progress in ICT development in both developed and developing countries.

Right to Access: Some Objectives in Promoting Ubiquitous Access

It is imperative that telecommunications and broadcasting services be accessed by all consumers in Trinidad and Tobago. Recognising that there are gaps in the provision of such access which result in many underserved areas, the Authority, pursuant to its mandate, developed a Universal Service Framework and associated Regulations which shall establish mechanisms that would promote universal service for both telephony and data services as far as reasonably practical.

The Authority's overall objectives for promoting Ubiquitous Access, include, inter alia:

- 1) To ensure the deployment of essential ICT infrastructure in key geographic areas such that there is universal geographic coverage of basic telecommunications services throughout Trinidad and Tobago;
- 2) To facilitate the provision of **affordable** and **accessible** basic telecommunications services to everyone especially population groups within the access gap and persons living in underserved areas such that **100%** of the population would have access to affordable **basic telecommunications services**;
- 3) To achieve a national **ICT Development Index** of 7.30 by 2015 and improvements in the Digital Access indicators (DAI) and Digital Opportunity Indicators (DOI).

“It is not enough to just guarantee the consumer’s right to access to services and accurate information, unless such services meet acceptable technical standards to facilitate meaningful interpretation of electronic communications.” (Consumer Rights and Obligations Policy - Consumer and Customer Quality of Service standards for the Telecommunications and Broadcasting Sectors of Trinidad and Tobago, July 2014)

Consumer Quality of Service Standards

Consumer-related Quality of Service comprises both customer service and technical Quality of Service indicators that directly affect the delivery of a service to a consumer.

Customer service includes the ability of an Authorised Provider to respond continuously and consistently to consumers’ needs and requests.

The technical Quality of Service parameters most relevant to consumer-related Quality of Service is the consumer’s ability to reliably access service.

The Authority’s approaches to ensuring compliance

with consumer-related Quality of Service requirements include inter alia,

- publication of actual authorised provider’s performance against Quality of Service indicators and standards
- provision of rebates to customers that experience levels of service that fall below the applicable standard levels
- enforcement approach, under which serious and recurring breaches of the minimum Quality of Service standards

Consumer Advocacy Initiatives

The Telecommunications Authority of Trinidad and Tobago (TATT) launched its Consumer Advocacy Initiative on March 25th 2014.

Whilst this initiative was part of a series of activities to mark TATT's 10th Anniversary, this initiative also came in response to the numerous complaints the Authority receives from consumers about telecommunications and broadcasting services. Given that one of the responsibilities of TATT, as outlined in the Telecommunications Act, is the protection of consumers of telecommunications and broadcasting services, the initiative was aimed at empow-



Right to Information: Specific Initiatives on Promoting Interests of Consumers

The Authority, in its continued efforts geared at promoting the interests of consumers, seeks to educate the public on the Authority's role as the country's regulator of the telecommunications and broadcasting industries, and of the services which it offers.

As a TATT initiative to educate the public of its role, the Authority has, in 2015, participated in and conducted twenty seven (27) external exhibitions. These events highlighted the processes involved in consumer, broadcast content and interference complaints as well as the process for the use of radio communication devices in Trinidad and Tobago. The Authority also sought, at these events, to identify and inform consumers of the ways in which they can protect themselves from cyber danger, amongst other consumer concerns. The Authority has planned four (4) TATT Awareness sessions to be conducted in secondary schools in rural areas of both Trinidad and Tobago during September 2015.

Similarly, the Authority, as part of its strategic objectives, holds regular ICT open fora geared towards informing consumers and stakeholders of matters of consumer interest.



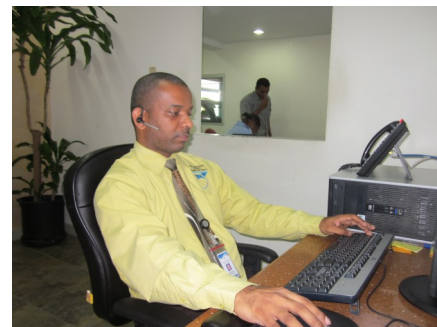
Rights relating to Broadcasting Services and Content

The Authority recognizes that as regards the conduct of broadcasting services and content over same, it is critical to balance the rights of consumers, broadcasters and content owners. To treat with these demands, the Authority has developed the Draft Broadcasting Code for the Republic of Trinidad and Tobago to address content issues in respect of all broadcasting services, in accordance with Section 79 of the Telecommunications Act.

The Code does not seek to anticipate and provide for every situation or circumstance which may arise but is intended to guide broadcasters in the right direction in the exercise of editorial judgment toward ensuring the highest possible standard within the broadcast media.

Right to Complaint Redress: Consumer Complaints Handling

A consumer complaint is described by the Authority as any submission from a person or other entity indicating dissatisfaction with the services, products or facilities provided by a concessionaire. Apart from requiring authorised providers to develop and enforce a comprehensive consumer handling process, the Authority has developed its own consumer complaints handling process in order to ensure the protection of customers who remain dissatisfied with a service or product even after seeking to have the matter resolved with the authorised provider, or is dissatisfied with the manner in which the complaint was handled by the authorised provider.



The Authority fields the following Categories of complaints from Consumers:

- **Service** - A consumer who is dissatisfied with the response or the outcome of a complaint lodged with a provider of any public telecommunication or broadcasting service may lodge a complaint with the Telecommunications Authority of Trinidad and Tobago. Such consumers may also call the office of the Authority via its toll free number 800-TATT regarding the complaint.
- **Broadcast** - If a consumer is concerned about offensive content heard or seen on radio or television respectively, the consumer can complain to the Telecommunications Authority of Trinidad and Tobago. The Authority will investigate the matter and provide relief as relevant, pursuant to its legislation.

Pursuant to Section 18(1) (q) of the Telecommunications Act, the Authority also established a Consumer Complaints Committee to collect, decide on and report on consumer complaints. The role of the Consumer Complaints Committee is to ensure that the interests of consumers of telecommunications and broadcasting services are secured in accordance with the Consumer Rights and Obligations Policy and Regulations and the Draft Broadcasting Code.

Furthermore, the Authority has developed the following Procedures:

- **Consumer Complaint Handling Procedures**- which clearly outlines the process for lodging a complaint with the Authority and sets out guidelines for classifying and escalating consumer complaints.
- **Broadcasting Complaint Handling Procedures**—which inform users of the complaints handling process as it relates to broadcasting content over broadcasting services.

**Telecommunica-
tions Authority of
Trinidad and Toba-
go**

**Please also see
“Guiding Principles
on Regulatory Deci-
sion Making”**

The Telecommunications Authority of Trinidad and Tobago

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