



## Know your Rights

# Rights & obligations of consumers of communication services

Tanzania Communications Regulatory Authority was established by the TCRA Act no. 12 of 2003 following the merger of the then Tanzania Communications Commission (TCC) and the Tanzania Broadcasting Commission (TBC). The main duties and functions of TCRA, among others are:-

- 1) Establishing a level playing field in order to promote effective competition and economic efficiency;
- 2) Protecting the interests of consumers;
- 3) Promoting the availability of regulated services;
- 4) Licensing and enforcing licence conditions of broadcasting, postal and telecommunications operators;
- 5) Establishing and enforcing standards for regulated goods and services;
- 6) Regulating rates and charges (tariffs);
- 7) Management of the radio frequency spectrum and telecommunication numbering resources;
- 8) Monitoring the performance of the regulated sectors

### **1. Consumers' rights**

Here below are some of the basic consumer rights and obligations of consumers of communications services.

#### **a) Access**

- **A consumer has a right to have access to basic communications services at reasonable prices.**

It is a fundamental human right to have access to communications services at an affordable price particularly the basic services like telephone and postal.

Government and subsequently TCRA have a responsibility to ensure that services are made available to all persons by adopting the right policies and that the licenses issued ensure the necessary roll out of services to all underserved areas and populations.

### ***b) Information***

- **A consumer has a right to full pre-contractual information that is clear (understandable), helpful, adequate and accurate on the services and choices offered by a service provider/operator to facilitate the making of an informed choice.**

Such information should include a specification of what is and is not included in the price quoted as well as a clear statement on the quality of service to be provided.

TCRA has made it a requirement on all service providers/operators that these conditions of contract be contained in a service agreement that should be presented to each customer before the customer utilises the service provider's/operator's the customer utilises the service provider's/operator's services.

- **Consumers have a right to receive information assistance to assist them in use of services.**

This is particularly true among telecommunication operators who are required to provide directory assistance to customers.

- **Consumers have a right to have access to sector governing information.**

The information referred to in this case is information on issues such as governing policies and legislation as these affect the end service available to the consumers.

- **Consumers have a right to have comparative information.**

This information is provided to assist them in making choices between different service providers/operators, services and equipment.

### ***c) Quality of Service***

- **Consumers have a right to receive a service with a quality that reflects the cost of the service (Value for money).**

Consumers should receive services that are reflective of the concept of value for money.

TCRA has developed service quality guidelines that are required of each of the respective service provider/operator in the service agreement.

- **Consumers have a right to receive the level of quality of service that is quoted or stated by the service provider/operator in the service agreement.**

It has already been pointed out that the standard of service associated with the quoted prices/charges should be made available to the customer prior to use of services.

#### **d) Fairness**

- **A consumer has a right to fair treatment without undue discrimination from another consumer.**

Such discrimination can take the form of denial of access to services or provision of different quality of service to different customers paying the same amount of money.

TCRA requires that denial of access to services provided by an operator/service provider should only be due to delinquency of payment of dues or for non compliance with the terms and conditions of the service provider's/operator's service Agreement or for any other just cause.

This fairness right is also extended to consider for treatment among groups of consumers.

- **Consumers have a right to fair terms of service.**

This looks at the terms and conditions stipulated by the service provider/operator in the service agreement as basis of providing service. These should be fair in expectations as well as requirements.

#### **e) Complaint**

- **A consumer has a right to complain about quality, delay, quantity and tariff with regard to the nature of the communication service provided.**

A consumer is expected to utilise or consume services knowing on what terms the service is being provided. If these terms are not met, a consumer can complain.

***f) Redress***

**A consumer has a right to an effective system for handling of complaints.**

Each service provider/operator is required by TCRA to set up a mechanism of resolving questions regarding services and conflicts with customers.

If a complaint is not resolved satisfactorily by the service provider/operator, the consumer can advance his/her complaint to TCRA.

***g) Safety and security***

- **Consumers have a right to be provided services that are safe and secure.**

A service provider/operator must ensure that all his/her equipment meets health safety requirements before use by consumers and should regularly be checked to maintain this safety. Any known health risks should be communicated to any intending or exiting customer.

The use of the facilities or services provided should not leave a consumer at any risk whether health or otherwise unless such risk is a result of malpractice on the part of the consumer.

***h) Privacy***

- **Every Consumer has a Right to Privacy.**

TCRA has placed a confidentiality requirement on service providers/operators to ensure and maintain confidentiality of the content of all communications whether data or any information that the service provider/operator may obtain as a result of serving a customer. This cannot be disclosed to any third party without the Authority's written consent or by order of competent court of law.

***i) Consumer Education***

- **Consumers have a right to be educated on services being offered to them.**

This education is necessary to provide them with knowledge and skills that enable them to be informed consumers.

***j) Notification of termination of service***

- **Consumers have the right to a notification of termination of service particularly that of a basic service or Internet access.**

The national operators (Uganda Telecom Limited, Uganda Post Limited and MTN Uganda Limited) as well as Celtel Uganda are not permitted to cease operating during their licence term. TCRA however requires of other providers of services such as Internet access service to provide prior notification to the customers and the general public of an intention to cease providing a service.

***k) Representation***

- **Consumers have a right to make representations to those delivering, regulating or governing the communications services on matters pertaining to the services offered to them and other consumer preference.**

It is for this reason that UDCC regularly engages in public consultations, inviting comment/input from the public.

***l) Billing Information***

- **Consumers have a right to access billing information.**

When a consumer is not happy with his/her bills, he/she can follow it up with the service provider/operator to discuss the details of his/her bill.

2. Consumers' obligations or responsibilities

***a) Prompt payment of bills***

- **Consumers have obligations to pay all their bills and clear these when they fall due.**

***b) Environmental Protection***

- Each consumer has a responsibility of ensuring that his/her utilisation or consumption of communication services is not in a manner hazardous to the environment.

The environment protection is the responsibility of every individual on the planet. As an example of this responsibility, a consumer should ensure that wraps and scratch cards are disposed off safely or in the appropriate way.

***c) Awareness***

- **It is the responsibility of the consumer to be alert and to question issues such as terms and conditions of service.**

Consumers should know their rights and obligation as well as finding out the other information available to them.

***d) Action***

- **A consumer has an obligation to be assertive so as to ensure that he/she and other users of the service(s) receive a fair deal.**

It is wrong for a consumer to notice a weakness in a service received or in the sector and remain silent about it.

***e) Protection of communication facilities***

- **A consumer has a responsibility to protect all communication equipment and facilities within his/her vicinity.**