



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

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Decision No. 3 Of 2012

TVL and Digicel to send SMS to, or Block end-users causing Annoying calls through the Emergency Service Short Codes

In exercising the powers and duties conferred to me under section 7(1), (2)(b) and (12)(d) of the Telecommunications and Radiocommunications Regulation Act 2009 (the Act), I, the Regulator hereby make this Decision.

Whereas,

- 1.1 The Government of Vanuatu through the Office of the Telecommunications and Radiocommunications Regulator (TRR) implemented the emergency short Code numbers;
- 1.2 The emergency short Code numbers have been established and incorporated into the National Numbering Plan 2011 (NNP) (as amended) in 2012;
- 1.3 Emergency Short code numbers are free of charge as set out in clause 9.2 of the Telecommunications Licence and clause 4.2.5 of the NNP (as amended);
- 1.4 TRR promoted the awareness of the emergency short codes and warned of the dangers of misuse.
- 1.5 However emergency short code numbers are being abused by end-users, causing nuisance and annoyance on emergency agencies.
- 1.6 On 17 July 2012, TRR issued Order 3 authorizing TVL and Digicel, under section 40 of the Act, to divulge personal information of end user causing annoyance or abusive calls to the emergency Short Code numbers to the Police.
- 1.7 TRR also signed a Memorandum of Understanding (MOU) with the Vanuatu Police Force. The MOU address the investigation and or prosecution of individuals who persistently calling the Emergency Service short code numbers without reasonable excuse or for the purpose of causing annoyance or inconvenience.

1.8 Although the number of incidences has reduced after the introduction of an awareness campaign, the public continue to make annoyance or nuisance, and sometimes abusive calls to the emergency short code numbers.

1.9 The Police find it difficult to investigate annoyance and nuisance calls as often emergency agencies do not have the details of people owning the telephone number.

Reasons

In order to discourage callers abusing and causing nuisance to emergency short code numbers, TRR makes this decision based on the following reasons:

1.10 Making calls and causing annoyance or nuisance to any person is an offence under section 59 of the Telecommunications Act [Cap 206];

1.11 It is in the interest of the general public to temporarily block phones of end users who continue to abuse the emergency short code numbers;

1.12 Abusive callers or calls without reasonable excuse through emergency short code numbers interfere with the operation of emergency services and put the life of those people who need emergency services in danger;

1.13 In many cases the lack of proper end-user information, such as names and residential addresses associated with phone numbers to identify an end user making annoyance and nuisance calls, makes it difficult to track callers and investigate;

1.14 It is therefore, fair and just that TRR assists the emergency services and general public by the introduction of measures to discourage end-users committing this offence.

Decisions

Based on the powers and duties conferred to me under the Act and by the Order No. 3 of 2012 made by the Regulator on 17 July 2012, I now make the following decision:

1.15 If an emergency service agency such as Police (111), Hospital (112), Fire (113), Marine (114), Pro-medical (115) or any other 11X number assigned by TRR, receive more than two (2) calls without reasonable excuse to the emergency short code number and for the purpose of causing annoyance or inconvenience, the emergency service agency must inform in writing the TVL CEO and Digicel (CEO) copied to the other emergency services and TRR, the number of the caller;

1.16 Upon receipt of the written notification from the emergency service agency, the network operator, TVL or Digicel, who had assigned the phone number, shall send the following SMS warning message (or similar) to the end user.

"Warning message: You have made several nuisance calls to an emergency short code number. Your service will be disconnected if you continue."

1.17 An operator will notify, in writing, all emergency services, after an SMS has been sent to a nuisance caller, specifying the telephone number.

1.18 If any person continues to make nuisance calls to any emergency short code number after having received an SMS warning stated in paragraph 1.16, emergency service agency will inform the operator who shall send a second SMS warning as follows (or similar) and disconnect the end user SIM or if feasible end user phone:

"Your service will be disconnected due to repeated nuisance calls being made to an emergency short code number. To be reconnected you must go to the telephone operator's Head Office".

1.19 If a person request reconnection, as provided under paragraph 1.18, TVL or Digicel must obtain information of the person, including his or her formal ID or details of his or her close relatives, in order to assist Police for further investigation if that person makes such a call again in the future.

Made this 15th day of October 2012



Alan Horne
Telecommunications and Radiocommunications Regulator

