Asia-Pacific
Economic Cooperation

Regulatory Provisions and Technological Applications to Protect the Rights of Telecommunication Service Users

(Workshop Report)

5 April 2017

Mexico City, Mexico

Telecommunications and Information Working Group

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TABLE OF CONTENTS

Regulatory Provisions and Technological Applications to Protect the Rights of Telecommunication Service Users

(Workshop Report)

Project presented on the context of TEL55 Meeting

Mexico City, Mexico
5 April 2017

I. BACKGROUND

According to its mandate, the APEC Telecommunications and Information Working Group (TELWG) "*aims to advance the development of information and communication technology (ICT) infrastructure and services as well as to promote cooperation, information sharing and the development of effective ICT policies and regulations within the Asia-Pacific region*"[1].

Likewise, TELWG Strategic Action Plan 2016-2020 endorsed by Ministers at TELMIN and updated during TEL54 Meeting, established as one of the priorities to "*identify and share best practices and strategies to encourage adoption of ICT services*".

On the other hand, since the use of broadband services by people is increasing on the Internet economy and taking into account the asymmetry of information between operators and customers, it is imperative to ensure consumers understand their rights when using telecommunications services.

Under that framework, the Telecommunications Regulatory Agency of Peru (OSIPTEL), proposed to TELWG as a self-funded project, to carry out a workshop with the aim to identify and share best practices in order to protect the rights of telecommunications services users, so ministries, regulators and policy makers could have key elements at regulatory level for planning appropriate actions and establishing proper guidelines and policies.

The proposal was approved intersessionally to be held during TEL55 Meeting. So, during TEL55 Meeting, held on 2-7 April 2017, in Mexico City (Mexico), the Telecommunications Regulatory Agency of Peru (OSIPTEL) carried out the "*Regulatory Provisions and Technological Applications to Protect the Rights of Telecommunication Service Users Workshop*". The results of that project are expected to be useful for all APEC Members, as a contribution of the Peruvian economy.

[1] Telecommunications and Information Working Group, 2016. http://www.apec.org/groups/som-steering-committee-on-economic-and-technical-cooperation/working-groups/telecommunications-and-information.aspx

The "*Regulatory Provisions and Technological Applications to Protect the Rights of Telecommunication Service Users Workshop*" was held on 5 April 2017, as part of the activities related to TEL55 Meeting with the participation of policy makers, regulators and representatives from APEC economies. It was divided in two sessions related to i) Enhanced / Improved regulation to protect the rights of telecommunications service users; and ii) ICT applications developed to help to protect the rights of telecommunications service users.

The workshop was the continuation of work related to the protection of the rights of telecommunication service users, which was started by Peru on TEL53 (Seminar "Social Inclusion of People with Disabilities through Access to Telecommunications", held in Tacna - Peru in October 2016).

The aim of this report is to compile the presentations made during the workshop, including recommendations and outcomes, as a Peruvian contribution to the TELWG.

II. CONTENT

Opening remarks

❖ Welcome and opening remarks[2]

The workshop was led by Mr Claudio Palomares Sartor (Peru), Project Overseer from OSIPTEL, with the support of Mr Arseny Plossky (Russia), as DSG Deputy Convenor of TELWG.

Mr Claudio Palomares Sartor welcomed all participants and explained the motivation of the workshop. Since the use of broadband services by people, including access to new contents and over the top applications is increasing on the Internet Economy and taking into account the asymmetry of information between operators and customers, it was important to ensure that consumers understand their rights when using telecommunications services.

As he mentioned, the aim of the workshop was to identify and share best practices in order to protect the rights of telecommunications services users, so ministries, regulators and policy makers could have key elements at regulatory level to establish proper guidelines and policies.

Mr Arseny Plossky, as DSG Deputy Convenor, made some opening remarks about the importance of protecting the user rights. He talked about the technological progress in telecommunication services and the role of operators with their customers. He stated that we need to think about people and the role of regulators, operators and governments. He also reminded that the workshop would be a continuation of the work done last TEL53 meeting in Tacna (Peru), where a seminar regarding the use of ICT for people with disabilities was carried out.

[2] Based on the speech made by Project Overseer Mr Claudio Palomares Sartor, OSIPTEL (Peru) and Mr Arseny Plossky, DSG Deputy Convenor (Russia).

Enhanced / Improved regulation to protect the rights of telecommunications service users

- ***General Guidelines on Accessibility to the Telecommunication Services for Users with Disabilities*** [3]

World Health Organization (WHO) estimates that 15% of world population lives with some kind of disability, which represent one billion people. International Telecommunication Union (ITU) considers that telecommunications and ICT, such as mobile services, satellite and Internet help to expand services to population and to promote social inclusion.

In Mexico, according to 2016 survey, 37% of fixed telephony service users with disabilities were not assisted by trained executives and 66% of disabled users of mobile services said they did not receive the help they needed.

In June 2013, a Decree with reforms and provisions in telecommunications field was published. The reform had the goal of benefiting all Mexicans, collecting aspiration of telecommunication and broadcasting services users. It established access for population to broadband and competition conditions in telecommunications and broadcast services in order to improve price and service quality.

Source: Presentation made by speaker during workshop

The Federal Telecommunication and Broadcasting Law issued in 2014 includes a specific chapter that establishes the rights of people with disabilities: request and receive advice on the use of telecommunications services, contract with operators through formats with accessibility features, have terminals with accessibility

[3] Based on the presentation made by Ms Ileana Gama Benitez, Deputy Director of Information and Accessibility – Federal Telecommunications Institute - IFT (Mexico).

functionalities or applications, among others. Under this framework, the Federal Telecommunications Institute (IFT, for its initials in Spanish) will promote that disabled users have access to telecommunications services, on an equal basis with other users.

In 2016, IFT approved General Guidelines for Accessibility to Telecommunication Services for Users with Disabilities. It established mechanisms for protection of disabled users and set obligations through licenses promoting disabled user have access to services the same as other users. Set company obligations related to accessible formats for contracts, tariffs, billing; have trained staff in care centers, as well as ramps and signaling for people to receive proper attention.

Source: Presentation made by speaker during workshop

IFT conducts courses and workshops for people with disabilities to know and learn how to use the accessibility elements of their mobile devices. IFT also, provides information to disabled users by mean of the Catalog of Accessible Mobile Devices. Such tool was created with Mobile Manufacturer Forum in 2015 and allows people with disabilities know which mobile terminal devices work in Mexico and have functionality for them. Gather old mobile applications for free, in Spanish, put on web page to download and use. Besides, IFT run information campaigns to inform user's rights and what they should demand from telecom operators.

IFT collaborates with institutions specialized in the field and/or responsible for promoting accessibility in Mexico. As a result, on 1 December 2015, the "Accessible Mexico" event was held, with the participation of representatives from industry and academia, as well as national and international institutions focused on the protection and promotion of rights of people with disabilities and users of telecommunications services. Also, in November 2016, the event "Accessible America III" was held with the support of ITU.

Source: Presentation made by speaker during workshop

The main challenge of IFT is to contribute to people with disability to have access to telecommunication services. They are planning to have a broadcast campaign in TV and print material to inform disabled people about the use of ICT and telecommunications services. IFT will also organize more specialized forum for people with disabilities to share experiences and feedback and continue the training for them so they can learn to use the devices.

- ***Overview of telecommunications consumer protection in Australia*** [4]

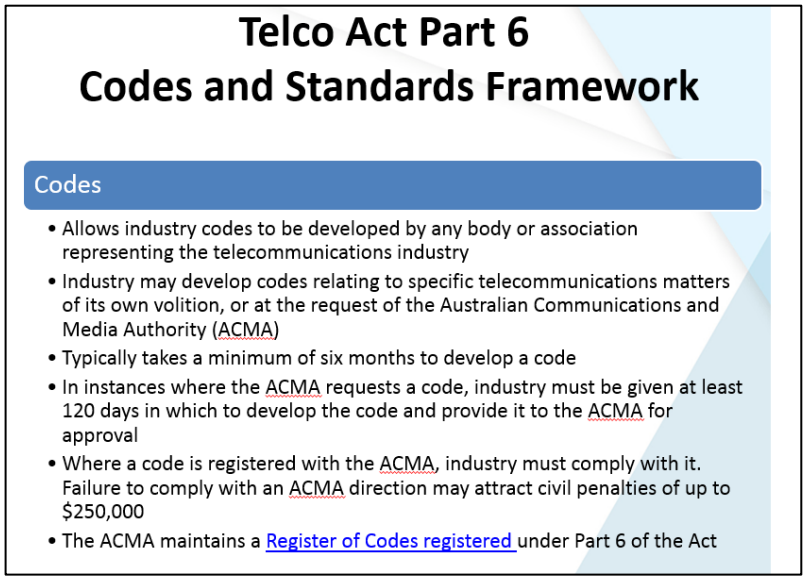
The Australian telecommunications sector is subject to a range of industry-specific and whole-of-economy regulation intended to protect Australian consumers from harm. Industry-specific protections are derived from the two key pieces of legislation governing the sector: the Telecommunications Act 1997 (Telco Act); and the Telecommunications (Consumer Protection and Service Standards) Act 1999 (TCPSS Act). Complementary to these two Acts are the whole-of-economy protections found in Australian Consumer Law (ACL). Together, these provide an overarching framework for protecting Australian telecommunications consumers.

Many of the general consumer protections are established through the telecommunications-specific regime of codes and standards set up under the Telco Act. One of the objectives of the Telco Act was to provide a more flexible approach to regulating the telecommunications industry by allowing industry to self-regulate through a framework of codes and standards. This was based on a similar approach taken in the broadcasting industry which introduced codes of practice. The stated intention of the self-regulatory provisions in the Telco Act was to promote 'appropriate levels of regulation' - serious matters would continue to be regulated under statute or

[4] Based on the speech of Mr Joseph Mc Carroll, Senior Policy Officer, Department of Communications and Arts (Australia).

through measures such as carrier licence conditions, while less important matters could be addressed by industry-developed codes and or regulator-developed standards. This framework of codes and standards is given practical form by Part 6 of the Telco Act.

In the case of codes, Part 6 allows industry codes to be developed by any body or association representing the telecommunications industry. At present, this role is fulfilled by the Communications Alliance (CA), an industry body comprising a broad cross section of Australian telecommunications providers. Industry may develop codes relating to specific telecommunications matters of its own volition, or at the request of Australia's communications regulator, the Australian Communications and Media Authority (ACMA). Where a code is registered with the ACMA, industry must comply with it.

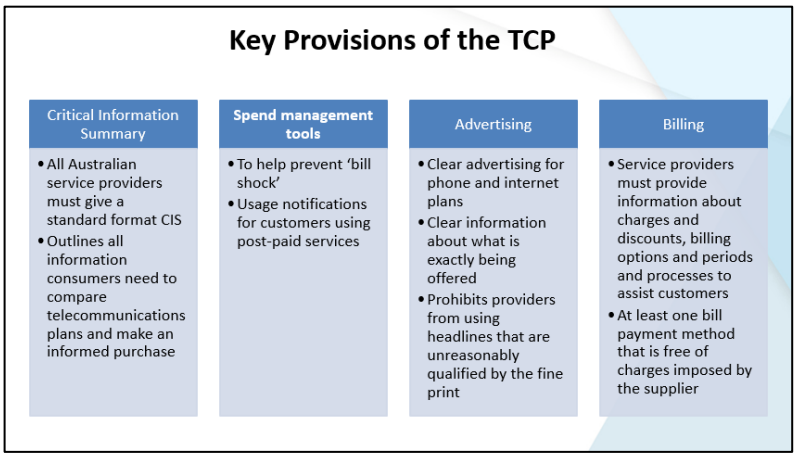


Source: Presentation made by speaker during workshop

On the other hand, the Telco Act also provides for the development of industry standards in specific circumstances, typically where there is a failure of industry codes. Standards are a failsafe mechanism for government to compel industry action on important issues without having to resort to the more rigid and time-consuming processes generally associated with introducing formal legislation. The ACMA may develop, vary and revoke industry standards. Compliance with standards is mandatory, and failure to comply attracts civil penalties.

The most significant of the industry-developed codes is the Telecommunications Consumer Protections Code (TCP Code), which applies to all carriage service providers that supply retail mobile, landline and Internet services. It is designed to protect consumer rights and spell out service provider obligations. It covers a range of areas including sales, service and contracts, billing, credit and debt management, changing suppliers and complaint handling.

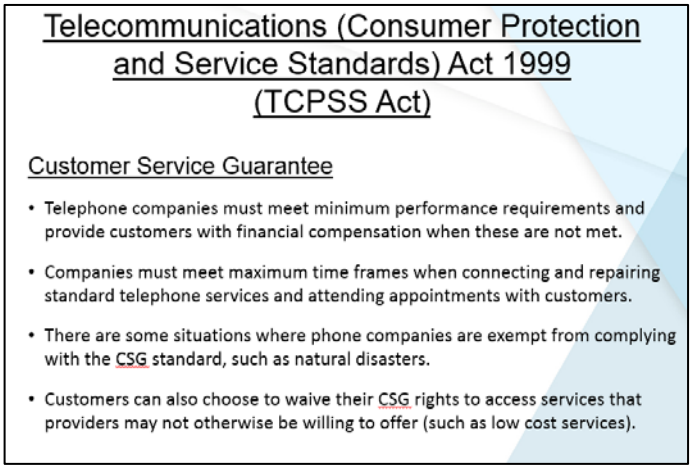
Key provisions of the TCP Code as it stands today are related to Critical Information Summary (CIS), spend management tools, advertising, billing, credit management, complaint management, service transfers.



Source: Presentation made by speaker during workshop

On the other hand, Communications Compliance (CommCom) is an industry body established under chapter 9 of the TCP Code to monitor compliance with the TCP Code. It does this by requiring telecommunications companies subject to the TCP Code to lodge annual compliance attestation statements. One aspect of CommCom's compliance activities is to promote TCP Code awareness and assist providers with making themselves compliant with the TCP Code requirements. Providers which are not yet fully compliant may lodge Compliance Achievement Plans setting out the steps they are taking, and expected timeframes, to achieve full compliance.

In addition to the consumer protections found in the various codes and standards established under the Telco Act, there are also a number of other telecommunications consumer protections which receive express legislative attention in the TCPSS Act. These include Customer Service Guarantee (CSG), Universal Service Obligation (USO), Telecommunications Industry Ombudsman (TIO), untimed local calls and retail price controls.



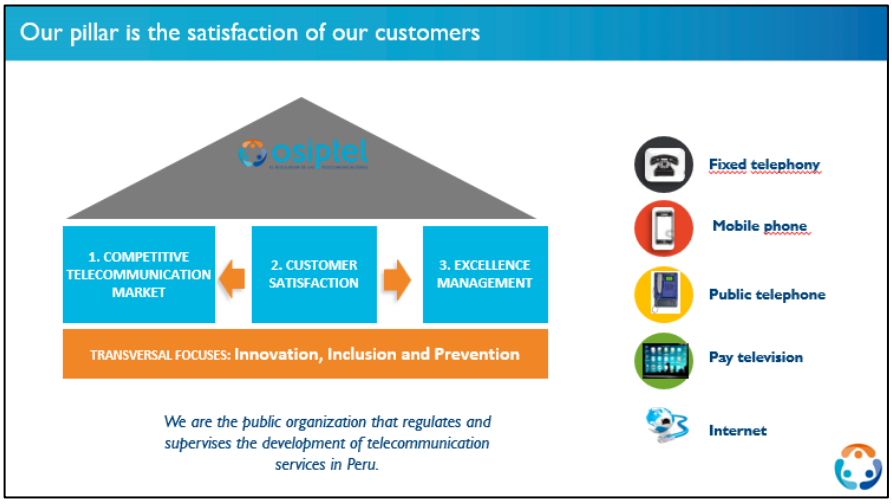
Source: Presentation made by speaker during workshop

In addition to the industry-specific regulations covered above, additional consumer protections with application to the telecommunications sector are found in the Australian Consumer Law (ACL), legislation governing consumer protection and fair-trading in Australia. Consumers are also protected from misleading and deceptive conduct, unfair contract terms and unsolicited consumer agreements.

- ***Regulation and legal framework to protect the rights of telecommunications customers*** [5]

Legal framework in Peru is oriented toward the rights of the users. The Customer Protection Code establishes a general frame for all kinds of services and products. The Code establishes the specialty that all public services have. Regulations and services for telecommunications, energy and sanitary. Likewise, there is a framework that establishes the use conditions or terms of use for telecommunication services. These provisions apply hand to hand with regulations for claim management by users.

The Use Conditions or Terms of Use establishes the rights and obligations of operating companies and costumers of telecommunication services, as well as the relationship between both parties. It is a very wide regulation that changes over the time, according to technology upgrades and the way to communicate. It establishes the right of consumers to receive all needed information when contracting the service, during use, and in case of terminating the contract. Carriers are forced to provide all information, which should to be clear, detailed and accurate.



Source: Presentation made by speaker during workshop

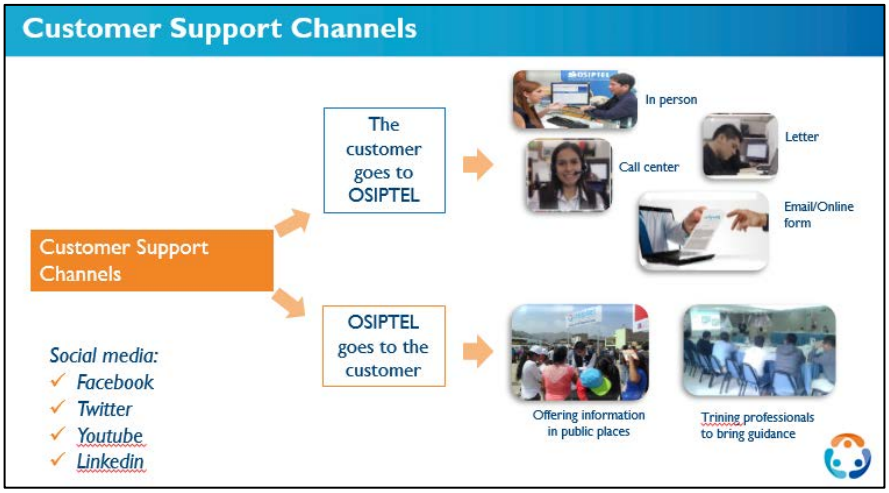
Operators must provide information about rates, requirements to acquire the service, coverage, characteristics and limitations, transmission speed, billing deadlines, termination of contract, penalties, roaming, terminal equipment features, among other

[5] Based on the presentation made by Mrs. Mariella Seminario Suarez, Deputy Manager of User's Service – OSIPTEL (Peru).

info. On webpages, they must provide similar information if they have at least 500,000 customers.

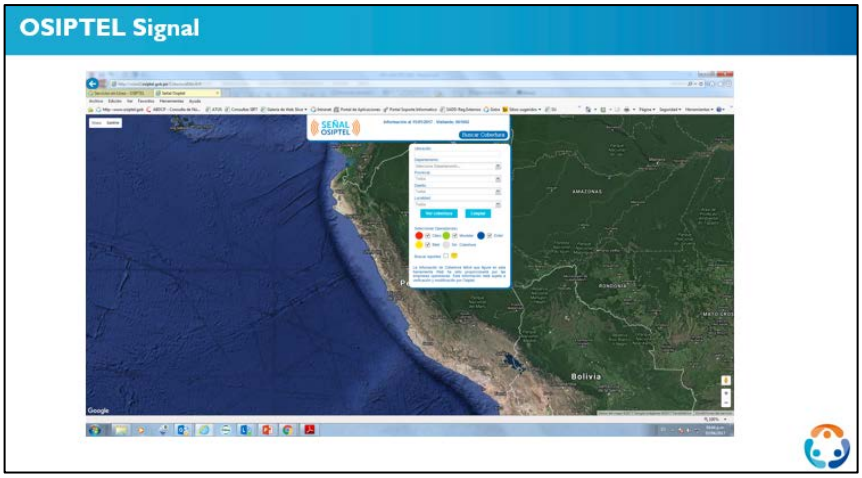
It is responsibility of all operators to include information about assistance and information for consumers, at least 18 hours per day, seven days per week and free. They understand the importance of this to address the problems with services. Operator's web pages should include information about claim submission procedure by customers about how to file a claim. Claims can be submitted to operators through their web page, at the office or by a phone call. The Telecommunications Regulatory Agency (OSIPTEL, for its initials in Spanish) has a court to solve conflicts at second stage.

There are two cases for customer support channel, when citizen look for OSIPTEL and when OSIPTEL approach users. When user comes to the Regulator, they receive personal attention through several agencies that have a specialized staff for public orientation in order to answer their questions about the problems they face. There is also a call center for nationwide service. On the other hand, when OSIPTEL do outreach, provide preventive guidelines in marketplaces, malls and outside care centers of operators. Social media is also used – Facebook, Twitter, LinkedIn. Media campaigns are also run. Besides, OSIPTEL organizes training courses for users in organized groups, universities, schools and consumer associations.



Source: Presentation made by speaker during workshop

Speaking about improving customer service, OSIPTEL has designed a web page with special tab for users, where you can find many information for telecommunication service users. One of the services offered is the "system consultation" where a macro contract for telecommunication service can be found. Also it is available the application "OSIPTEL signal", where you can see the coverage of any service by villages or districts. Information about rates can also be found and compared with historical data.



Source: Presentation made by speaker during workshop

Hand in hand with the consultation process, OSIPTEL provides a phone number and a webpage letting people have consultations on how many phone lines (mobiles numbers) each user has in their name. This tool is very important to verify that lines (mobile numbers) actually requested are really used by a person. Sometimes there are mobile numbers registered for a person that never signed up for them. After 2-3 days, operators needs to gather this information and get rid of inaccurate information. We called this the "telephone switch-off". In March 2016, over one million mobile lines were switched off.

❖ *Questions and answers*[6]

A question from the floor, does regulatory framework apply to Over The Top (OTT) & sharing services – like Uber – or just telecommunication?

Peru: There is no specific regulation regarding online services. If there are complaints, they are reviewed to see if it is a public telecommunications services or as appropriate may be viewed by the Consumer Institute (Consumer Protection Code).

Australia: Australian Consumer Law does address those kinds of services.

A question from the floor, what financing mechanism is used for these regulation/protection plans? PPP? From budget? How much to make these mechanisms real?

Australia: Regulator is funded partly through carrier license revenues and collects license fees from broadcasters as well. The codes – Communications Alliance – is funded by industry members. Communications Compliance Industry Body – not sure how it is funded. Universal Service Obligation is funded by levy as part of carrier license and government contributions.

[6] Based on questions from the floor and answers.

Mexico: There are different mechanisms that protect users with disabilities. Resources come directly from government budget (IFT). For non-disability users, there is a *"#SoyUsuario"* platform on Twitter where users can submit complaints and it is funded by IFT budget.

Peru: All actions described are made from the Regulator budget. Operators with billing total of the year, assign a small percentage of revenues for the work of the Regulator, who manages its own budget.

A question from the floor, Australia – I understand that to satisfy complaints by users, an independent organism intervenes. Can the user go to court if the organism cannot solve the complaint?

Australia: The Ombudsman Office is set up under Telecommunications Consumer Protection and Service Standards Act. It intends to provide free, independent dispute resolution mechanism. Take dispute to this ombudsman, then ombudsman makes recommendation based on information provided and considers is fair and reasonable. If the customer is not satisfied with recommendation, can take complaint to a small claims tribunal (exists in each State and territory) and seek further review of the complaint. If they take it to small claims tribunal, outcome would be final.

A question from the floor, Australia - Can you explain what you mean by "spend management tools" when you talked about customer protection?

Australia: According to provisions of TCP code – service providers should provide warnings to customers that have post-paid plans as they reach thresholds for data usage, for example 50%, 75%, etc. Some plans allow customers use services over 100%, but charged higher rate over 100% level. Requirement that when the customer reaches 100% limit, service provider must inform about charges that now apply. The idea behind this is that, by informing customers, when using allowable services, we will avoid situation on a $100 plan gets a $200 bill for usage because they went over unaware. One example is the international mobile roaming standard which has similar spend management provisions to receive advice when you land in an overseas location.

A question from the floor, Mexico, are there special rates for disabled users of ICT services? established by IFT or operators?

Mexico: the guidelines do not establish preferential rates for people with disabilities. There are packages to meet their needs. For mobile telephony, IFT have worked with associations. Deaf users do not pay for voice – just SMS and data. IFT has focused on establishing packages for persons with disabilities. People with hearing disability can ask for customized packages. Telecommunications reform established freedom of rates. Every user and operator can determine their desired rates. Top stakeholder can submit package rates to IFT, but IFT do not impose special rates for any user group. IFT takes into account creation of new packages for people with disabilities, so they do not pay for services they cannot use.

A question from the floor, Peru, can you tell us more about the mass cancellation of falsely assigned lines? The telephone switch-off?

Peru: OSIPTEL worked with Ministry of Transportation and Communications and the Ministry of Internal Affairs to ensure all mobile lines in the economy are assigned correctly. If mobile lines have no ownership, they could be misused for felonies. The "telephone switch-off" started in several stages. First, people with up to five lines in their name were identified. Second, up to 10 lines. Text messages were sent to confirm identity and people needed to contact operator to verify each line. If not, lines were cancelled. Consumer that did not take actions by deadline had lines partially suspended for about 30 days. If consumers did not contact carrier to reactivate, then lines were fully cancelled and line holders were notified.

Peru: in case of rates for people with disabilities, OSIPTEL proposed to set special fares for them. After meetings with operators and associations of people with disabilities, carriers designed special fares for people with disabilities. OSIPTEL does not regulate these tariffs but supervise them to guarantee fares are not misused.

ICT applications developed to help to protect the rights of telecommunications service users

- ***Integral Information System for Users (SIIU for its acronym in Spanish)***[7]

IFT created a system to help users to be aware of their rights and empower them. The purpose is to provide information to users so they can exercise their rights contained in the Charter of Minimum Rights of Public Telecommunications Users, provide tips and suggestions, comparison information related to plans and rates of all services and some reports. Using objective and comparable information on the behavior of the companies and the attention they provide to their users offered through the platform "*Soy Usuario*", among other.

Once users are aware of their rights and have the information tools, they can file complaints against the telecommunications operators when their rights have been violated.

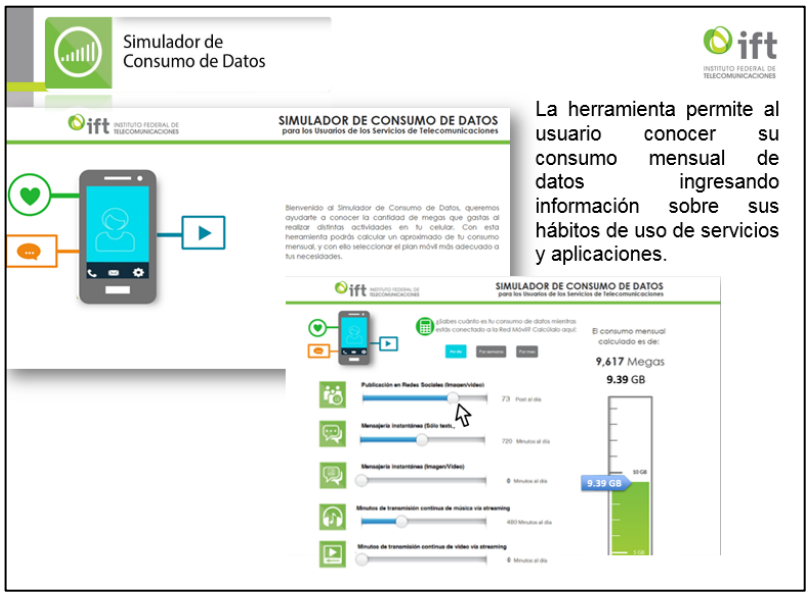
The "*#SIIU*" provides information to users in a simple and transparent manner that allows them use services effectively. This system eliminates information asymmetries in the market.

The system components are: data consumption simulator, catalog of certified equipment, catalog of accessible devices, contract database, guaranteed coverage maps, quality of mobile service, tariffs and plans comparator, among other.

Data consumption simulator allows users to calculate data consumption when they get access to the Internet through mobile phones. The users enters their consumption

[7] Based on the presentation made by Mr Jesús Coquis Romero, Director of Users' Regulation - IFT (Mexico)

habits (social networks, e-mail, OTT services, use of maps, download apps) and shows consumption in MB and GB. When users calculate consumption, they have the chance to compare suitable plans according to market options.



Source: Presentation made by speaker during Seminar

Users also have an application to know guaranteed coverage nationwide in maps published by IFT. Information is provided by mobile operators organized by access technology and services. This allows users to know where service is guaranteed at both state and street levels.

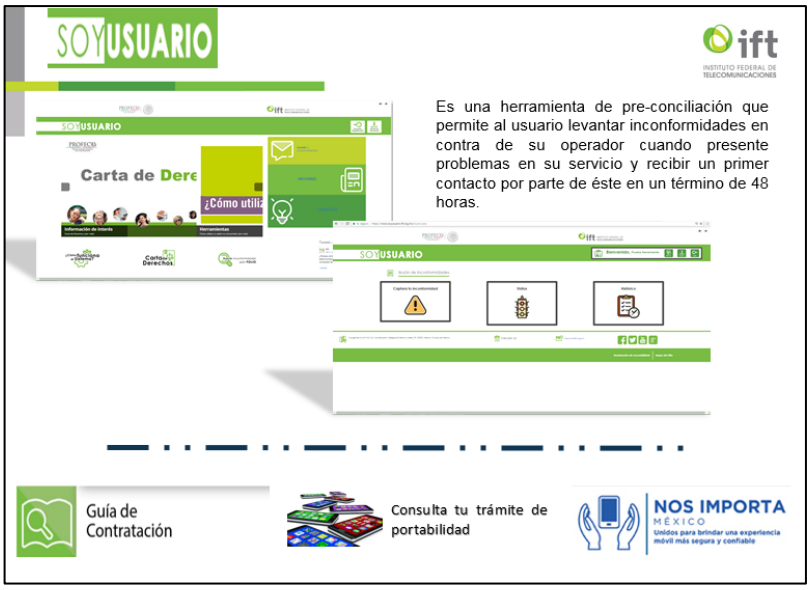
Source: Presentation made by speaker during Seminar

Catalog of certified equipment is for transparency matter with users and let them know about the fulfillment of technical specifications of equipment or terminal devices. This is useful for commercialization choices. Catalog let the users know about all the compliant equipment and specific information for them to compare.

The contract registry concentrates all the revised contracts by the IFT, the Institute checks quality indicators in all contracts, including the rights of users considered in the contracts. Provisions should include conventional penalties that are usual and allow users to terminate contract in a reasonable time.

Mobile service quality let users know about the IFT's measures of service with the intention lo let users know about the quality of the services, before signing service contract. Users can compare results from different networks and services.

"#SoyUsuario" is a pre-conciliatory tool developed by IFT as a link between user and operator. If users feel their rights have been violated by the telecommunications operator, they can send a complaint, relayed to the operator through the IFT. The operator has to respond within 24 hours. The tool helps IFT monitor and audit operator actions, impose penalties, if any transgressions.



Source: Presentation made by speaker during Seminar

Additionally, the SIIU includes a tool for users to consult real-time their procedure of portability and additional information to make appropriate decisions.

- ***ICT applications developed to help to protect the rights of telecommunications service users***[8]

People from different countries (activist, journalist, developers, people with disability, among others) are primarily concerned with one thing: their rights when using the

[8] Based on the presentation made by Ms Nancy Reyes, Director of Operations - Hearcolors (Mexico)

telecommunications services or the internet. The regular user or consumer normally doesn´t worry about their rights when using a mobile phone, maybe they do not even realize how important it is to know their rights or the risks that are involved when they use the internet or their mobile device.

The question is, are telecommunications users' rights respected?

For example TELCEL offers lots of service channels of communications, online chat, e-mail, customer service centers. Mandated disclosures, terms of service, privacy policy. User management application – bill payments, transactions, cancellation, other services. Currently implementing tools for people with disabilities on website and service centers.

Another example, Axtel has web page with information about user's needs. The site includes service and help, technical support, service information. Another site "Mi Cuenta Axtel" is for user management. Accessibility issues are in development. Strictly pursuant to legal framework to implement legal rights. They are trying to improve user experience, addressing questions and complaints.

But what about users rights? Speaking of governance, freedom of expression and privacy?

Ranking Digital Rights 2017

Corporate Headquarters	Company	Type	Governance	Freedom of Expression	Privacy	Total
US	Google	Internet	71.04	60.09	64.93	64.72
US	Microsoft	Internet	87.69	53.33	58.67	62.49
US	Yahoo	Internet	87.50	43.09	55.91	58.16
US	Facebook	Internet	81.30	41.43	48.75	52.67
Korea	Kakao	Internet	35.37	54.81	52.57	50.06
US	**AT&T**	**Telcom**	66.71	40.75	46.71	48.41
US	Twitter	Internet	29.77	49.29	52.93	47.73
US	Apple	Internet	16.53	21.68	48.30	35.26
Russia	Yandex	Internet	9.95	22.67	36.57	27.94
Korea	Samsung	Internet	21.76	20.17	29.50	25.55
China	TenCent	Internet	8.61	14.37	30.73	22.24
Russia	Mail.ru	Internet	7.43	21.19	26.48	21.57
Mexico	**América Móvil**	**Telcom**	20.83	16.29	23.89	20.70
Malaysia	**Axiata**	**Telcom**	2.78	12.99	17.78	13.32
China	Baidu	Internet	0.00	12.76	17.44	12.99

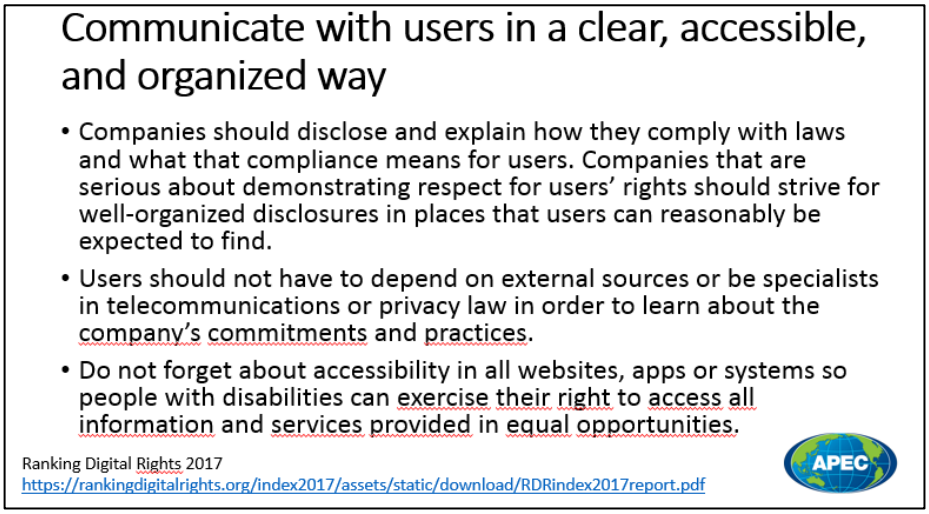
Source: The 2017 Ranking Digital Rights Full Data https://rankingdigitalrights.org/index2017/download/

Source: Presentation made by speaker during Seminar

According to Ranking Digital Rights 2017 published in March, with information of some telecommunications operators and Internet operators regarding governance, freedom of expression and privacy, best cases are in the United States and Korea. In the case of Mexico, AT&T entered in 2015 and leads the way in adopting policies that protect user rights. The company has adopted industry accepted best practices: publishes transparency reports, explicitly promises to request a warrant when collaborating with law enforcement, and provides a clear privacy policy and detailed law enforcement guidelines on its website.

Initial industry-wide trends show that while some Mexican telecommunications companies have stood up for user privacy when faced with governmental demands for user data, many have not. Furthermore, none of the telecommunications operators promised to notify their users when their data has been requested by law enforcement. The telecommunications industry in Mexico has not yet caught up to the global industry standards that safeguard user data from unwarranted access and data retention demands.

Some recommendations for operators: i) provide concrete evidence that company has institutionalized commitments to let users know if policies have changed, ii) undertake due diligence as a systematic way to understand and address the impact of products, services, and business operations on users' rights, iii) explain to users why speech, access to information, or access to service may be blocked or constrained, iv) inform users what happens to their information - If someone creates a profile, what would it look like? What organizations, governments, other entities have access to users' information, under what circumstances? and v) demonstrate a credible commitment to security, by mean of maintain industry standards to security.



Source: Presentation made by speaker during Seminar

Some recommendations for governments: publish government transparency reports, ensure laws and regulations to allow companies to be transparent and accountable, human rights due diligence, reform surveillance-related laws, require operators to implement effective grievance and remedy mechanisms, respect right to anonymous online activity, develop data protection regimes and privacy protections that are effective, make firms disclose the lifecycle of information, make firms give users more control over collection and sharing of their information, support appropriate incentives for companies to adopt industry standard security practices.

❖ ***Questions and answers***[9]

A question from the floor, Mexico, there are tools for coverage and for comparison between operators. How do you gather this information on coverage and indicators of quality of operators? From surveys, from users, or from technical tools like sensor networks?

Mexico: The information used to make the maps with guaranteed coverage comes from the operators under a plan established for mobile operators, expecting compliance with the fundamental technical standards stablished by the IFT. They let IFT know about coverage to let users know that services on mobile network meet standards established by IFT. There are indicators used today to assess services: telephone, Internet access, SMS. IFT goes to the field and program a measuring route, which is traced by following the coverage map provided by the operators. IFT has fixed and mobile monitoring units and run tests simultaneously to all operators.

A question from the floor, Mexico, you mentioned there are several issues supported by this system. Quality of services, simulation of data use, catalog of equipment. Some user facing applications. How do you manage this system? Is one office running it, or many?

Mexico: The SIIU was created by the IFT and is administered by the General Coordination of User Policy, in the integration of information other areas of the institute participate, and in some cases, operators and equipment manufacturers provide information.

A question from the floor to representative of Hearcolors, from perspective of civil society, you mentioned concern of use of data by users, which is a whole issue that could be addressed by an entire forum on data privacy. In this case, could you tell us your views from the user's perspective?

Hearcolors: There are different types of users, some only have mobile and do not worry about information being hacked and have nothing to hide. There are others as activists and journalists that live in government that is corrupt - the opposition- and need to communicate with other users using telecommunications. The concern is to ensure that user's information and privacy is protected, so if you are a journalist, you can write your article and be safe, not risk your life if you are hacked or the government wants to get the information from the telecommunication operator. In Mexico, telecommunication operators are forced to retain two years your data and share it with the government. Legislation should protect users and privacy – not only online, but physical.

[9] Based on questions from the floor and answers.

❖ ***Closing remarks***[10]

Mr Arseny Plossky as DSG Deputy Convenor mentioned that during the workshop important issues such as regulations, applications, human rights, digital rights were addressed, so it would be important for TEL to continue the work, taking into account financial mechanisms for funding programs and integral systems and to look forward measures to protect customers.

Mr Claudio Palomares Sartor as Project Overseer mentioned that a complete report with a resume of all interventions, outcomes and recommendations will be prepared and presented by TEL56 meeting, as a contribution for TEL work.

On behalf of the Telecommunications Supervisory Agency of Peru – OSIPTEL, thanked the support of the TELWG in allowing the development of this project. In addition, expressed a special acknowledgement to the speakers, as well as to Mexico for their support in making the workshop possible. Final thanks to all participants.

III. SEMINAR OUTCOMES

Peru does expect that the exchange of ideas and good practices related to the protection of rights of telecommunications service users -from different perspectives-, could have been useful for participants in this project and for the TELWG Members, in order to increase our knowledge about other experiences and continue the efforts oriented to improve the quality of services to customers in the APEC Region.

Some conclusions and recommendations listed below have been considered as a result of presentations and interventions made on the workshop. As the project proposing economy, we hope they could represent a contribution for the development of policies in order to protect the rights of telecommunications service users:

a) The development of standards, codes and regulation related to the provision of service to users help to ensure customers would have better services, addressing issues such as quality of services and quality of experiences.

b) A well informed customer/user can be aware of his rights when using a determined service, so governments are called to employ different ways to reach users to provide information and orientation (care centers, call centers, web sites, apps, field campaigns and social media).

c) Web site and on-line applications may be a useful and pre-conciliatory tool to link user's needs and claims with operators.

d) Among other measures, governments are called to publish transparency reports, ensure rules to allow companies to be transparent and accountable, require operators to implement effective grievance and remedy mechanisms, develop

[10] Based on the speech of Mr Claudio Palomares Sartor, Project Overseer, OSIPTEL (Peru) and Mr Arseny Plossky, DSG Deputy Convenor (Russia).

data protection regimes and privacy protections that are effective, make firms disclose the lifecycle of information, make firms give users more control over collection and sharing of their information, support appropriate incentives for companies to adopt industry standard security practices.

IV. APPENDIX

Final Program

Final Program

"Regulatory Provisions and Technological Applications to Protect the Rights of Telecommunication Service Users Workshop"

5 April 2017
Mexico City, Mexico

09:00-09:15: Registration

09:15-09:30: Welcome and opening remarks
- *Mr Claudio Palomares Sartor, International Affairs Officer - OSIPTEL (Peru), Project Overseer*
- *Mr Arseny Plossky, Radio Research & Development Institute (FSUE NIIR, Russia), DSG Deputy Convenor*

09:30-10:15: Enhanced / Improved regulation to protect the rights of telecommunications service users

This session will address best practices regarding enhanced or improved rules and regulation adopted by economies to make consumers understand their rights when using telecommunications services.

Panelists:
- *Ms Ileana Gama Benitez, Deputy Director of Information and Accessibility – IFT (Mexico)*
  General Guidelines on Accessibility to the Telecommunication Services for Users with Disabilities
- *Mr Joseph McCarroll, Assistant Director, Department of Communications and Arts (Australia)*
  Overview of telecommunications consumer protection in Australia
- *Mrs Mariella Seminario Suarez, Deputy Manager of User's Service – OSIPTEL (Peru)*
  Regulation and legal framework to protect the rights of telecommunications customers

10:15-10:30: Q&A

10:30-10:45: Coffee Break

10:45-11:15: ICT applications developed to help to protect the rights of telecommunications service users

Panelists will share experiences in the development of ICT applications through websites, mobile applications or social media, so users can be well informed regarding their rights when using telecommunications services.

Panelists:
- *Mr Jesús Coquis Romero, Director of Users' Regulation - IFT (Mexico)*
  Integral Information System for Telecomm Users – IFT
- *Ms Nancy Reyes, Director of Operations - Hearcolors (Mexico)*

11:15-11:30: Q&A

11:30-11:45: Closing remarks
Mr Claudio Palomares Sartor - OSIPTEL (Peru), Project Overseer