



CONSUMER PROTECTION HANDBOOK

For Communication products and
services

**BECOME A SAVVY
CONSUMER**

Table of Contents

1. RATIONALE.....	3
2. ABOUT ESCCOM.....	3
3. RIGHTS & RESPONSIBILITIES.....	4
3.1 CONSUMER RIGHTS	4
3.2 CONSUMER RESPONSIBILITIES.....	5
4. SERVICE PROVIDER OBLIGATIONS.....	5
4.2 SERVICE LEVEL AGREEMENTS	6
4.4 PROTECTION OF CUSTOMER INFORMATION	6
5. HANDLING OF CONSUMER COMPLAINTS.....	7
5.1 LODGING COMPLAINTS WITH THE SERVICE PROVIDER.....	7
5.2 LODGING COMPLAINTS WITH THE COMMISSION	7

1. RATIONALE

The Information, Communication and Technologies (ICT) Sector in the Kingdom of Eswatini continually experiences rapid technological advancements that challenge the Commission to ensure that consumers derive maximum benefits from ICTs. Emerging technologies have significantly transformed the use of communication services and consumer decision making patterns. The decision-making process is gradually becoming complex, requiring one to navigate and process increasing amounts of data prior to selecting the suitable combination of products and services.

It has become imperative for the Commission, therefore, to develop efficient programmes for inculcating consumer literacy and efficacy as they engage in the acquisition and consumption ICT products and services. Such programmes are aimed at empowering consumers to make the right choices and as well safeguard against deceptive, unfair and unscrupulous market practices. The Consumer Protection Handbook is a step towards fulfilling this requirement.

2. ABOUT ESCCOM

Eswatini Communications Commission (ESCCOM) is the regulatory authority for the Information and Communication Technology (ICT) Sector in the Kingdom of Eswatini. The Commission was established under the Swaziland Communications Commission (SCCOM) Act of 2013, to license and regulate telecommunications, radio communications, broadcasting and postal services in the country.

Section 7 of the SCCOM Act requires the Commission to ensure end-user protection and privacy in the provision of all communication products and services. In fulfilling this objective, the Commission, from time to time, issues regulations, decisions, recommendations and guidelines to ensure transparency in the provisioning of services and provide consumers with adequate choices, affordable tariffs and quality services. As such, the Commission is obligated to continuously educate, engage and inform consumers on their rights, benefits, and interests.

3. RIGHTS & RESPONSIBILITIES

Every consumer of Information and Communication Technology (ICT) products and services is entitled to some basic rights, irrespective of their status in the society. It is, therefore, incumbent upon the consumer to demand these rights from their respective service provider. The mandate of the Commission is to ensure the Eswatini consumers are made aware of these rights as they purchase and utilize ICT products and services.

3.1 CONSUMER RIGHTS

3.1.1 The Right to Be Informed

Consumers have a right to access transparent and up-to-date information about products, services and their associated terms and conditions of use.

3.1.2 The Right to Choose

Consumers have a right to select and purchase a product or service of their choice from a range of products and services, offered at competitive prices.

3.1.3 The Right to Be Heard

Consumers have a right to be provided with numerous opportunities and channels for them to express their opinions, complaints and suggestions towards the improvement of service delivery.

3.1.4 The Right to Safety

Consumers have a right to be protected against products, equipment and production processes that are hazardous to their health, life or property. This is aimed at protecting consumers against sub-standard and defective products and services.

3.1.5 The Right to complain and redress

Consumers have a right to receive fair settlement of claims, on issues of misrepresentation, service interruption, failure and unsatisfactory services. A service provider is obliged to provide Customer Service Guideline which are simple, transparent, and visible to consumers, allowing for a clearly outlined, fair and speedy process for resolving consumer complaints.

3.1.6 Right to privacy

Consumers have a right to personal privacy, with no unauthorized access to their conversations and personal information. Consumer privacy involves the proper handling and protection of sensitive personal information, that individuals provide in their dealings with the service provider.

3.1.7 Right to quality service

Consumers have the right to receive high quality and reliable service. They are entitled to a service that guarantees a minimum level of performance to ensure reliable communications.

3.2 CONSUMER RESPONSIBILITIES

Consumer responsibilities are positive actions, attitudes and behaviours that should be practiced while accessing and using communication services and products, to ensure that sensitivity to individuals, groups, authorities and the physical environment is upheld.

Consumers must take responsibility for:

3.2.1 Proper use of products and services

Consumers have a responsibility to make good use of communications services, products and equipment.

3.2.2 Prompt payment of bills

Consumers have an obligation to pay for all products and services received and consumed according to the set business rules.

3.2.3 Awareness

Consumers should seek to understand the terms and conditions outlined in adverts, contracts and promotions before opting into such agreements.

3.2.4 Courtesy

Consumers should make equitable decisions and act politely as they exercise their rights.

3.2.5 Genuine complaints

Consumers have a responsibility to lodge only legitimate complaints and claims.

4. SERVICE PROVIDER OBLIGATIONS

In accordance with the provisions of the Electronic Communications (Quality of Service) Regulations of 2016, and the Network and Services Licence requirements, service providers have a responsibility to comply with the stipulated regulatory parameters.

These include:

4.1 INFORMATION SERVICES

- 4.1.1 A service provider shall establish and maintain efficient service centers to assist customers with queries relating to their services; and
- 4.1.2 A service provider shall provide consumers with equal access, quality and tariffs, in each category of products and services offered.

4.2 SERVICE LEVEL AGREEMENTS

- 4.2.1 A service provider shall notify customers of the terms and conditions of Service Level Agreements;
- 4.2.2 A service provider shall, thereafter, provide services based upon the Service Level Agreement.

4.3 CUSTOMER SERVICE GUIDELINES

- 4.3.1 A service provider shall develop, publish and implement Customer Service Guidelines, for use by its employees to administer customer complaints;
- 4.3.2 Such guidelines must be published and made available to any customer who requests copies thereof;
- 4.3.3 The Guidelines must address the following areas:
 - 4.3.3.1 Complaints handling process and the applicable timelines;
 - 4.3.3.2 Appeals and escalation process for customers not satisfied with the resolution of a complaint;
 - 4.3.3.3 A bill-verification procedure where a customer disputes an invoice or bill; and
 - 4.3.3.4 Quality of service information.

4.4 PROTECTION OF CUSTOMER INFORMATION

- 4.4.1 A service provider shall not, under any circumstances whatsoever, disclose any information about a customer to any third party except to the extent that such information is required in compliance with a court order or an applicable statutory obligation,
- 4.4.2 A service provider shall, on their electronic communications system, record and store call records for a period of five (5) years, after the customer has cancelled a contract for any Licensed Service.

5. HANDLING OF CONSUMER COMPLAINTS

5.1 LODGING COMPLAINTS WITH THE SERVICE PROVIDER

The primary responsibility for complaint resolution rests with the service provider, thus, The Commission does not act on a consumer complaint until the operator's complaint handling processes have been exhausted.

5.2 LODGING COMPLAINTS WITH THE COMMISSION

5.2.1 Complaints must be lodged with the Commission in writing and can be submitted in any one of these means;

1. ESCCOM website www.esccom.org.sz or
2. Email to info@esccom.org.sz or
3. P. O. Box 7811, Mbabane, H100 or
4. ESCCOM Offices;
 - Sibekelo Building, 4th Floor, North Wing

5.2.2 The complaint should detail;

1. The name, physical address and contact details of the complainant,
2. The name and contact details of the service provider,
3. Full details of the complaint,
4. Attachments of all documents pertaining to the complaint, including evidence reflecting the steps taken in addressing the complaint with the service provider.

5.2.3 Upon receipt of the complaint, the Commission shall;

1. Register the complaint in a Complaints Register,
2. Acknowledge receipt of the complaint within seven (7) working days,
3. Determine if the complaint falls within the Commission's jurisdiction,

5.2.4 If within its jurisdiction, the Commission will review the details of the complaint and intervene by forwarding a copy of the dispute to the service provider for resolution,

5.2.5 The service provider shall, within 20 days, submit a response to the Commission,

5.2.6 If the complaint is resolved, the service provider will notify both the complainant and the Commission of the positive outcome,

5.2.7 The Commission will confirm this status with the complainant and close the case,

5.2.8 If the complaint is not resolved, or the stipulated time period has expired, the Commission shall decide on the matter,

- 5.2.9 The Commission will issue a decision on the dispute on the bases of the dispute, response, if any, and further statements or documents submitted and/or as guided by its Legal and Compliance Directorate;
- 5.2.10 This decision will be communicated to both the service provider and the complainant, following which, the case will be closed.
- 5.2.11 If the complaint falls outside its authority, the Commission shall notify the consumer of this position and refer them to the relevant alternative Authority and then close the consumer complaint.

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