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**SERIES D: TARIFF AND ACCOUNTING PRINCIPLES  
AND INTERNATIONAL TELECOMMUNICATION/ICT  
ECONOMIC AND POLICY ISSUES**

Recommendations for international  
telecommunication/ICT economic and policy issues –  
Economic and regulatory impact of the Internet,  
convergence (services or infrastructure) and new services

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**Customer redress and consumer protection  
mechanisms for OTTs**

Recommendation ITU-T D.1102

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# Recommendation ITU-T D.1102

## Customer redress and consumer protection mechanisms for OTTs

### Summary

Recommendation ITU-T D.1102 proposes possible customer redress and consumer protection mechanisms related to the provision and consumption of OTTs. This comes in the wake of the increasing use of over the top (OTT) applications for voice calling, instant messaging and video calling in the absence of an international framework to ensure consumer protection and redress where necessary.

### History

Edition	Recommendation	Approval	Study Group	Unique ID*
1.0	ITU-T D.1102	2021-12-17	3	<a href="http://handle.itu.int/11.1002/1000/14730">11.1002/1000/14730</a>

### Keywords

Consumer empowerment, consumer protection, customer service, OTT providers, personal data.

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\* To access the Recommendation, type the URL <http://handle.itu.int/> in the address field of your web browser, followed by the Recommendation's unique ID. For example, <http://handle.itu.int/11.1002/1000/11830-en>.

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The approval of ITU-T Recommendations is covered by the procedure laid down in WTSA Resolution 1.

In some areas of information technology which fall within ITU-T's purview, the necessary standards are prepared on a collaborative basis with ISO and IEC.

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## **Introduction**

This Recommendation proposes customer redress and consumer protection mechanisms related to the provision and consumption of OTTs. This comes in the wake of the increasing use of OTT applications for voice calling, instant messaging and video calling. The protection mechanisms bring convenience and service affordability for consumers.

# Recommendation ITU-T D.1102

## Customer redress and consumer protection mechanisms for OTTs

### 1 Scope

This Recommendation proposes initiatives to be taken by Member States and Regulatory Authorities and OTT providers to ensure good customer service and consumer protection for users of OTTs.

### 2 References

The following ITU-T Recommendations and other references contain provisions which, through reference in this text, constitute provisions of this Recommendation. At the time of publication, the editions indicated were valid. All Recommendations and other references are subject to revision; users of this Recommendation are therefore encouraged to investigate the possibility of applying the most recent edition of the Recommendations and other references listed below. A list of the currently valid ITU-T Recommendations is regularly published. The reference to a document within this Recommendation does not give it, as a stand-alone document, the status of a Recommendation.

None.

### 3 Definitions

#### 3.1 Terms defined elsewhere

None.

#### 3.2 Terms defined in this Recommendation

This Recommendation defines the following terms:

**3.2.1 customer support service:** The assistance and advice provided by a company to consumers who use their platform or services.

**3.2.2 media literacy:** The practices that allow people to access, critically evaluate, and create media.

### 4 Abbreviations and acronyms

This Recommendation uses the following abbreviations and acronyms:

NRA        National Regulatory Authority

OTT        Over-the-Top

### 5 Conventions

In this Recommendation:

The keyword "should" indicates a condition that is recommended but which is not absolutely required. Thus, this condition need not be present to claim conformance.

The keyword "may" indicates an optional condition that is permissible without implying any sense of being recommended.

Terms used in this Recommendation that are not defined herein are subject to interpretation by the Member States.

## **6 Transparency and accountability**

### **6.1 Ensuring transparency and accountability**

For transparency and accountability, Member States through the national regulatory authorities (NRAs), should ensure that:

- a) The language used for terms and conditions is simple and widely understood.
- b) The text used for terms and conditions is visible for all to see and read.
- c) Information on terms and conditions including changes thereof, is made available to consumers in a timely, accurate, and transparent manner in order to enable consumers to make informed and rational decisions.

## **7 Data protection and privacy**

### **7.1 Access to and use of personal data**

OTT subscribers should be able to make informed decisions about the extent to which their data can be accessed by others and the usage that third parties may make of it. As such, the Member States through NRAs should endeavour to ensure that consumers whose personal data has been collected have a right to:

- a) Access their data and understand how it is used;
- b) Amend inaccurate data about themselves;
- c) Port their data;
- d) Control/restrict the processing of their data;
- e) Withdraw their consent on the use of their data;
- f) Request for the deletion or de-identification of their data.

### **7.2 Limitations in exceptional circumstances**

A consumer's rights to control, access, deletion/de-identification, and portability may be limited in exceptional circumstances, and only to the extent necessary, if exercising such rights would:

- a) Compromise the privacy, security, or other rights of the personal information of another consumer (for example, when exercising rights, it would give a person access to someone else's information);
- b) Interfere with law enforcement, judicial proceedings, investigations, existing legal obligations, or efforts to guard against, detect, or investigate malicious, unlawful or fraudulent activity, or enforce contracts;
- c) Require disproportionate effort, taking into consideration available technology;
- d) Disclose the organization's proprietary technology or business insights; or
- e) Violate laws or the rights and freedoms of other consumers.

### **7.3 Procedures for data collection and processing**

OTT providers should maintain transparent procedures for data collection and processing and establish the requisite infrastructure to ensure smooth handling of consumer data.

These can be achieved through:

- a) Establishing systems for accurate and secure records for all data collected;
- b) Establishing systems for handling personal data requests, data deletion requests and data disclosure requests in a timely and efficient manner;



- c) Obtaining consent through adaptable, technology-neutral, flexible mechanisms, including opt-in and opt-out mechanisms, to facilitate consumer flexibility in exercising their rights;
- d) Establishing a comprehensive privacy and security programme appropriate to the size and the nature of the information collected, and be able to demonstrate compliance with the programme;
- e) Establishing oversight of data transfers.

## **8 Customer support services**

### **8.1 Access to customer support services**

Consumers should have access to a variety of customer support services such as live chat support, e-mail, phone, and self-service knowledge support channels.

## **9 Competition issues**

### **9.1 Data portability**

OTT subscribers should be able to easily switch from one OTT provider to another by easily porting their data from one service provider to another as and when they desire, where technically feasible. As such, OTT providers are encouraged to facilitate data portability and interoperability of their platforms to foster competition and provide choice for consumers in the market. OTT providers should be able to consider data protection and security requirements in designing tools to enable portability and deciding with whom to interoperate, with guidance from regulators.

## **10 Consumer empowerment mechanisms**

### **10.1 Consumer education and awareness**

Member States are encouraged through the NRAs to develop and implement consumer empowerment programmes related to the use of OTTs through education and awareness campaigns and public advocacy amongst others. Focus of the programmes may include:

- a) Consumer rights and responsibilities in the use of OTTs;
- b) Enhancing media literacy.

## **11 Enhancing responsible use of OTTs**

**11.1** OTT providers are encouraged to put in place measures that promote responsible use of OTTs, which may include inserting features that allow users to monitor how much time they spend on social media.

## **12 Regional and international cooperation**

**12.1** Member States are encouraged to foster cooperation at regional and international levels for the purpose of sharing information and experiences on OTT consumer protection issues.





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