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General Notice

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GENERAL NOTICE

NOTICE 862 OF 2008



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

REGULATIONS DRAFTED IN TERMS OF SECTION 4 READ WITH SECTION 76 SUBSECTIONS (7) (a) AND (b) OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT No. 36 of 2005)

I, Mr Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("the Authority"), hereby approve and publish regulations in the schedule, drafted in terms of section 4 read with section 76 subsection (7) (a) and (b) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

Paris Mashile
Chairperson of ICASA

SCHEDULE

1. Definitions

In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and "Act" means the Electronic Communications Act, 2005 (Act No. 36 of 2005).

- 1.1 "**112 emergency services**" means the services provided by the emergency organisations;
- 1.2 "**automatic location identity**" means any location information processed in an electronic communications network indicating the geographical position of the subscriber equipment;
- 1.3 "**caller line identity (CLI)**" means a facility by which the subscriber number of a caller is displayed to the called party prior to the call being established and is a form of automatic number identity;
- 1.4 "**Department**" means the Department of Communications;
- 1.5 "**emergency calls**" means calls to the 112 emergency number;
- 1.6 "**emergency number**" means the exclusive national public emergency number 112;
- 1.7 "**public emergency communications centre**" means the 112 emergency centre established by the Minister in terms of section 76(1) of the Act.;
- 1.8 "**sim**" means a subscriber identity module;
- 1.9 "**softlock**" means the inability of a subscriber to use the billed or paid services of the electronic communications network licensee or electronic communications service licensee on the subscriber's equipment;
- 1.10 "**simlock**" means the inability of a subscriber to use the sim card of another electronic communications network licensee or electronic communications service licensee on the subscriber's equipment.

2. Application of these regulations

- 2.1 These regulations apply to all electronic communications network service licensees and electronic communication service licensees licensed in terms of Chapter 3 of the Act, to whom numbers from the national numbering plan are allocated, public emergency communications centres known as 112 emergency centres, emergency organisations and the public.
- 2.2 These regulations also apply to licensees contemplated in section 76(7) (b) of the Act. The licensees referred to in regulation 2 subregulation (1) of these regulations must ensure access to the 112 emergency centres and from the 112 emergency centres to the emergency organisations throughout the Republic.

3. Emergency numbers

- 3.1 The emergency numbers include the number(s) 112, 10111, 10177, 107 and any other numbers as may be determined by the Authority.
- 3.2 Within eighteen (18) months of the date of the establishment of the first public emergency communications centre in terms of section 76(1) of the Act, the 112 number will become the exclusive national public emergency number.
- 3.3 The 112 number and all the numbers referred to in regulation 3 subregulation (1) of these regulations must run parallel for a period of twenty four (24) months from the date of the establishment of the first public emergency communications centre.

4 Request for emergency services

- 4.1 When members of the public make requests for services, such requests must be considered as emergencies by the following emergency organisations:-
- (a) police services;
 - (b) ambulance;
 - (c) traffic authority;
 - (d) fire;
 - (e) coast guard; and

- (f) any other similar organisation providing assistance to the public in case of emergencies.

5 Suspended and disconnected services

- 5.1 Subscribers whose telephone services are temporarily disconnected or suspended from networks of their respective licensees must, at all times, have access to the 112 emergency number.
- 5.2 Licensees who have simlocked and softlocked phones must not prevent the subscribers, end-users or members of the public from accessing the 112 emergency services.

6 Duties of 112 emergency centres and licensees

- 6.1 The licensees must, whenever members of the public make electronic communications requests using emergency number 112 to access a 112 emergency centre, ensure that such electronic communications are carried to the 112 emergency centre, and from the emergency centre to the emergency organisation.
- 6.2 The 112 emergency centre must ensure that emergency requests are transmitted to the relevant emergency organisation.

7 Making available automatic number identity and automatic location identity to 112 emergency centres

- 7.1 The licensees contemplated in these regulations must send the caller line identity information to the 112 emergency centres and from the emergency centres to the emergency organisations. In cases where a licensee uses the services or a network of another licensee, the same obligation applies.
- 7.2 The subscriber's licensee must notify the subscriber of this arrangement in advance.
- 7.3 In instances where an emergency call originates from a public payphone, or any other phone where the public has access to emergency services, community service telephone and universal service obligation related service, the licensee must ensure that the caller line identity is forwarded to the 112

emergency centre and from the 112 emergency centre to the emergency organisation.

- 7.4 Automatic location identity must have the following parameters, as relevant to the licensee's network technology, but are not limited to:-
- (a) Subscriber name, surname or company name;
 - (b) Subscriber location (street name, house number, area or town and postal code);
 - (c) the latitude, longitude or altitude of the subscriber equipment within the capabilities of the licensee's network;
 - (d) the direction of travel of the subscriber;
 - (e) the time and the location information was recorded; and
 - (f) any other parameter determined by the Authority from time to time.
- 7.5 The obligations to provide caller line identity and automatic location identity details by the licensee must not be restricted by carrier pre-selection or any other processes that are unrelated to this obligation.
- 7.6 The licensees contemplated in these regulations are obliged to provide automatic location identity details to the 112 emergency centres and from 112 emergency centres to emergency organisations. Where a licensee uses the services or network of another licensee, the same obligation applies.
- 7.7 The caller line identity, must be used by the licensee, public emergency centres and emergency organisations for emergency requirements only.
- 7.8 Where there is a need for the licensee, public emergency communications centre and emergency organisation to use the caller line identity to return the emergency call to the subscriber or end-user, they may do so for the emergency purposes only.
- 7.9 In the cases where a licensee provides services to subscribers through a roaming agreement, the same obligations contained in regulations 7(1),7(4),7(5), and 7(10) will apply.
- 7.10 The licensees must obtain the caller line identity and automatic location identity of their subscriber for the purposes of regulation 7 subregulations(1) and (6) and the licensee must inform the subscriber in advance. This provision must apply with equal force in respect of other forms of electronic

communications used by subscribers or end-users to access emergency services.

- 7.11 The most efficient and effective technologies must be used to provide the physical location details of subscriber number to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.
- 7.12 Where the technology of the licensee does not provide for automatic location identity, such licensees are exempt from the obligation as contained in regulation 7 subregulation(6). Once the licensee's technology is improved to provide automatic location identity, then regulation 7 subregulation(6) is applicable.

8 Liability

- 8.1 The licensees are exempt from liability for all claims arising out of acts done in meeting their obligations when making automatic number identity, such as caller line identity and automatic location identity available to 112 emergency centres only.

9 Charging for carrying emergency communications to the 112 emergency centres and from the 112 emergency centres to the emergency organizations

- 9.1 The subscriber or end-user must not pay any costs whatsoever to the licensee when accessing the 112 emergency centre.
- 9.2 Where an emergency communication request originates from a public payphone, any other phone where the public has access to emergency services, community service telephones and universal service obligation related services, the cost thereof must be free to the public.
- 9.3 The licensee must bear the costs of carrying any electronic communications to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.
- 9.4 Where more than one licensee carries the emergency request, the licensees must enter into commercial arrangements to ensure that the payments are made to the licensee with respect to the cost of carrying the request.

10 Records to be kept by Emergency Call Centres and Licensees

- 10.1 The 112 emergency centres, emergency organisations and the licensees must keep records of all the electronic communications received and transmitted including data relating to the provision of caller line identity and automatic location identity.
- 10.2 These records must be kept for a period of three (3) years.
- 10.3 A 112 emergency centre must, to the satisfaction of the Authority and in compliance with any other applicable law, keep the records relating to its emergency service activities as follows:-
- (a) documents relating to persons who are in control or in a position to exercise control over a public emergency communications centre established by the Minister;
 - (b) financial records and audited financial statements of the 112 emergency centres;
 - (c) all contracts entered into by or on behalf of the 112 emergency centres in connection with the daily operational activities of the centres;
 - (d) log of all calls and other electronic communication requests received and made in a form acceptable to the Authority;
 - (e) record for keeping of:-
 - (i) all telephonic requests; and
 - (ii) correspondence between the 112 emergency centres, licensees and emergency organisations;
 - (f) log of all telephone calls, messages and any other electronic communications received by the 112 emergency centres, its point of origination and time and response times; and
 - (g) log of all telephone calls, messages and any other electronic communications made to emergency organisations, its point of origination, time and the response times.
- 10.4 Copies of all correspondence with the Department, the Authority, emergency organisations and licensees must be made available, upon request, by the 112 emergency centre to the Authority.

- 10.5 Electronic communications network service licensees and electronic communications service licensees must maintain records of all costs incurred in the routing of 112 emergency calls and other electronic communications.
- 10.6 The 112 emergency centre may develop a database containing caller line identity and automatic location identity.
- 10.7 Where the 112 emergency centre develops a database containing caller line identity and automatic location identity information, the licensees must forward an updated list of their caller line identity to the 112 emergency centre.

11 Technical standards and specifications

- 11.1 All 112 emergency centres established in terms of the Act must adhere to the Authority's regulations relating to technical standards and specifications including type approval regulations applicable to electronic communications network services licensees and electronic communications service licensees.
- 11.2 The licensees, 112 emergency centres and emergency organisations must ensure the inter-operability of technologies for the efficient and effective provision of emergency communications.
- 11.3 The most efficient and effective technologies must be used to provide the physical location details of the subscriber or end-user to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.
- 11.4 Licensees must ensure that subscriber equipment and the link between the subscriber's equipment and the licensee network complies with the requirements as contained in these regulations.
- 11.5 Licensees must ensure, at all times, that their networks have diversity, redundancy, transmission quality and dedicated circuits in meeting the requirements in these regulations.

12 Handling of calls by the 112 emergency centres

- 12.1 An emergency call to the 112 emergency centre must be answered in less than 30 seconds and must have priority over any other electronic communications requests from the public.
- 12.2 All electronic communications network service licensees and electronic communications licensees must carry 112 emergency requests that are in the form of any electronic communication to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.

13 The 112 Emergency Complaints

- 13.1 The public, subscribers and end-users may lodge a complaint to the Authority in terms of the code of conduct as well as the end-user and subscriber service charter.

14 The 112 Licensees Forum

- 14.1 All licensees must work together to establish, within three (3) months from date of publication of these regulations, a forum.
- 14.2 The forum must deal, among others, with the following:-
- (a) matters of common interests that may arise from the execution of obligations by the affected parties as required in terms of these regulations; and
 - (b) it must endeavour to resolve matters, among its members, amicably and expeditiously.
- 14.3 The forum must inform the Authority, within five (5) working days, of the meetings to be held among the licensees. The Authority may, on invitation from the parties, attend the meetings as an observer. In case of any dispute, the matter may be referred to the Authority for decision making.

15 Public Awareness Campaigns

- 15.1 Licensees and the 112 emergency centres must use mechanisms available to them to make the public, the subscribers and end-users aware of the 112 emergency number in these regulations including the phasing out of the numbers contemplated in regulation 3.
- 15.2 The mechanisms referred to in regulation 15 subregulation (1), may include, but are not limited to, subscriber bills, billboards, print media and other types of media. The Authority will conduct its own public awareness campaign.
- 15.3 Nothing prevents the licensees from making public, the licensee's 112 emergency call statistics, including response times on successful 112 emergency calls to the 112 emergency centre and from the 112 emergency centre to the emergency organisation.

16 The 112 Emergency Logo

- 16.1 The 112 emergency centres must use and display the 112 emergency logo in public places. In cases where other entities seek to display the 112 emergency logo, approval may be granted by the 112 emergency centres.

17 Offences and Penalties

- 17.1 A person who wilfully or negligently contravenes or fails to comply with these regulations, is guilty of an offence and is, on conviction by a court of law, subject to a fine not exceeding R 20 000;
- 17.2 Any subscriber who is aggrieved by the failure of a licensee or its agent to comply with these regulations may lodge a complaint with the Authority for investigation and if appropriate, adjudication by the Complaints and Compliance Committee in terms of section 17B and C of the ICASA Act and the imposition of a sanction by Council in terms of section 17E of the ICASA Act.

18 Repeal and Amendment of Regulations

- 18.1 These regulations will, from time to time, be amended or repealed at the discretion of the Authority by notice in the Gazette.
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Mobile Phone: 083-640 6121.

Telephone: (012) 334-4653.



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Email: cdsm@sli.wcape.gov.za

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