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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
PAKISTAN TELECOMMUNICATION AUTHORITY

NOTIFICATION

Islamabad, the 22nd December, 2022

S. R. O. No. 2402(I)/2022.— In exercise of powers conferred under clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996, the Authority hereby makes the following regulations, namely:

1. Short title and Commencement.— (1) These regulations shall be called “the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication (2nd Amendment) Regulations, 2022”.

(2) These regulations shall come into force with effect from the date of gazette notification.

2. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3416 of S.R.O 713 (1)/2009 of 2009, clause (c) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

(5485)

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“Do Not Call / SMS Register (DNCR)” means a database, maintained centrally by the Operators, containing the particulars of subscriber(s) who make a request for not receiving the Unsolicited communication through any means including Application to Person (A2P) promotional/ telemarketing SMSs and Calls etc.

3. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3416 of S.R.O 713 (1)/2009 of 2009, after clause (d) of sub-regulation (1) of regulation 3 a new clause (da) shall be inserted and read as follows:

“information” includes text, message, data, voice, sound, database, video, signals, software, computer programmes, any forms of intelligence as defined under the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996) and codes including object code and source code.

4. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3416 of S.R.O 713 (1)/2009 of 2009, clause (e) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

“Obnoxious communication” means the transmission of any information through a telecommunication system or telecommunication service with the intent to cause harassment or disturbance”

5. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3416 of S.R.O 713 (1)/2009 of 2009, clause (i) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

“Spamming” shall have the same meaning assigned to it in section 25 of Prevention of Electronic Crimes Act, 2016.

6. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3416 of S.R.O 713 (1)/2009 of 2009, a new clause (ga) shall be inserted after clause (g) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

“Robocall” for the purpose of these regulations, shall mean a phone call that uses a computerized system to deliver a pre-recorded public awareness message.

7. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3417 of S.R.O 713 (1)/2009 of 2009. clause (k) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

“Telemarketer” means a natural and juristic person who is authorized by the Authority to disseminate Messages/ Calls for the purpose of marketing of services, investment and goods to public at large directly or through a third party;

8. Amendment in Regulation 3, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3417 of S.R.O 713 (1)/2009 of 2009, clause (I) of sub-regulation (1) of regulation 3 shall be substituted and read as follows:

“Unsolicited Communication” means the information which is sent for promotional and marketing purposes to persons who have not provided consent to receive such communication and particulars are recorded in the C-DNCR.

9. Amendment in Regulation 4, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3417 of S.R.O 713 (1)/2009 of 2009, sub-regulation (3) of regulation 4 shall be substituted and read as follows:

In the case where a subscriber opts-in to receive marketing/ promotional messages, the concerned person including an institution or an organization engaged in direct marketing /telemarketing shall provide the option to the recipient to unsubscribe from such promotional or marketing messages.

Provided that all Operators shall ensure that all communication as referred to in sub- regulation (3) shall be received by subscribers within normal business hours.

10. Amendment in Regulation 6, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3418 of S.R.O 713 (1)/2009 of 2009, regulation 6 shall be substituted and read as follows:

“Standard Operating Procedure to Control Unsolicited Communication”.—
(1) All Operators shall develop a standard operating procedure for controlling Unsolicited Communication which shall include at a minimum the following:

(a) Devise a procedure to ensure the provision of an opportunity to all subscribers/consumers to seek express consent for the receipt of telemarketing communication in the following manner:

i. All telemarketers through SMS aggregator i.e. short code holder shall seek individual consent through message (English, Urdu) before disseminating marketing related communication.

To receive marketing msg; enter: "Sub"

Not to receive marketing msg: send msg to 3627

- ii. *Telemarketer shall be responsible to keep record of individual consent in case of any dispute.*
 - iii. *All telemarketers will enter in to SLAs with SMS aggregators/ CMOs, specifying therein nature of services being provided to subscribers through short codes/ alphanumeric IDs allocated by the Authority.*
 - iv. *SLAs will also specify the manner/technical arrangements required for sending/disseminating telemarketing communication(s) to subscribers in accordance with these regulations.*
- (b) *For the purpose of devising a procedure for seeking consent for disseminating marketing messages shall be followed in accordance with following flow chart:*

- i. *Telemarketers will enter into agreements with CVAS Registration holders/CMOs.*



- ii. *SLA shall be provided to Authority for information on demand.*



- iii. *All messages shall be disseminated through approved short codes/ or alphanumeric IDs against Short codes.*



- iv. *List of all subscribers shall be maintained by the Telemarketers.*



- v. *The procedure for withdrawal from C-DNCR shall be maintained in parallel.*

11. New insertion after Regulation 6, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3418 of S.R.O 713 (I)/2009 of 2009, regulation 6 (A) shall be inserted as follows:

“6(A). Dissemination of information through Robocall(s).—All operators shall allow /enable transmission of information through Robocalls only for the purpose of public awareness to consumers as required by the Authority or Government of Pakistan.”

12. Amendment in Regulation 6, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3418 of S.R.O 713 (1)/2009 of 2009, sub-regulation (e) of regulation 6 shall be substituted and read as follows:

“(e) Provision for recording particulars of subscriber(s) in the Centralized-DNCR who consent for not receiving Telemarketing Communication by subscribing to C-DNCR (3627)”

13. Amendment in Regulation 7, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009. at page 3419 of S.R.O 713 (1)/2009 of 2009, regulation 7 shall be substituted and read as follows:

“Establishment of a Central Do Not Call Register (C-DNCR).—(1) All Operators, for the purpose of controlling the transmission of Unsolicited Communication, shall establish a consolidated and central database of Do Not Call Register (C-DNCR).

(2) The Operators shall ensure to provide the subscribers with the option to register/ un-register (subscribe/un-subscribe) the C-DNCR through short code (3627) designated by the Authority”

14. Amendment in Regulation 8, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3419 of S.R.O 713 (1)/2009 of 2009, sub-regulation (1) of regulation 8 shall be substituted and read as follows:

“Registration and Managing Telemarketing by Operators (1).— All operators, shall for the purpose of controlling unsolicited communication, ensure registration of Telemarketers”

15. Amendment in Regulation 11, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3419 of S.R.O 713 (1)/2009 of 2009, sub-regulation (4) of regulation 11 shall be substituted and read as follows:

“(d) If the originator is again/repeatedly involved in Obnoxious Communication even after issuance of first warning, the Operator shall suspend the communication of the subscription of the originator immediately but not later than 24 hours of the receipt of the complaint. Record of the same shall be maintained in the Black list by the Operator.

- (e) *Subscriptions placed in the Black list of obnoxious communication shall only be restored after approval of the Authority or authorized officer of the Authority subject to the provision of a written undertaking by the originator not to indulge in obnoxious communication in future.*
- (f) *In the case of more than one instance of indulging in obnoxious activity even after restoration of outgoing communication, the subscription shall be blocked permanently and antecedents of the said user shall be placed in the list of Blacklisted User Antecedents. Record of the same shall be maintained in the Blacklisted User Antecedents list by the Operator."*

16. Amendment in Annex-A, S.R.O 713 (1)2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3422 of S.R.O 713 (D/2009 of 2009, **Annex-A** shall be substituted and read as follows:

(See Regulation 4)

MINIMUM REQUIREMENTS FOR ANTI-SPAM SOLUTIONS

1. An intelligent & robust anti-spam solution at each Operator's end being regularly updated to cater for the changing spam content.
2. Anti-spam filter shall not be used for any anticompetitive activity.
3. Anti-spam filter shall not violate consumer privacy.
4. Anti-spam filter on each Operator end shall not limit its filtering for on-net or off-net messages.

17. Amendment in Annex-C, S.R.O 713 (1)/2009.—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3424 of S.R.O 713 (I)/2009 of 2009. **Annex-C** shall be substituted and read as follows:

(See Regulation 10)

MINIMUM REQUIREMENTS FOR OBNOXIOUS COMMUNICATION

1. *All operators shall maintain the Grey, Black and Blacklisted User Antecedents lists of subscribers involved in obnoxious communication.*

- (a) *The Grey list mentioned under clause (c) of sub-regulation (4) of regulation 11 shall comprise of telephone subscriptions along with user antecedents.*

- (b) *The Black list mentioned under clause (d) of sub-regulation (4) of regulation 11 shall comprise of telephone subscriptions along with user antecedents and record of issuance of a first warning under clause (c) of sub-regulation (4) of regulation 11.*
- (c) *The Blacklisted User Antecedents list under clause (f) of sub-regulation (4) of regulation 11 shall comprise of telephone subscriptions along with complete user antecedents and record of Grey and Black list.*

2. *An updated Grey, Black and Blacklisted User Antecedents lists comprising of telephone subscriptions along with user antecedents shall be provided to the Authority as and when required.*

[No. 60/Regs/PTA/2008/79.]

ERUM LATIF,
Director (Law & Regulations).

1870

Received of Mr. J. B. Smith
the sum of \$100.00
for rent of premises

for the month of January
1870

Witness my hand and seal
this 1st day of January
1870

J. B. Smith

John B. Smith