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NATIONAL COMMUNICATIONS AUTHORITY



GUIDELINES ON THE MANAGEMENT OF NETWORK PROMOTIONAL MESSAGES

Glossary of Terms

Item	Definition
Act 769	National Communications Authority Act, 2008 (Act 769)
Act 775	Electronic Communications Act, 2008 (Act 775)
Authority	National Communications Authority
Advertisement	Any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language, and communicated in any medium with the intent to influence consumers' / customers' choice, opinion or behaviour.
Bundles	A package deal that includes single or multiple services offered together at a discounted price.
Consumer	A person, community or organisation that uses, may use, or is affected by a product or service which is regulated by the National Communications Authority.
Customer	A person, community or organisation that has subscribed to any service from a Service Provider.
Frequency	The number of times a Service Provider is allowed to send network promotional messages.
Mobile Money	A digital payment system offered by Mobile Network Operators that allows users to conduct financial transactions using their mobile devices.
Network Promotional Messages (NPMs)	Communications designed to advertise or promote a Service Provider's services, products, or offerings.
Offer	Promotions, deals, or bundles provided by Service Providers to attract customers and encourage them to subscribe to their services.
Promotion	Any temporary incentive communicated through text messages, unsolicited calls, e-mails, and chat bots with the intent to influence consumer choice, opinion or behaviour to receive a reward or a benefit.
Sanction	A fine, compensation or obligation imposed on a Service Provider for non-compliance.
Sender Name / Identification	The name or identifier is displayed to consumers when they receive a message or communication from a particular Service Provider.
Subscriber	A person who is a party to a contract with a provider of a public electronic communications service for the supply of services, including SIM-enabled communications services.
Telecommunication	Includes the transmission, emission or reception of signals, writing, pulses, images, sounds or other intelligence of any kind by wire, radio, terrestrial or submarine cables, optical or electromagnetic spectrum, or by way of any other technology.
Transactional Messages	A non-marketing or non-promotional communication from a Service Provider, designed to inform customers about a specific service initiated by the customer.

Item	Definition
Service Providers	A person licensed under the Electronic Communications Act, 2008 (Act 775) to provide electronic communication services.

1. Introduction

- 1.1 Whereas the National Communications Authority (NCA) is the central body mandated by the National Communications Authority Act, 2008 (Act 769) to license and regulate communications activities and services in Ghana, and to provide for related purposes; and whereas it is empowered by sections 3(k) and 3(r) of Act 769 to issue guidelines and standards from time to time;
- 1.2 Such guidelines are intended, among others, to:
 - 1.2.1 ensure fair competition among its Licensees, Authorisation Holders, and Operators of Communications Networks and Service Providers of Public Communications Services;
 - 1.2.2 protect the interests of consumers or users of communications networks or communications services, and in particular their freedom of choice, and right to quality of service and value for money;
- 1.3 In exercise of the Authority's mandate under Act 769 to establish and monitor the implementation of national communications standards and ensure compliance accordingly, these Guidelines, to be known as the Guidelines on the Management of Network Promotional Messages, have been issued by the NCA for the purposes hereafter appearing.

2. Purpose

The purposes of these Guidelines on the Management of Network Promotional Messages (NPMs) are to ensure that:

- 2.1 there are industry standards and requirements in respect of the transmission of network promotional messages alerting subscribers to new offers regarding promotions, bundles or fees related to the use of a service on that network; and
- 2.2 NPMs are transmitted in a transparent, ethical, professional, and lawful manner.

3. Objectives

These Guidelines set out rules for all Service Providers to comply with as regards the transmission of NPMs on their networks, and provide relevant information required by consumers to make informed decisions on receipt of such messages, in order to:

- 3.1 regulate the increasing spate of network promotional messages transmitted to consumers;
- 3.2 protect and promote consumer rights and interests;
- 3.3 reduce the frequency of receiving promotional messages;
- 3.4 manage the practice of transmitting the same promotional messages on the same subject within a short time frame;
- 3.5 ensure that Service Providers harmonise their sender names and short codes;

3.6 provide consumers with a choice to opt in or opt out voluntarily from receiving these messages;

3.7 ensure that informational / promotional messages are kept separate from transactional messages.

4. Scope of Application

4.1 These Guidelines are issued pursuant to sections 3(k) and 3(r) of Act 769.

4.2 They shall apply to all Service Providers that transmit electronic messages pertaining to the use of their service to subscribers on their network.

5. Minimum Standards and Criteria for Transmitting Network Promotional Messages

5.1. Network Promotional Message Sender Names

5.1.1 Service Providers should have five (5) sender names for transmitting Network Promotional Messages, each beginning with the network name followed by the name of the service being advertised or promoted to consumers. The table below illustrates the sender names Service Providers may adopt:

No.	Sender Name	Details
1.	xxx Company Information and Adverts	Company information and adverts
2.	xxx Promotions	Information on promotions
3.	xxx Offers	Information on tariffs and bundles
4.	xxx Airtime / SMS / Data	Information on subscribed services in respect of airtime, data and SMS
5.	xxx MNO Extra	MNO extra services

5.1.2 Sender identification names shall be registered with the NCA once, for publication on the Authority's website.

5.1.3 A Sender Identification Registration Form shall be made available on the NCA's website for Service Providers to complete and submit to the NCA.

5.1.4 The Authority shall process requests from Service Providers and notify them of the outcome within ten (10) working days from receipt of such requests.

5.1.5 Registration of Network Promotional Message Sender Names with the NCA shall be at no cost to Licensees.

5.1.6 Service Providers shall streamline and categorise messages to enable consumers to identify the name of the Service Provider, the type of message being transmitted, and the Sender ID.

5.1.7 Service Providers shall ensure that short codes are embedded in the transmission of NPMs.

5.2. Time and Frequency of Network Promotional Messages

5.2.1 Service Providers are permitted to send promotional messages once a day, between 8:00 a.m. and 6:00 p.m., to enable consumers to make informed decisions.

5.2.2 A Service Provider shall not send NPMs outside the stipulated time frame.

5.3. Network Promotional Messages Do Not Disturb (DND) List

5.3.1 Service Providers should inform subscribers of the Do Not Disturb (DND) option.

5.3.2 Service Providers should ensure that consumers who wish to opt for DND are added within ten (10) working days.

5.3.3 Service Providers shall automate their DND request process and block registered numbers from receiving direct NPMs.

5.3.4 Service Providers shall send notifications to subscribers to confirm activation of a DND.

5.3.5 Service Providers shall not charge customers any fee for registering to be on their DND list.

5.4. Unsubscribe Function

When transmitting NPMs, Service Providers shall enable an opt-out mechanism, at no extra cost, embedded in every network promotional message, allowing the consumer to reply "STOP" via Short Message Service (SMS).

6. Enforcement Notice

Where a Service Provider contravenes any provision of these Guidelines, the Authority may serve the defaulting Service Provider an enforcement notice requiring it to take such remedial action as may be specified.

7. Penalties

Non-compliance with an enforcement notice shall result in the imposition of an administrative fine of not more than Fifty Thousand Ghana Cedis (GH¢50,000) in the first instance, and a further charge of Twenty Thousand Ghana Cedis (GH¢20,000) for each day the non-compliance continues.

8. Suspension

The Authority may impose other appropriate sanctions on defaulting Licensees, including but not limited to the suspension of a Licensee from sending promotional messages for such period as the Authority may specify.

9. Resolution of Disputes and Appeals against Enforcement Notice

If a Licensee on whom an enforcement notice is served has an objection to raise, the Licensee shall submit itself to the dispute resolution and appeal procedures of the Authority set out in sections 84 to 93 of the Electronic Communications Act, 2008 (Act 775).

10. Effective Date

These Guidelines take effect on publication on the Authority's website. All Service Providers shall achieve full compliance with the provisions contained herein within six (6) months of such publication.