

NATIONAL COMMUNICATIONS AUTHORITY



PUBLIC CONSULTATION ON DRAFT GUIDELINES FOR THE MANAGEMENT OF NETWORK PROMOTIONAL MESSAGES

JULY 2024

INVITATION FOR COMMENTS ON DRAFT GUIDELINES FOR THE MANAGEMENT OF NETWORK PROMOTIONAL MESSAGES

1. The NATIONAL COMMUNICATIONS AUTHORITY (NCA) intends to issue Guidelines for the Management of Network Promotional Messages pursuant to its mandate under Section 3(r) of the National Communications Authority Act, 2008, Act 769.
2. The primary objectives of these guidelines are to establish industry standards and requirements for transmitting network promotional messages, ensuring such messages are sent transparently, ethically, and legally. The guidelines aim to protect consumer rights by providing clear opt-in and opt-out mechanisms, regulate the frequency and timing of promotional messages and harmonise sender identification names and short codes for better consumer recognition.
3. The draft guidelines propose minimum standards and criteria for transmitting promotional messages, including requirements for unsubscribe functions, sender identification, and compliance with "Do Not Disturb" (DND) lists.
4. Additionally, these Guidelines also outline enforcement measures and penalties for non-compliance to ensure adherence to these standards.
5. The public consultation begins with immediate effect and shall expire on 13th September, 2024
6. All responses/comments should be electronically transmitted as e-mail attachments, in Microsoft Word format to info@nca.org.gh
7. All respondents are requested to complete a response cover sheet ([see Page 3](#)).
8. In furtherance of transparency and openness, the Authority shall consider all responses as non-confidential.
9. Subsequent to the completion of the Public Consultation, the Authority shall proceed to publish the issue Guidelines for the Management of Network Promotional Messages.

Issued by the Director General

July 2024

**COVER SHEET FOR RESPONSE TO NCA PUBLIC CONSULTATION ON DRAFT
GUIDELINES FOR THE MANAGEMENT OF NETWORK PROMOTIONAL
MESSAGES**

BASIC DETAILS

Name of respondent:

Representing (self or organisation/s):

Address:

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on NCA’s website, and I authorise NCA to make use of the information in this response to meet its legal requirements. If I have sent my response by e-mail, NCA can disregard any standard e-mail text about not disclosing e-mail contents and attachments.

Name :

Signed (if hard copy)

FORMAT FOR COMMENTING ON THE DOCUMENT

Chapter/Part Number	Section Number	Heading	Comment	Suggestion / Proposed Amendment

NATIONAL COMMUNICATIONS AUTHORITY



GUIDELINES ON THE MANAGEMENT OF NETWORK PROMOTIONAL MESSAGES

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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 bundle may refer to a package deal that includes 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 for 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 the Mobile Network Providers that allows users to conduct financial transactions using their mobile devices.
Network Promotional Messages (NPMs)	They are communications designed to advertise or promote a network provider's services, products, or offerings.
Offer	They are promotions, deals, or bundles provided by Service Providers to attract customers and encourage them to subscribe to their services.
Promotion	Any offer, deal or bundle communicated through text messages, unsolicited calls, e-mails, and Chat Bots with the intent to influence consumer choice, opinion or behaviour in order 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 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 public electronic communications service for the supply of services, including SIM-enabled communications services.
Telecommunication	It 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 the Service Providers, designed to inform customers on a specific service initiated by the customers.

1. Introduction

- 1.1. Whereas the National Communications Authority (NCA) is the central body mandated by the National Communications Act, 2008 (Act 769) to license and regulate communications activities and services in Ghana; and to provide for related purposes, it is also empowered by section 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 Guidelines on Management of Network Promotional Messages, have been issued by the NCA for the purposes hereafter appearing.

2. Purpose

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

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

3. Objectives

These Guidelines set out rules for all service providers to comply as regards the transmission of NPMs, flash messages, and Interactive Voice Response (IVR) 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 Service Providers harmonise their sender names and short codes
- 3.6. Provide consumers with a choice to opt in or out voluntarily from receiving

these messages.

4. Scope of Application

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

4.2 They shall apply to all Licensees that transmit messages electronically to all subscribers on the same 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 beginning with the network name and the name of the service being advertised or promoted to consumers. The table below gives an illustration of the sender names service providers can adopt:

Sender Name	Details
xxx	Company information and adverts
xxx Mobile Money	Information on Mobile Money
xxx Promotions	Information on promotions
xxx Offers	Information on tariffs and bundles
xxx Airtime	Information on airtime, credit balance and usage

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

5.1.3. A Requisition Form shall be made available on the NCA's website for service providers to fill and submit electronically to info@nca.org.gh.

5.1.4. The Authority shall process requests from Service Providers and notify them of the outcome within twenty-one (21) 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 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 indicating the duration of the promotion to enable consumers make informed decisions.
- 5.2.2. Service providers can only send promotional messages to consumers between 9:00 a.m. and 1:00 p.m. on Saturdays and Sundays.
- 5.2.3. A Promotional message can only be sent to a consumer once a week between 8:00 a.m. and 4:00 p.m. from Monday to Friday.
- 5.2.4. A Service Provider shall not send NPMs outside the stipulated time frame.

5.3. **Content for Mobile Money Transactions**

- 5.3.1. Dedicated mobile money sender identification should be registered with the Authority.
- 5.3.2. Service providers shall ensure that Mobile Money related messages are transmitted via the registered sender name and are strictly transactional and devoid of any promotional messages.

5.4. **Network Promotional Messages Do Not Disturb (DND) List**

- 5.4.1. Service providers should inform subscribers of the Do Not Disturb (DND) option.
- 5.4.2. Service providers should ensure that consumers who want to opt out of DND are added within 3 working days.
- 5.4.3. Service providers shall check their DND list on a weekly basis and block registered numbers from receiving direct NPMs.
- 5.4.4. Service providers shall send notifications to subscribers to confirm activation of a DND.
- 5.4.5. Service providers shall not charge customers any fee for registering to be on their DND list.

5.5. **Unsubscribe Function**

When transmitting NPMs, Licensees shall:

- 5.5.1. Enable opt-out mechanisms for the consumer to reply STOP via Short Messaging Service (SMS), at no extra cost;
- 5.5.2. Afford the consumer the right to consent to receive Network Promotional Messages through a subscribed service. Proof of such consent must be stored by Licensees in accordance with the relevant data protection regulations; and
- 5.5.3. Ensure that new Subscriber Identity Modules (SIMs) are not automatically subscribed to receiving Network Promotional Messages.

6. Enforcement Notice

Where a service provider contravenes any provision of these Network Promotional Messages Guidelines, the Authority may serve the defaulting service provider an enforcement notice requiring the service provider to take 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 a period the Authority may specify.

9. Resolution of Disputes and Appeals against Enforcement Notice

If a Licensee to 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

Within six months of the publication of these Guidelines, all service providers shall be required to comply with all the provisions contained herein.