



Commission for  
**Communications Regulation**

## Information Notice

**ComReg amends the notification of non-compliance by *eircom* with its non-discrimination obligation**

<b>Document No:</b>	<b>07/04</b>
<b>Date:</b>	<b>29<sup>th</sup> January 2007</b>

In early May 2006, it was alleged to the Commission for Communications Regulation ('ComReg') that sales agents for *eircom* retail could obtain customers' Universal Account Numbers ('UAN') from internal *eircom* systems (thus avoiding the need for the consumer to provide this information). It was further alleged that several sales agents for *eircom* retail, when processing sales orders for *eircom* telephone service had obtained the customer UAN from internal *eircom* systems.

The UAN is a unique identifier utilised by operators in the context of retail services and is printed on the customer's bill. When non-*eircom* customers wish to change operators, the operator they are moving to requires, amongst other things, the customer's UAN before they can progress an order for services. As such this is confidential information. Because of *eircom*'s role in provision of wholesale services the information is legitimately held by *eircom* wholesale but it would be inappropriate for *eircom* retail sales staff to access and use this information unless it was specifically provided to *eircom* retail by the customer concerned for the purpose of that sale.

ComReg initiated an investigation into the sales practices of one of *eircom*'s retail sales channels where the sale is initiated through a sales person calling on the potential customer. The investigation confirmed that, although it was contrary to *eircom* internal guidelines, it was possible for *eircom* retail sales staff to circumvent *eircom*'s internal procedures to access this information. Instances where the UAN were being inappropriately accessed by *eircom* retail sales staff from *eircom* systems were identified by ComReg. It was clear that this was not an approved process but ComReg considered that *eircom* procedures around access to wholesale information were insufficiently robust to prevent inappropriate and unauthorised access and use, resulting in *eircom* sales staff having an effective advantage over the sales staff of other operators.

ComReg in Information Notice 'Notification to *eircom* of non-compliance by *eircom* with its non-discrimination obligation', Document No. 06/27, dated 23<sup>rd</sup> June 2006 outlined that it had notified *eircom* of its finding that *eircom* had failed to comply with Regulation 7(1)(a) of the Interconnection Regulations by acting in a discriminatory manner in relation to the provision of information. This notification of non-compliance was in accordance with Regulation 18(1) of the Access Regulations<sup>1</sup>. In order to remedy non-compliance ComReg required *eircom* to demonstrate to the satisfaction of ComReg that systems had been put in place to ensure that members of *eircom* retail (including employees contracted to *eircom*) only have access to the same information under the same conditions as that provided to interconnected operators providing similar services. *eircom* responded to the notification of non-compliance on the 24<sup>th</sup> July 2006. *eircom* has proposed, without accepting the breach finding, *inter alia* to introduce additional controls on access to the internal *eircom* IT systems where the UAN is located. *eircom* and ComReg have met on several occasions subsequently, during these meetings *eircom* provided further detail and status updates on the proposed remedial measures.

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<sup>1</sup> S.I. No. 305 of 2003 the European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 which transposes Directive 2002/19/EC of the European Parliament and the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities

ComReg is of the view that the proposal to introduce additional controls on access to the internal *eircom* systems where the UAN is located is necessary to ensure that members of *eircom* retail only have access to the same information under the same conditions as that provided to interconnected operators providing similar services. *eircom* proposed that completion of the associated systems changes could be completed by 30<sup>th</sup> April 2007.

ComReg notes that *eircom* has implemented measures to significantly address the underlying issues on an interim basis until the final functionality can be delivered and tested. ComReg considers that the proposed timescale for implementation of the final functionality is reasonable in light of the associated systems development. Given the length of time required for this systems development, the interim solution as implemented was a necessary step for *eircom*.

ComReg considers that *eircom*'s proposed actions will achieve compliance and as such, in combination with the interim measures put in place, it is proportionate to amend the notice of non compliance to reflect the remediation action proposed by *eircom*.

ComReg is therefore amending the notification of non-compliance in accordance with Regulation 18(3) of the Access Regulations to extend the date for *eircom* to remedy the non-compliance to the 30<sup>th</sup> April 2007.

If following the 30<sup>th</sup> April 2007 the full remediation programme has not been completed to ComReg's satisfaction, ComReg may form the opinion that *eircom* is not in compliance and may then apply to the High Court for an appropriate order.

ComReg has formally notified *eircom* of this amendment.