



Commission for
Communications Regulation

ComReg Submission

ComReg Submission to Department of
Communications, Marine and Natural Resources
Consultation on New Data Protection Regulations
for Electronic Communications Networks and
Services

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1 Executive Summary

The Commission for Communications Regulation (ComReg) welcomes the opportunity to comment on the Minister for Communications, Marine and Natural Resources recent consultation on draft data protection regulations which are due to be transposed into national law by 31 October 2003. These regulations seek to transpose European Communities Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector.

ComReg is responding to this consultation in light of its responsibilities as the national regulatory authority for the electronic communications sector and taking account of our experience in fulfilling our existing role in this area. Our comments particularly focus on potential future implementation or interpretational problems.

Substantial comments are given on “headline” issues. These are set out in Sections 2.1 to 2.5. In addition, there are more minor issues, some of which concern drafting, and these are addressed in the final section of this paper.

One major issue which has not been addressed in the regulations concerns the financing of ComReg’s proposed data protection activities. ComReg’s existing regulatory activities are financed through a levy/licence fees charged to providers of communications services which may be used to meet expenses specified in the Communications Act, 2002 (updated under the new EU regime).

There is no provision in the draft data protection regulations for the funding of ComReg expenses in relation to the functions set out in these draft regulations. The matter of financing any ComReg data protection activities should be addressed.

The other principal issues which are addressed in this response relate to:

- **Directories of Subscribers** – ComReg has a number of concerns regarding the practical implementation of the proposals made, in particular, which entity is responsible for informing subscribers about the inclusion of their details in subscriber directories.
- **Unsolicited Communications** – While welcoming the Department’s proposal for the restrictions on unsolicited direct marketing by email, SMS, fax and automated calling systems to subscribers who are natural persons (residential subscribers), ComReg suggests that the same approach is adopted for subscribers other than those who are natural persons (mainly business subscribers). ComReg also has a number of comments on the practicality of the manner in which subscribers can exercise their direct marketing preferences.
- **National Directory Database** – ComReg has, in light of practical experience, concerns about the manner of implementation of some of the measures proposed regarding the National Directory Database.
- **Enforcement** – ComReg would wish to ensure consistency with its enforcement powers set out elsewhere in legislation.

ComReg recognises the considerable effort made by the Department in preparing the draft regulations, and has confined its comments to issues which it considers should be reviewed in order to avoid making this submission overly long. Staff of ComReg are available to the Department to clarify comments and to provide further detail if required.

2 Specific Comments on the Regulations

ComReg has provided comments on the following areas:

- Financing ComReg's Data Protection Activities
- Regulation 11 – Directory of Subscribers
- Regulation 12 – Unsolicited Communications
- Regulation 13 – National Directory Database
- Regulations 17 and 18 – Enforcement Provisions

2.1 Financing ComReg's Data Protection Activities

It is proposed that ComReg have a role in relation to the enforcement of many aspects of the regulations, to ensure that relevant parties meet their obligations. Such parties include residential and business subscribers, authorised undertakings and organisations engaged in direct marketing activities, persons who publish a directory etc.

ComReg's existing regulatory activities are financed through a levy/licence fees charged to providers of communications services which may be used to meet expenses specified in the Communications Act, 2002 (updated under the new EU regime). A new Authorisations regime now applies to providers of electronic communications networks or services and Authorised organisations are required to pay a levy to fund the office's activities.

There is no provision in the draft data protection regulations for the funding of ComReg expenses in relation to the functions set out in these draft regulations for the benefit of non authorised undertakings. The matter of financing any ComReg data protection activities must therefore be dealt with in the regulations.

2.2 Regulation 11 - Directories of Subscribers

Draft Regulation 11 deals with the issue of the inclusion of subscribers' personal data in directories and the usage of such data. ComReg supports the principle of allowing *subscribers* the right to determine whether they are listed in a public directory and which of their personal data is included therein. However, we have a number of concerns regarding the practical implications of the manner in which the Department proposes to transpose the Directive.

Given references within the regulations to directories and the National Directory database (NDD), ComReg believes it would be useful to provide clarity regarding the current relationship between subscribers, their operator providing electronic communications services, and the operator who has responsibility under Regulation 4 of the Universal Service Regulations for the operation of the NDD.

For the purposes of this paper, the NDD operator is defined as the entity designated as USO operator for this purpose. This is eircom, which also of course a telecoms operator providing electronic communications services. Other telecommunications operators also issue numbers to subscribers and are currently responsible for providing information on those subscribers to the NDD. Directory providers are

entities that offer paper (and/or) electronic directories, including the national phone book, or other commercial directories (such as the Golden Pages) and directory enquiry services such as that offered by Conduit.

2.2.1 Current NDD Practice

eircom have been designated as having a universal service obligation with respect to directory services under Regulation 4(3) of S.I. 308 of 2003 (the Universal Service Regulations). They are required to keep a record of all subscribers of publicly available telephone services, known as the NDD, who have not refused to be included in such a record. eircom has been designated as the operator responsible for operating the NDD and does this through a stand alone arm within the company. Under Regulation 4(1) of the Universal Service Regulations, eircom are also required to provide a comprehensive directory of subscribers (the phone book) and a comprehensive directory inquiry service based on data provided to it in accordance with Regulation 4(3), i.e. based on data contained in the NDD. In accordance with Regulation 21(2) of the USO regulations, an undertaking that assigns telephone numbers to subscribers shall make available the relevant information for the provision of the NDD.

Appendix B provides a diagram showing the existing relationships between the NDD, authorised persons and subscribers. The Universal Service Directory relationship is managed through the particular subscriber's authorised telecommunications operator¹ who, under Regulation 21(1) of the Universal Service Regulations, has an obligation to ensure that its subscribers have a right to an entry in the publicly available directory.

In practice, the telecommunications operator ascertains its subscribers' preference for inclusion in the printed directory when the subscriber signs up for their service. It also enables subscribers to indicate their preferences for the receipt of direct marketing via particular channels (e.g. fax, telephone call etc). The telecommunications operator then forwards its subscribers' directory information and direct marketing preferences, where appropriate, to the National Directory Data Base (operated by a stand alone arm within the USP). It is also responsible for notifying any future change in their subscriber's directory information or preferences to the NDD. The NDD operator does not make any adjustments to the data supplied, but simply records it in the NDD. All directory providers (including eircom as USP) have access to this information for the purpose of offering printed phone books and directory enquiry services.

Direct marketers may also have access to particular elements of the information in the NDD, to ensure that they do not breach their obligations under the European Communities Data Protection and Privacy in Telecommunications Regulations 2002². Direct marketers must ensure that they respect individual subscriber preferences and the NDD provides the necessary information to fulfil this obligation.

¹ In accordance with the Authorisation Regulations, S.I. 306 of 2003

² S.I. 192 of 2002

The procedures supporting all these relationships have been agreed with the relevant parties through ComReg's Directory Information Services Forum which includes telecommunications operators, directory service providers, the Office of the Data Protection Commissioner, representatives from the National Directory Database Unit and the Irish Direct Marketing Association. This forum also provides an opportunity for any party to raise operational issues, and has resulted in practical and effective arrangements. The effects of the proposed legislation on these arrangements would be substantial and would involve significant review of systems by the DISF members and other parties, without corresponding benefit to all parties involved in the process.

ComReg would be happy to meet with the Department to explain the nature of the regulatory regime around the provision of directory services in order to facilitate the drafting of the regulations. ComReg believes that the regulations require redrafting to reflect the relationships outlined above and the existing industry agreed process around the handling of subscribers' data for directory purposes.

2.2.2 Comments on the Regulation 11(1)

ComReg has concerns about the manner in which Article 12 of the Data Protection Directive is to be transposed. It is proposed under regulation 11(1) that the obligation to ensure that subscribers are informed about 'the purpose of a such a directory and any further usage possibilities...' falls upon the operator (the USP & NDD operator) or person who publishes the directory.

It is noteworthy that Article 12 focuses on the rights of the user and leaves it open as to which persons are under an obligation to take measures to satisfy these rights. There is no reason to insist that the operator of the NDD or a directory publisher (neither of which may have a relationship with the subscribers) should have the responsibility of informing subscribers.

As stated in section 2.1 under the industry agreed procedures around directory services, the 'operator' does not have contact (apart from its own subscribers) with subscribers to be included in the universal service directory. ComReg would be extremely concerned were the regulations to require the 'operator' to establish a relationship with another telecommunications operator's subscribers, particularly as it could give rise to anti-competitive considerations.

Therefore, in light of practical considerations and issues regarding the potential for anti-competitive practices, ComReg considers that the draft regulations should be amended in order to ensure that current industry procedures regarding the provision of subscriber information to the NDD are maintained.

As to the question of notifying subscribers of 'any further usage possibilities based on search functions embedded in electronic versions of the directory', the Department should note that the terms and conditions for the use of the data in the NDD (which are approved by ComReg in accordance with the Universal Service regulations) are strictly governed through a licence agreement. Directory providers must sign up to the NDD licence agreement before gaining access to the data.

Furthermore, a separate licence agreement is almost finalised for access to the NDD

by direct marketers for the purpose of fulfilling their obligations under the European Communities Data Protection and Privacy in Telecommunications Regulations 2002³.

ComReg therefore suggests that Regulation 11 should separately distinguish between the universal service directory obligations (which are regulated by ComReg through the Universal Service Regulations) and the general publication of directories by non-regulated providers.

2.3 Regulation 12- Unsolicited Communications

For the purpose of responding on this regulation ComReg will refer to “subscribers who are natural persons” as residential subscribers and to “subscribers other than natural persons” as business subscribers. The Department’s proposal for the protection of residential subscribers from the receipt of unsolicited electronic mail is welcomed by ComReg as it ensures that electronic mail for direct marketing purposes is prohibited, save where it is at the request of a residential subscriber.

2.3.1 Comments on Regulation 12(1)

ComReg agrees that the “opt in” approach being proposed is the most practical means to address this issue for residential subscribers. It allows them full discretion and flexibility in exercising their preference for direct marketing by fax, automated calling machine and electronic mail.

In the Department’s guidance notes two means by which residential subscribers can exercise their preference for receiving unsolicited electronic mail were proposed. ComReg fully supports the approach adopted in the draft regulations whereby subscribers inform individual entities of their desire to receive such communication if they wish.

ComReg would not support the creation of a central register to allow residential subscribers to indicate their preference for receipt of direct marketing via fax, automated calling machine and electronic mail. ComReg would point out that the National Directory Database, which is used as the current ‘opt-out’ register for direct marketing via telephone for residential subscribers (and via telephone, fax and automated calling machine for business subscribers), has no relationship with subscribers’ email addresses. It would not therefore be feasible or practical to utilise the NDD as a central register for direct marketing via email.

2.3.2 Comments on Regulation 12(3)

There are a number practical difficulties that would arise with the proposal for business subscribers to “opt out” of receiving unsolicited direct marketing via electronic mail, in particular, with regard to the notification process. The main issues relate to:

³ S.I. 192 of 2002

- Practical Difficulties – ComReg has a responsibility to ensure compliance with this regulation and requiring businesses to “opt out” by contacting each entity who sends them an unsolicited communication by electronic mail would be very difficult to police. The practical difficulties associated with enforcing this, particularly where there is an absence of an audit trail, should be borne in mind.
- Cost for Small Businesses – In deciding on an approach, the Department may wish to consider the impact on small business subscribers as opposed to large business subscribers.
- Conflict between Guidance Notes and Regulations - The position in the regulations conflicts with that suggested in the guidance notes which state that “spamming will be prohibited except with respect to subscribers who have indicated that they want to receive unsolicited emails for direct marketing purposes.

2.4 Regulation 13 - National Directory Database

Bearing in mind the clarifications provided in Section 2.2 regarding the current mode of operation of the NDD, ComReg requests this is taken into account in the drafting of those relevant aspects of this regulation. While the principles contained in Regulation 13 broadly mirror those as set out in S.I. 192 of 2002, the new regulations are helpful in clarifying the linkages in the process between the parties involved. It is important that the wording and ordering is unambiguous given ComReg’s experience in implementing the existing regulations. For that reason we have proposed a number of alterations. (see section 2.2.1).

2.4.1 Comments on Regulation 13(1)(b)

It is unclear as to what is covered by the phrase “similar to that which may be made under Regulation 12(2)(b) or 12(4)(b)”. ComReg believes that it is better to specify clearly the type of request being referred to, otherwise this will give rise to interpretation and enforceability issues.

2.4.2 Comments on Regulation 13(2)(a)

As currently worded, this regulation does not differ between types of subscriber. To be consistent with Regulation 12, ComReg considers that this regulation should differentiate between residential and business subscribers.

2.4.3 Comments on Regulation 13(2)(d)

In the interest of clarity, ComReg suggests that Reg 13(2)(d) should be brought out into a provision in its own right as it deals with operators’ responsibilities in recording subscriber preferences and passing them to the NDD.

ComReg also suggests that the wording of this regulation should be changed to “transmit particulars of such notification to the operator ~~or~~ *and* other person who publishes. This will ensure that the NDD is, where appropriate, always notified of a

subscribers direct marketing preference (and as notified to the undertaking) as is required under Regulation 12(2)(b) and 12(4)(b).

2.4.4 Comments on Regulation 13(3)(a)

ComReg is concerned at the scope of the provision allowing for the inspection of NDD itself. The integrity and security of the NDD is paramount and strict rules govern access to it. It is considered that, for the purpose of complying with Regulation 12(2)(b) and 12(4)(b), that a person should be provided with the relevant certified extract from the NDD.

2.5 Enforcement Provisions – Regulations 17 and 18

Draft Regulation 17 deals with ComReg's enforcement powers and draft Regulation 18 deals with a procedure whereby ComReg may make an application to the High Court where there is non-compliance. These Regulations are based upon similar provisions in the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003, which themselves are mirrored across the other regulations in the new framework.

ComReg notes that the language used in the current draft regulation is inconsistent with the language used in the direction and enforcement provisions governing ComReg's powers and duties in the Framework, Access, Authorisation, and Universal Service Regulations. ComReg considers that these provisions should be consistent across all the regulations. Our rationale is as follows.

- (i) Where the intention is to create identical statutory powers and procedures, identical language should be used.
- (ii) Identical language allows judgment of the courts and the appeal panel in a particular circumstance to be applied with certainty to identically worded powers in different circumstances, e.g. a judicial interpretation of the power to direct arising in an Access dispute can be taken and applied to similar directional powers relating to Universal Service.
- (iii) Certainty is a key issue not only for ComReg in carrying out its functions and responsibilities but also for operators and their legal advisors, users who want to exercise their rights, and also for potential market entrants
- (iv) The use of different language under the Data Protection Regulations may encourage unnecessary litigation.

Please see Appendix A for the proposed amendments to draft Regulation 17 and Regulation 18 which we hope remedy these concerns.

2.5.1 Nature of Directions

ComReg notes that the Minister has made clear in the Framework, Access, Authorisation, and Universal Service Regulations that ComReg's power to issue directions exists 'for the purpose of further specifying requirements to be complied

with relating to an obligation imposed by Regulations'.⁴ While identical language is used in these regulations, the Data Protection Regulations deviate from this approach. ComReg propose that identical language be used in the Data Protection Regulations in order to ensure that there is no doubt as to the legal nature and quality of Directions under the Data Protection Regulations. Ensuring such consistency requires a number of changes to the wording of Regulation 17 and 18.

2.5.2 Comments on Regulation 17(5)

ComReg suggests an additional means of service for directions in order to mirror the identical provisions under the other regulations. (see Regulation 17(d) in Appendix A)

2.5.3 Comments on Regulation 18(4):

ComReg suggests alternative wording which mirrors the identical provisions under the other regulations. (see Regulation 18(1) and (4) in Appendix A).

⁴ See Regulation 34 of the Framework Regulations, Regulation 17 of the Access Regulations, Regulation 31 of the US Regulations, Regulation 23 of the Authorisation Regulations.

3 Issues for Clarification

As stated in the introduction, there are a number of minor drafting issues which ComReg would like to bring to the Department's attention. There are also a number of areas where ComReg would appreciate further clarification. These are listed below.

3.1 Definitions

'processing' definition in line 1 has an "or" typo

3.2 Regulation 7 – Itemised Billing

Regulation 7 provides that a subscriber has the right, upon request, not to receive an itemised bill from an undertaking. For information, ComReg wishes to draw attention to the itemised billing obligation under Regulation 9 of the Universal Service Regulations (S.I. 308 of 2003) which provides that the universal service provider (USP) is obliged to provide a certain level of itemisation free of charge. ComReg has implemented this requirement in a manner that the subscriber must request the itemised bill from the USP. As currently worded, regulation 7 of the draft regulations and regulation 9 of the Universal Service regulations do not conflict with each other.

3.3 Regulation 8 – Presentation and restriction of calling and connected line identification.

Regulation 8(1)(b) ComReg recommends that the "of" be deleted from line 1 as it changes the meaning (i.e. it converts the "provision of the simple means" from being the undertaking's responsibility to become the subscriber's option to provide it themselves).

Regulation 8(5) ComReg suggests that as this paragraph refers to connected line, a reference to paragraph (2) needs to be included here : '...shall inform the public thereof and of the possibilities contained in paragraphs (1) **and** (2)...

Regulation 8(6): ComReg feels that the information referred to should be published, where appropriate, in the telephone directory as well as on the appropriate website. This is important information for users and the front of the telephone directory is often the first port of call by someone looking for information.

Regulation 8(9)(b): This paragraph - dealing with Article 10(b) - has excluded the reference to Caller Line Identification from the Directive and it is also confusing to read. The inclusion of a reference to location data here (in the CLI section, rather than in Regulation 9) contributes to the confusion. ComReg suggests that it would be better to make it into two paragraphs, one for CLI in Regulation 8 and one for location data information in Regulation 9. A suggested wording is below.

Regulation 8(9)(b): "on a per-line basis, for calls to the emergency services including law enforcement agencies, ambulance services, fire brigades using the National emergency call number 999 or the single European emergency call

number 112 or for the purpose of responding to such calls and bodies dealing with such calls for the purposes of answering them."

and

New 9(6): "An undertaking that has not already done so must within a period of no more than three months after the making of these Regulations cause to be prepared for any person who so requests, a general description of the circumstances in which the undertaking may override a temporary denial or absence of consent of a subscriber or user for the processing of location data on a per-line basis, for calls to the emergency services including law enforcement agencies, ambulance services, fire brigades using the National emergency call number 999 or the single European emergency call number 112 or for the purpose of responding to such calls and bodies dealing with such calls for the purposes of answering them."

3.4 Regulation 11 – Directories of Subscribers

Regulation 11(1): Clarification is requested as to whether a subscribers are to be informed prior to each annual publication of the phonebook that they are to be included in that year's phonebook. ComReg considers that unless the purpose of the directory or search possibilities have changed that this should not be necessary. One option would be to include the means according to which subscribers can include/amend the personal details to be included within the phone book.

Regulation 11(2)(b): in the interest of clarity ComReg considers that the last line should be changed to "Verifying, correcting or withdrawing such data ~~is also~~ **shall also be** free of charge".

Regulation 11(5(a)): Under this regulation, it appears that personal data of subscribers already included in a directory before the commencement of the regulations can continue, unless the subscriber, having received information about the purpose and options in this regulation, requests its removal.

This could be interpreted that a subscriber could request removal of their details from an already printed or electronic (which includes a CD version of the directory) version of the directory which would not be possible or practical. It is suggested that the wording be amended to provide clarity that it refers to future directories in the case of printed directories or certain electronic directories.

Appendix A - Suggested Wording on Enforcement Provisions

Enforcement of Regulations by the Regulator

Note: changes have been intentionally ‘tracked’

17. (1) Subject to the performance by the Commissioner of the functions under Regulation 16, it shall be a function of the Regulator to monitor compliance with Regulations 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, *for the purpose of further specifying requirements to be complied with relating to an obligation imposed by or under these Regulations*, ~~and~~ to issue such directions as may be necessary, from time to time, for their effective implementation. The Regulator, in consultation with the Commissioner, may also specify the form and nature of various records of consent required.
- (2) The functions of the Regulator under this Regulation shall be deemed to be included in the functions conferred on the Regulator under the Communications (Regulation) Act 2002 (No. 20 of 2002).
- (3) The Regulator may, *for the purpose of further specifying requirements to be complied with relating to an obligation imposed by or under these Regulations*, give directions to a person to whom Regulation 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 applies requiring the person to take specified measures or to refrain from taking specified measures for the purpose of complying with the provision.
- (4) A person to whom Regulation 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 applies shall furnish the Regulator with such information as the Regulator may reasonably require for the purposes its functions under these Regulations.
- (5) Where the Regulator issues a direction under this Regulation, such direction shall be in writing, state the reasons on which it is based and be addressed to the person or company concerned, and as soon as practicable, be sent or given in any of the following ways-
- (a) by delivering it to the person,
- (b) by leaving it at the address at which the person carries on business,
- (c) by sending it by pre-paid registered post to the address at which the person carries on business,
- ~~or~~
- (d) *if an address for the service of directions has been furnished by the person to the Regulator, by leaving it at, or sending it by pre-paid registered post to, that address, or*

- (e) in any case where the Regulator considers that the immediate giving of the direction is required, by sending it, by means of a facsimile machine or by electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the address at which the person ordinarily resides or carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the sender's facsimile machine generates a message confirming successful transmission of the total number of pages of the direction or the sender's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail.
- (6) For the purposes of paragraph (5), a company within the meaning of the Companies Acts 1963 to 2001 shall be deemed to be carrying on business at its registered office, and any other body corporate or any unincorporated body shall be deemed to be carrying on business at its principal office or place of business

Application to High Court

18. (1) Where the Regulator finds that a person has not complied ***with an obligation under these Regulations, or a direction*** under Regulation 17(1), notify the person of those findings and give the person an opportunity to state his or her views or remedy any non-compliance not later than –
- (a) one month after issue of the notification, or
 - (b) such shorter period as is agreed by the Regulator with the person concerned or stipulated by the Regulator in case of repeated non-compliance, or
 - (c) such longer period as may be specified by the Regulator.
- (2) The Regulator may publish, in such manner as it thinks fit, any notification given by it under this Regulation, subject to the protection of the confidentiality of any information, which the Regulator considers confidential.
- (3) The Regulator may amend or revoke any notification under this Regulation.
- (4) ***Where, at the end of the period referred to in paragraph (1), the Regulator is of the opinion that the person concerned has not complied with the obligation or the direction, the Regulator may apply to the High Court for such order as may be appropriate, to compel compliance with the obligation or direction. The Court may, as it thinks fit, on the hearing of the application make an order compelling compliance with the obligation or direction or refuse the application. An order compelling***

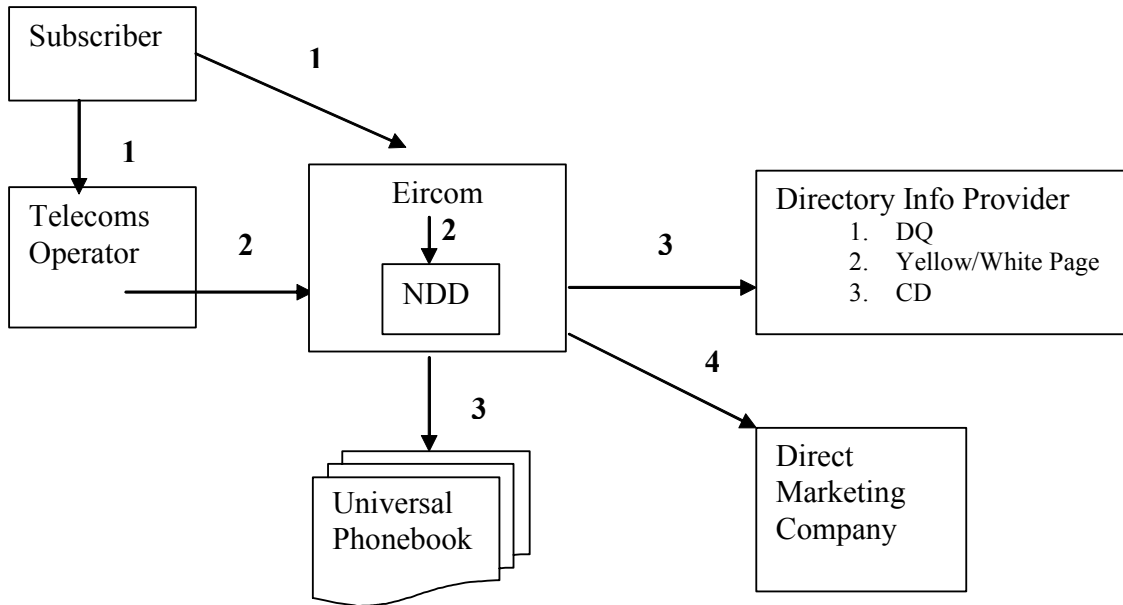
compliance shall stipulate a reasonable period for the person to comply with the obligation or direction.

- (5) An application for an order under paragraph (4) shall be by motion and the Court when dealing with the matter may make such interim or interlocutory order, as it considers appropriate.
- (6) The Court shall not deny any interim or interlocutory relief referred to in paragraph (5) solely on the basis that the Regulator may not suffer any damage if such relief were not granted pending conclusion of the action.
- (7) (a) An application for an order under paragraph (4) may include an application for an order to pay to the Regulator such sum as the Regulator may propose as appropriate in the light of the non-compliance.
- (b) In deciding on the application for an order under paragraph (4), the court shall decide what sum (if any) should be payable and shall not be bound by the sum proposed by the Regulator.
- (c) Any sum ordered by the court to be paid by a person against whom an order may be sought shall be retained by the Regulator as income.
- (d) In deciding what sum (if any) should be payable, the court shall consider the circumstances of the non-compliance, including -
- (i) its duration,
 - (ii) the effect on consumers, users and other operators,
 - (iii) the submissions of the Regulator on the appropriate sum, and
 - (iv) any excuse or explanation for the non-compliance.

Cooperation between Commissioner and Regulator

19. (1) The Commissioner and the Regulator shall, in the performance of their functions under these Regulations, cooperate with and provide assistance to each other.

Appendix B - Directory Information Service Relationships



- 1 A subscriber contacts their Telecommunications Operator(TO), which may also be eircom, advising them of their consent for their information to be included in the printed directory, for directory information purposes or to advise of their direct marketing preference.
- 2 The TO passes on this information to the National Directory Database(NDD) in the industry agreed format/process. Although the NDD is operated within eircom, it is a stand alone function and eircom retail must follow the same procedures and conditions when passing its subscriber information to the NDD. eircom do not have visibility of other Telecommunications Operators' information on the NDD
- 3 The NDD passes the information to the Universal Phonebook publisher (who is currently eircom by virtue of its Universal Service Obligation) and other directory information service providers subject to the terms and conditions of a licence agreement governing the use of the data.
- 4 The NDD also passes the necessary information to direct marketing companies for the purpose of identifying those subscribers who do not consent to the receipt of unsolicited direct marketing communications.