



Office of the Director of
**Telecommunications
Regulation**

Confirmation of Corrigenda Notice to Document No. ODTR 98/50

Document No. ODTR 98/59

November 1998

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0 Introduction

On 19 November 1998 the Director of Telecommunications Regulation published a Corrigenda Notice identifying two changes considered necessary to clarify the intent and purpose of certain conditions in the pro-forma General Telecommunications Licence (ODTR 98/50). Comments on the proposed changes were invited from interested parties for submission by close of business on 24 November 1998.

The Director thanks those who submitted written comments as follows:

- Eircell
- Next Telecom
- Telecom Eireann

Following consideration of the comments submitted the Director now confirms the proposed corrigenda with one minor change to Condition 6.10 as set out below.

1 Condition 6.10

Concern was expressed by respondents that Condition 6.10 as proposed might potentially give rise to a conflict with obligations imposed under data protection legislation. The condition 6.10 proposed by the Director was intended to be construed consistent with relevant data protection legislation. For the avoidance of doubt this has now been clarified in the second paragraph of the proposed Condition 6.10.

The revised Condition 6.10 to be included in the General Telecommunications Licence will now read as follows:

“The Licensee shall ensure that Users have access to directory information services offered by at least one Directory Information Service Provider.

The Licensee shall maintain a complete and accurate database of its customers' numbers and, for the sole purpose of facilitating provision of directory information services, shall make such information available to every Directory Information Service Provider and co-operate with them in the supply and compilation of comprehensive and accurate directory information subject always to applicable data protection laws in force from time to time.

For the purposes of this Condition 6.10 a Directory Information Service Provider shall mean any person to whom the Director has allocated a directory enquiry access dialling code designated by the Director from time to time under the National Numbering Scheme as a dialling code to be used for the provision of directory information services.

Insofar as any directory information is disclosed to the Licensee for the purpose of facilitating provision by the Licensee of directory information services, the Licensee shall not use such information for any other purpose unless specifically authorised to do so by the person disclosing same and shall comply with all applicable national and European Communities laws and regulation in force from time to time regarding the protection of personal data.”

2 Condition 14.1

The revised Condition 14.1 will be as out in Corrigenda Notice ODTR 98/57, namely:

“Where the Director, after consulting the Licensee and such other interested parties as she considers appropriate, determines that the Licensee or an Affiliate is unfairly cross-subsidising or unfairly subsidising any category of Licensed Services in the Relevant Market, or is unfairly cross-subsidising any Offered Service by activities in the Relevant Market, she may issue a direction to that effect and require the Licensee to cease to do so.

For the purposes of this condition an Offered Service shall mean any service provided by the Licensee or an Affiliate (whether pursuant to a licence granted under Section 111 of the 1983 Act or otherwise) the cross-subsidisation of which the Director considers will affect a telecommunications market or markets.”

3 Conclusion

The text of the conditions set out above will be the one which is included in the forms of General Telecommunications Licence which will be issued by 1 December 1998. The revised text of General Telecommunications Licence is now set out in Document No ODTR98/50R.

/ Ends