



Office of the Director of
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DISPUTE RESOLUTION

DETERMINATION NUMBER 03/00

Summary

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Oifig an Stiúirthóra Rialála Teileachumarsáide
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Summary of the Final determination of the Office of the Director of Telecommunications Regulation regarding a complaint by Conduit Europe against *eircom* on the terms and conditions under which *eircom* provides access to its directory listings.

Conduit Europe requested the ODTR to issue a formal determination on a dispute with *eircom* regarding the terms and conditions under which *eircom* provides Conduit and other providers of directory services with access to directory information, including ex-directory information held by *eircom*. Conduit requested the ODTR to instruct *eircom* to supply a full extract of its customer directory listings including ex-directory listings, and to commence regular updates.

By response to the complaint, *eircom* stated that for it to provide a download of its database in the form requested by Conduit would violate its obligations under the Data Protection Act, 1988. As a result, it viewed itself as unable to accede to Conduit's request.

In considering the issues raised by this dispute, the Case Officer had regard not only to the application of the relevant rights and obligations to the current practices of the various parties involved, but also considered how best the needs of the consumers could be served in the future having regard to those obligations.

The Case Officer considered that consumers' best interests would be served by providing consumers with more specific options regarding how personal details are held and disclosed for the purpose of providing directory information services. This would include providing customers with the option of disclosing limited personal details solely for the purpose of identifying themselves as **ex-directory customers** in any directory enquiry service rather than simply not being included in the database at all. All parties were encouraged to expand the choice to consumers as to how their personal information may be disclosed for the purposes of directory enquiries.

In considering the application of the existing rights and obligations in the context of the current framework and practices of operators, the Case Officer accepted *eircom*'s argument that under the current basis on which customers provide data, the release of any information about ex-directory customers would be incompatible with the purpose for which the data is kept. However, as mentioned, it was considered that this is best addressed by widening the options available to consumers when they provide the data in the first instance.

In addition, it was the Case Officer's decision that the principle of non-discrimination which applies to *eircom* provides that *eircom* may not provide for its own directory information services such information as *eircom* may not provide to all other authorised directory information service providers. Therefore *eircom* may not make available to its own downstream arm information about ex-directory customers.

This decision has been notified to the parties and it is currently being appealed by *eircom*.

