



Office of the Director of
**Telecommunications
Regulation**

The Market for Directory Information Services and Products in Ireland

Consultation paper

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1. Introduction

The Director of Telecommunications Regulation (“the Director”) and her Office (“the ODTR”) are responsible for the regulation of the Irish telecommunications market in accordance with EU and National legislation.

In carrying out her functions, the Director seeks to ensure that Irish consumers benefit from the best possible deal in terms of price, choice and quality and that competition, as a key enabler of this, is fostered in the market. An important element of the telecommunications sector is the market for directory services and products. Whilst directory enquiry services, phonebooks, on line directory services and CD Rom services offer an important information service to customers, these services are also important to the telecommunications industry in general by stimulating increased use of the telecommunications networks. The provision of directory services under the universal service obligation and the effective operation of a universal database is also essential for consumers and the telecommunications industry at large, in facilitating the most comprehensive range of directory services at competitive prices. In this consultation, the Director is actively seeking views on how competition in the directory services market can be improved.

The objectives of this consultation process are to:

- seek views on the price, choice and quality of directory information services currently available in the market;
- identify any barriers to entry or operational difficulties in the directory information market;
- examine the regulatory, technical and operational issues associated with the national database and the provision of directory services under the universal service obligation; and
- ensure that competition can develop in the supply of directory information services and directories in a way that maximises benefits to customers and subscribers.

The structure of this paper is as follows:

Section 2: Background to this Consultation and Regulatory Framework

Section 3: The Market for Directory Enquiry Services

Section 4: Universal Service Obligation and the National Database

Section 5: Increasing Competition in the Market

Section 6: Summary of Questions

The Director wishes to invite comments from interested parties in relation to any of the questions raised in Sections 2 to 5 of this paper and summarised in Section 6. The closing date for receipt of responses is **12 January 2001**.

Written comments should be sent to:

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Written comments will be made publicly available at the ODTR unless confidential. Respondents are therefore asked to separate out any confidential material into a clearly marked annex. Respondents are also asked to kindly refer their comments to the specific questions posed where possible.

Comments can also be sent by e-mail using the following address:

Powerl@odtr.ie

This consultation paper does not constitute legal, commercial or technical advice. The Director is not bound by it. The consultation is without prejudice to the legal position of the Director or her rights and duties under legislation.

2. Legislative Background

The Office of the Director of Telecommunications Regulation (“ the ODTR”) was established in 1997 under the terms of the Telecommunications (Miscellaneous Provisions) Act, 1996 (“the 1996 Act”). The Act transferred to the Director a range of powers previously held by the Minister for Transport, Energy and Communications (now Public Enterprise).

Under the terms of the Postal and Telecommunications Services Act, 1983 (“the 1983 Act”), Telecom Éireann had the exclusive right to offer, provide and maintain telecommunications services within the State. In accordance with section 14 of the 1983 Act, Telecom Éireann was charged with meeting all reasonable requests for service. This in effect constituted an obligation to provide universal service. This section of the 1983 Act is repealed with effect from 14th May 1999.

2.1 European Communities (Voice Telephony and Universal Service) Regulations, 1999

By Decision Notice D3/99 - Designation of Universal Service Provider, Telecom Éireann, now *eircom*, was designated by the Director in accordance with Regulation 3(2) of the European Communities (Voice Telephony and Universal Service) Regulations, 1999¹, as having “universal service obligations”. Universal Service specifies the minimum set of services that should be included in that concept and provides a mechanism for the designation of organisation(s) to provide the service. The Universal Service provider must provide (at an affordable cost) three elements of universal service;

- (a) access to the fixed network and services
- (b) directory services
- (c) provision of public pay telephones

Section 10 of Statutory Instrument S.I. No. 71 of 1999, outlines the obligations on licensed operators² in relation to Directory Services.

A licensed operator must “*ensure that his or her subscribers have the right to have an entry in publicly available subscriber directories at no charge for such entry and the right to verify and, if necessary, correct or request the deletion of that entry.*”

¹ This legislation was signed into law as S.I. No. 71 of 1999 on 25th March 1999, and came into effect on the 15th April 1999.

² Any person licensed under section 111(2) of the Act of 1983

A person designated as having a Universal Service Obligation (for the purposes of directory services, Eircom is treated as telecommunications organisation to whom this section applies) must

“ensure that one or more subscriber directories setting out all subscribers of public telecommunications networks, including those with fixed, mobile and personal numbers, and who have not refused to be included in such directories, are available to users of any such networks in a form approved of by the Director, whether printed or electronic, or both, and are updated at least once in each year, and

keep a record of all subscribers in the State, including those with fixed, mobile and personal numbers, who have not refused to be included in that record, and allow access to any information contained in such record to any person requesting such information.”

Further, all licensed operators

“shall, subject to all statutory requirements relating to the protection of personal data and privacy, make available upon written request and in an agreed format on terms which are fair, cost oriented and non-discriminatory, the name, address and telephone number of each of its subscribers to each person designated by the Director under Regulation 3 as having an obligation to provide directory services “

This legislation is of course subject to the law relating to the protection of personal data and privacy.

2.2 General Telecommunications Licence

Under their General Telecommunications license, Licensed operators have certain obligations in respect of Directory Services.

There is the obligation on the Licensee to

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

The Licensee must

“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”³

³ 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.

This duty is of course again subject to applicable Data Protection laws and compliance with all applicable national and European Communities laws and regulation in force from time to time regarding the protection of personal data.

Further in respect of any information it gathers, under its general telecommunications licence, the licensee must

“not use such information for any other purpose unless specifically authorised to do so by the person disclosing same”

2.3 Data Protection Act 1988

At present the Irish law on Data Protection is afforded by the Data Protection Act 1988. The Data Protection Commissioner performs the functions under the Act. Under that Act, a number of principals must be observed by a data controller when processing automated personal data. The following principals of the Data Protection Act are relevant to Directory Services.

“the data or, as the case may be, the information constituting the data shall have been obtained, and the data shall be processed, fairly,

the data—

- (i) shall be kept only for one or more specified and lawful purposes,*
- (ii) shall not be used or disclosed in any manner incompatible with that purpose or those purposes,”*

And,

“appropriate security measures shall be taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.”

2.4 European Data Protection Directives

Subscribers to a Directory Service are also to be afforded Data Protection through the European Data Protection Directive⁴, which has yet to be transposed into our National legislation. Section 11 of this Directive provides that subscribers will be able to determine the extent to which their personal data is published in a directory. The subscriber will be entitled to be omitted from the printed or electronic directory and safeguards will be provided for subscribers against intrusion into their privacy by means of unsolicited calls and telefaxes.

These concepts are echoed in the recent proposal for a Directive of the European Parliament concerning the processing of personal data and the protection of privacy in the electronic communications sector. This proposed Directive is intended to replace

⁴ Directive 97/66/EC

the Directive 97/66/EC. This directive is intended to adapt the existing legislative framework to encompass new developments in communications technologies.

One far reaching proposal in this directive is giving subscribers the right to determine whether they are listed in a public directory and with which of their personal data. The previous default was to list all subscribers. Also this proposed directive provides added protection against unsolicited calls for direct marketing purposes.

The provision of directory services is already open to competition, the provisions of the recent draft proposal for a Directive of the European Parliament on universal service and users' rights relating to electronic communications networks and services complements the Directive concerning the processing of personal data and protection of privacy by giving subscribers a right to have their personal data included in a directory. This proposal also addresses Universal Service Obligations and guarantees access by all users to directory enquiry services

2.5 The Copyright and Related Rights Act 2000

New national legislation affords the authors of databases certain rights that were not previously afforded under existing Intellectual Property Legislation.

The Copyright and Related Rights Act 2000 was signed by the President on 10th July 2000. The legislation modernises and radically reforms Irish copyright law. It creates a new legal framework for the protection of copyright works in the context of new technology. It implements the terms of several European Directives and international agreements, including the GATT (TRIPs) Agreement and the 1996 WIPO Treaties.

In relation to Databases, this new Act provides for the copyright protection of certain original databases of which the selection and arrangement of the contents constitute the author's own intellectual creation. The Act introduces a new *sui generis* right against unauthorised extraction or re-utilisation of the contents of certain databases which meet the requirements of the Directive.

3. The Market for Directory Enquiry Services

Competition in the market over the past number of years has seen operators such as Esat Telecom, Esat Digifone, Eircell and Conduit Europe offering a range of directory services in competition to the service offered by eircom. The level and type of service provided depends, generally speaking, on the degree of access an operator or service provider has to the raw data of subscriber information, the technical and commercial arrangements agreed with other telecommunications operators and the infrastructure or technology in place to deliver the service.

3.1 The Directory Enquiry Process

Collection of subscriber information – this process is conducted by the telecommunications operator with whom the subscriber has their contract. The staff dealing with new accounts generally conduct the process of collecting and inputting subscriber details. It is usually at this point that the telecommunications operator will enquire whether subscribers wish to have their details included in the directory database. Personal details are collected specifically for contractual and billing purposes but with the agreement of the subscriber, are also fed into a database for the provision of directory services. .

Organisation of data – Each telecommunications operator is obliged under its licence to maintain a complete and accurate database of its customers' numbers. This information must then be made available on request to all authorised directory information service providers. All licenced operators may under the provisions of the licence be able to obtain directory information from other licenced operators in order to establish their own directory database of aggregated telecommunications directory information.

Currently in the market, a national directory service is offered by eircom, Conduit Europe, Esat Telecom, Eircell and Esat Digifone. With the exception of Esat Telecom, all of these licenced telecom operators also offer an international directory enquiry service.

Creation of Directory Information Products – Call centres operated by the different telecom operators provide assisted directory enquiry services to customers who dial the short access code in the range 118XX. In addition, eircom offers internet access to its directory service which customers can simply access on-line. Other potential suppliers of on-line directory services are preparing to launch their services. In addition, the telecom operators sell downloads of their business directory information to other providers. This includes such providers as the Golden Pages, the Independent Directory and the Blue Pages. These services are offered in printed form and on the web. Recently Conduit has also introduced a classified directory enquiry service which will search for numbers of businesses in your area to match your classified query. With this service, it is not necessary to have a name and address in order to conduct the search, customers are simply provided with the contact details for the matched businesses to their specific query.

The current degree of competition in the directory services market in Ireland would appear to provide telecom users quite a wide variety of options for obtaining directory information. Assisted directory enquiry services are provided by a number of telecommunications operators, with internet access to both residential and business directory information CD-ROM versions available also. Whilst eircom is the only provider currently offering internet and CD-ROM access to residential listings, other directory information providers are in the process of preparing internet access services, classified directory enquiry services and CD-ROM products for the market.

Q1. Are there obstacles to providing/using any of the directory enquiry services? Industry respondents should outline any obstacles they encounter in provision and comments from consumer/user interests should focus on difficulties in using these services with suggestions as to how they might be overcome?

Q2. Are there other directory service products which could be provided? Are there technical difficulties or bottlenecks preventing the provision of these products?

The most common complaints from residential customers in relation to the published telephone directory usually relate to incorrect and missed entries in the published directory and on directory databases. These can include omissions from the directory or inclusions where the customer has specifically requested an unlisted number. The obligation is on the directory provider to ensure that the wishes of their subscribers are complied with in relation to inclusions or omissions from the directory and that that systems are in place to ensure the minimum number of errors or missed entries.

Complaints relating to directory services are one of the measured licenced operator performance indicators that the ODTR is currently collecting and the published performance indicators should be available in 2001.

3.2 Ex-directory Customers

One of the biggest challenges facing telecommunication operators and directory information service providers in Ireland is the large number of customers who opt for ex-directory status. Telephone subscribers in Ireland are generally offered three choices with respect to how their subscriber details are held and disclosed:

- Listed – the subscriber’s telephone number is listed in the telephone directory and disclosed on request through assisted directory enquiries.
- Unlisted – this option allows subscribers to have their telephone number disclosed through assisted directory enquires but the number is not published in the telephone directory itself.
- Ex-directory – this option excludes the subscriber’s telephone number from both printed directories and assisted directory enquiry services.

The number of ex-directory customers is particularly large in Ireland and a cause of some concern in terms of delimiting the value of directory services for all users. The treatment of ex-directory information also raises issues as to how directory enquiry services should operate. The question of whether callers to a directory enquiry service should be able to establish that the number they seek exists but is ex-directory was the issue in dispute in the recent ODTR Determination regarding equal access to eircom's directory database⁵.

In order to ensure a level playing field for all directory enquiry providers whilst protecting the privacy rights of ex-directory customers, the Director felt that there were no grounds for eircom's own commercial directory enquiry unit to have access to ex-directory information which could not be provided to other operators. On the basis of the Determination and further negotiations with eircom, eircom agreed to write to all ex-directory customers in order to seek their permission to reveal their names and addresses but **not** telephone numbers to other directory providers in order to confirm to an enquirer that a customer is in fact, ex-directory. This option should preserve the privacy of ex-directory customers in that their phone number is not disclosed and therefore cannot be given in error by any directory operator. It would also continue to be the case that all ex-directory customers' details are excluded from any published directory.

3.3 Expanding Choice for Ex-directory Customers

One of the main concerns of the Director is that directory information should only be used in ways customers expect unless data users have obtained customers' prior consent to other uses. In this regard, the legislation outlined in Section 2 provides clear guidelines on the use of personal data. In promoting a competitive market for directory services, Director is also keen to explore further options that could help maintain or even reduce the number of subscribers opting for ex-directory status. The most common reason given by subscribers who opt for ex-directory status is to avoid unsolicited mail and telemarketing. One of the provisions in the Data Protection Telecommunications Directive entitles residential customers to indicate that their directory information may not be used for direct marketing.

In order to ensure compliance with the Directive and in an effort to reduce the proportion of residential customers who opt for ex-directory status, the Director proposes that all residential customers should be given the opportunity to opt out of their directory entry being used for direct marketing. This should occur quite easily and effectively when subscribers are being initially added to the database. For all existing customers there is the option of providing them with this choice through a national mailshot or the option of advertising such an option which can be taken up by all requesting customers.

The Director feels that where a customer has exercised such a right, all directory databases and products derived from that entry should be clearly marked to indicate the customer's choice. The Director also believes that where customers opt to have

⁵ ODTR Determination number XX/00 Equal Access to eircom's directory information

their details excluded for the purpose of telemarketing, this right should be respected by all directory providers including the customer's own telecommunications operator.

Q3. Do respondents believe that all new and existing subscribers should have the choice of opting out of their directory information being used for direct marketing? Please give reasons.

Q4. Do respondents believe that providing the option of opting out of unsolicited marketing would be useful in helping to reduce the number of ex-directory residential customers?

Experience in other European countries has shown that by increasing the options and alternatives available to customers as to how and for what purpose their personal details are held, can help reduce the number of ex-directory customers. One such option is a call completion service whereby the directory enquiry operator does not give out the customer's number but connects the enquirer straight through to the customer and gives the customer the option of accepting the call. The price of the service would clearly need to cover both the cost of the directory enquiry search and the follow-on call and would therefore be more expensive than standard directory enquiry calls. However, customers in Ireland are already quite familiar with call completion charges as an option with standard directory enquiries, with such a service currently offered by both eircom and Conduit.

Q5. Do respondents consider that call completion at the request of an ex-directory subscriber should be made available to residential customers in Ireland? Please give reasons.

Q6. Do respondents consider that a call completion service would help to reduce the number of ex-directory residential customers in Ireland? Are there any other options that should be considered?

4. Universal Service Obligation and the National Database

Under the terms of the European Communities (Voice Telephony And Universal Service) Regulations, 1999⁶, the Director was obliged to designate one or more than one fixed operator, or other person as the case may be, as having an obligation to provide universal service or any element thereof.

There are three elements of universal service defined in the Voice Telephony Regulations. Briefly, these are:

- Access to the fixed network and services,
- Directory Services, and
- Provision of Public Pay Telephones.

4.1. Provision of Directory Services

A fixed operator, or other person as the case may be, designated as having a universal service obligation for the provision of directory services must, *inter alia*,

- ensure that one or more subscriber directories, setting out all subscribers of public telecommunications networks, including those with fixed, mobile and personal numbers, and who have not refused to be included in such directories, are available to users of any such networks in a form approved of by the Director, whether printed or electronic, or both, and are updated at least once in each year.
- keep a record of all subscribers in the State, including those with fixed, mobile and personal numbers, and who have not refused to be included in that record, and allow access to any information contained in such record to any person requesting such information.

The importance of access to directory services has meant that provision for such access is provided for in the licensing regime that was introduced in December 1998. Whilst these requirements **enable** the provision of comprehensive directory services to end users, the universal service legislation requires that an **obligation** be placed on one organisation or person to provide the service.

In the Designation document, the Director stated her view that directory services, unlike ownership and operation of fixed networks, is an area where there are potentially lower hurdles to market entry and where competition has therefore the potential to develop more quickly.

At the time of the designation, the Director felt that eircom, in line with its high market share in the fixed telephone services and network market, had by far the largest allocation of numbers from the national numbering plan therefore had available to it the largest directory data-base in the State. It was also felt that eircom had significant experience in the provision of universal directory services for the fixed and (through its subsidiary Eircell), the mobile networks.

⁶ S. I. No. 71 of 1999

Given the timescales available to her, the ability of eircom to provide the relevant service, and the need to ensure continued services to end users, the Director considered it reasonable at the time to designate eircom as the organisation required to provide this element of universal service. However, in the Decision Notice, the Director stated that having regard to the development of competition in the provision of these services, the willingness of other operators to provide this element of universal service, and any other relevant issues, the Director would consider this designation further.

Whilst there is no specified duration to the designation, it is at the Director's discretion to review and amend any or all of the elements of the designation. For this reason, the Director would welcome views and comments from respondents on the willingness of organisations to provide such services and the ability of those organisations to provide a truly comprehensive and universal service. In light of the views received, the Director may amend the current designation. However, the Director believes that no additional financial burden should be placed on consumers regarding the provision of the universal telephone directory.

Q7. Do any respondents believe they are capable of providing directory services under the universal service obligation? Please state your reasons and outline your proposals for funding the provision of such services.

4.2 A National Database Industry Forum

In order to fulfil their obligation under S.I. No. 71 of 1999, eircom have implemented a national database to include the fixed, mobile and personal numbers of all subscribers in the State, who have not refused to be included in that record. The Regulations clearly outline the obligation on all licensed operators to make available upon written request and in an agreed format on terms which are fair, cost oriented and non-discriminatory, the name, address and telephone number of each of its subscribers to the organisation designated by the Director as having an obligation to provide directory services.

Whilst there has been some limited negotiation between the operators as to the "agreed format", there would appear to be significant scope for further discussion amongst all parties to agree the most cost effective, workable format and specification that satisfies the objective of the national database in facilitating the provision of a comprehensive directory service. Whilst the current obligation to maintain the database is with eircom, the Director strongly believes that negotiation and agreement between all data suppliers and directory users is necessary to promote a fully functional and effective national database.

The Director therefore suggests that an industry working group of licensed operators and directory service providers meet to discuss the objectives, specification and operational procedure for the national database. In particular, the forum could be used to discuss:

- the method of specification,
- the process for conforming data to the specification,

- contractual issues relating to the use of data, and
- any relevant data protection considerations

Where agreement cannot be reached between parties on any of the matters relating to the national database and its use, these matters can be referred to ODTR for resolution.

Q8. Do you agree that an industry-working group should be established to agree the terms and format for submissions and uses of the National Database? Is there a need for further direction on the framework for this work?

4.3 Submissions to the National Database

The Director does not believe that any licensed operator under the terms of its licence and under the universal regulations, has the right to refuse to provide their subscriber information nor does she accept that unworkable, ineffective, remote access options are in compliance with the terms of the licence or the Regulations. The Director believes that the operators and directory providers are best placed to agree the precise format of subscriber information to be submitted to the national database but believes the data should be as easily accessible and unbundled as possible in order to ensure that the national database is the most comprehensive database of subscriber information in the State.

Where operators do not comply with their obligation to provide directory data to the national database, the Director is prepared to take the necessary regulatory action against such operators.

4.4 Code of Practice for Access to the National Database

Regulation 10 2(b) of the Voice Telephony and Universal Service Regulations 1999, states that the universal provider has an obligation to:

“allow access to any information contained in such record to any person requesting such information”.

The issue of access to the universal database requires that within the framework of the data protection obligations laid down in the relevant legislation, a balance be struck between the rights of customers to protect their privacy and the obligation to provide fair and equal access to all directory providers.

In a competitive directory information market, it would seem inappropriate for eircom or any other designated universal service provider of directory services, to act as the sole arbiter of how directory information can be used. A more preferable option would be a common set of rules and obligations. Broadening access to residential directory information to enable competition in directory services should not involve it being used in ways that customers do not expect. In considering the appropriateness

of a common set of rules or code of practice for the use of directory information, the ODTR needs to consider whether it is sufficient to rely on general data protection legislation to ensure that directory information is not misused. If not, then it may be more appropriate to apply a specific code of practice relating to the use of directory information which is based on data protection legislation. This option will require consideration of how such a code can be drawn up and implemented and the means by which such a code of practice could be enforced.

A number of telecom operators have already expressed their preference for a clear, consensual code of practice for operators and directory providers alike regarding the use of directory information. This would hopefully provide more transparent rules to address the privacy concerns of residential customers regarding the use of their directory data and would remove the obligation or burden on eircom as the universal service provider, to unilaterally decide on the appropriate restrictions for directory access. Thirdly, such a code of conduct could provide clarity for potential directory service providers on the uses they can make of the directory data by identifying their rights and obligations.

Whilst the ODTR is open to suggestions from interested parties as to how such a code of practice could be implemented and enforced, it considers that the most obvious options would include:

- Amending the licensing regime so as to require licensees to adhere to the code of practice in their use of directory information and require them to enforce adherence to the code of practice with recipients of such data, through strict contractual agreements.
- An industry led voluntary code of practice which could be monitored by the industry with disputes referred to the ODTR or Data Protection Commissioner as appropriate.

The Director considers that in order to enforce compliance it may be preferable to ensure that such a code of conduct is included in the licensing regime. In this way, the ODTR can take enforcement action against licensees if they fail to comply with the code of practice and in turn, licensees can take action for breach of contract against those they supplied information to.

Q9. Do respondents believe that an agreed code of practice for the use of directory information would be useful in helping to define and promote the market for directory information services in Ireland? Please state your reasons.

Q10. Do respondents consider that such a code of practice should be included in the licensing regime? Could the code of conduct be enforced voluntarily? Please state your reasons.

4.5 The Universal Phone Directory

In accordance with its USO, eircom produced the national phone directory in July of this year. The layout and formatting is similar to previous editions of the eircom

phone directory. Each household is provided with the residential listings for their local area with additional areas available on request for a small fee. The universal directory lists the name, address and telephone number for all subscribers whose details have been submitted to eircom for the purpose of the national phone directory and subscribers are listed alphabetically without reference to their chosen telecommunications provider. Errors and omissions in the universal phone directory are dealt with by eircom in the first instance and can then be referred to the Data Protection Commissioner where problems persist.

4.6 Independence of the Universal Directory Provider

In order to ensure industry and consumer confidence in the national database, it is essential that the universal service provider acts in a non-discriminatory and independent manner in operating and maintaining the database. The relevant legislation is in place to ensure that the confidentiality of the data is protected and that organisations are aware of their obligations regarding the misuse of such data.

It is also important for eircom, as the provider of the national directory service to be fully transparent in relation to the contractual and payment issues for eircom's own use of the national database. As a user of the national database, eircom are obliged to operate under the same terms as those offered to other directory service providers.

4.7 Access to eircom's directory database under the Reference Interconnect Offer

Under eircom's reference interconnect offer, the current 'Access to Directory Database' service offers on-line access to the directory database by the use of an agreed number of terminals for a fixed fee. Connection is made via a leased line from the OLO's premises to eircom's premises.

In eircom's Reference Interconnect Offer - Decision Notice D7/00 & Report on the Consultation, the Director stated that in order to ensure greater transparency, the offer should be presented in the RIO showing the conveyance costs of calls to the database separately from costs of provision of database services. The Director considered that for access to the directory database, eircom retail should pay the same conveyance and data provision charges for this service as OLOs.

In ensuring a level playing field for all operators in the provision of directory enquiry services, the Director is concerned about the lack of distinction between eircom retail and eircom's own directory enquiry arm. In the Decision Notice, the Director stated her intention to examine this issue further with eircom in the near future. This work will be undertaken by the ODTR along with other outstanding issues in Decision Notice D7/00.

5. Increasing Competition in the Market

In order to work towards the stated goal of the ODTR in improving ‘Price, Choice and Quality’ for the consumer, one of the objectives is ensuring provision and choice of the widest range of directory information services and products. Growth in directory services competition should lead to improvements in service quality, variety and value for money whilst at the same time helping to promote further use of other telecommunication services.

The role of the ODTR in this process is to actively seek to remove the barriers to entry and anti-competitive behaviour that may be hindering effective and innovative competition.

For at least the short to medium term, competition is unlikely to occur in the collection and compilation of directory information by the licenced operators. This task is likely to remain under the direct control of the relevant operator as this data is primarily collected for contractual and billing purposes. The raw subscriber information is the key input required for the provision of any directory services, therefore it will remain necessary to impose obligations on the operators regarding access to such information in order to promote competition.

5.1 Potential Difficulties for Directory Service Providers

The recent ODTR Determination regarding eircom’s obligations to provide non-discriminatory access to their database for authorised directory information service providers aims to level the playing field for all authorised service providers. It is also hoped that the determination will lead to further clarification for ex-directory customers in the way their details are used for directory purposes. Other issues regarding access for non-authorised organisations have also been raised with the ODTR in the past few months. These queries have most commonly been raised by independent organisations who are interested in providing directory enquiry services over the internet but whose requests for access to the operators’ databases are likely to be refused on the grounds that they are not authorised directory service providers as defined under the current licensing regime.

5.2 Licence Obligations

Section 2 described the obligations on general and mobile licence holders to maintain a complete and accurate database of customers numbers in order to facilitate the provision of directory information services. The obligation is on each licence holder to co-operate in the supply and compilation of comprehensive directory information subject only the applicable data protection laws in force.

At present, in accordance with the General Telecommunications Licence, a directory information service provider, for the purpose of Condition 6.10 of the licence, is designated to mean any person to whom the Director has allocated a directory enquiry access dialling code. There is no specific provision for service providers who may

wish to offer their services by means other than through a short access code. This includes potential internet or electronic directory information providers.

Q11. Do respondents believe that Directory Information Service Providers should be required to apply for a directory access dialling code?

Q12. Do respondents consider that expanding the rights of access to directory information would be beneficial to the directory information market? Please provide reasons for your answer.

Q13. What obligations for access to directory information, would respondents like to see placed on licensed operators?

5.3 Customers Access to Directory Services

The general licence also describes the obligation on licence holders to ensure that customers have access to directory information services offered by at least one Directory Information Service Provider. Generally speaking, each licensed operator is likely to provide access to its own directory enquiry service. In order to promote competition in the market, it is necessary to ensure that customers have access to the to directory information services offered by every Directory Information Service Provider. This is the obligation placed on mobile licence holders.

Q14. Do respondents consider that all telecommunication licence holders should be obliged to ensure access for their customers to the directory information services offered by every Directory Information Service Provider?

6. Summary of Questions

- Q1. Are there obstacles to providing/using any of the directory enquiry services? Industry respondents should outline any obstacles they encounter in provision and comments from consumer/user interests should focus on difficulties in using these services with suggestions as to how they might be overcome?**
- Q2. Are there other directory service products that could be provided? Are there technical difficulties or bottlenecks preventing the provision of these products?**
- Q3. Do respondents believe that all new and existing subscribers should have the choice of opting out of their directory information being used for direct marketing? Please give reasons.**
- Q4. Do respondents believe that providing the option of opting out of unsolicited marketing would be useful in helping to reduce the number of ex-directory residential customers?**
- Q5. Do respondents consider that call completion at the request of an ex-directory subscriber should be made available to residential customers in Ireland? Please give reasons.**
- Q6. Do respondents consider that a call completion service would help to reduce the number of ex-directory residential customers in Ireland? Are there any other options that should be considered?**
- Q7. Do any respondents believe they are capable of providing directory services under the universal service obligation? Please state your reasons and outline your proposals for funding the provision of such services.**
- Q8. Do you agree that an industry-working group should be established to agree the terms and format for submissions and uses of the National Database? Is there a need for further direction on the framework for this work?**
- Q9. Do respondents believe that an agreed code of practice for the use of directory information would be useful in helping to define and promote the market for directory information services in Ireland? Please state your reasons.**
- Q10. Do respondents consider that such a code of practice should be included in the licensing regime? Could the code of conduct be enforced voluntarily? Please state your reasons.**
- Q11. Do respondents believe that Directory Information Service Providers should be required to apply for a directory access dialling code?**

Q12. Do respondents consider that expanding the rights of access to directory information would be beneficial to the directory information market? Please provide reasons for your answer

Q13. What obligations for access to directory information would respondents like to see placed on licensed operators?

Q14. Do respondents consider that all telecommunication licence holders should be obliged to ensure access for their customers to the directory information services offered by every Directory Information Service Provider?