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GENERAL NOTICE

Independent Communications Authority of South Africa

General Notice

1298 Electronic Communications Act (36/2005): Notice of intention to make regulations in terms of section 4 3 30385

GENERAL NOTICE

NOTICE 1298 OF 2007



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF THE INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 4 READ WITH SUBSECTIONS 76 (7) (a) AND 76 (7) (b) OF THE ELECTRONIC COMMUNICATIONS ACT ("the ECA") (ACT No. 36 of 2005), IN RESPECT OF 112 EMERGENCY CENTRES.

The Independent Communications Authority of South Africa ("the Authority"), hereby gives notice that it intends to make regulations in terms of section 4 read with subsections 76 (7) (a) and 76 (7) (b) of the Electronic Communications Act (ECA) No. 36 of 2005.

A copy of the proposed regulations is available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, First Floor, Block D between 10h00 and 16h30, on working days only.

Interested persons are hereby invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h30 on 23 November 2007** by post, hand delivery or facsimile transmission for the attention:

Mr Harrish Kasseepursad
Independent Communications Authority of South Africa,
Private Bag X10002,
Sandton 2146,

Or at

Block A,
Pin Mill Farm,
164 Katherine Street,
Sandton 2146;

Facsimile (011) 011) 321-8583 Telephone (011) (011) 321 - 8278

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E-mail: HKasseepursad@icasa.org.za

PARIS MASHILE

CHAIRPERSON

ICASA

SCHEDULE

Draft regulations for the 112 Emergency Centres.

Purpose of regulations

1. The Council of ICASA intends, under Chapter 13: Subsections 76 (7) (a) and 76 (7) (b) of the Electronic Communications Act (ECA), 2005 (No. 36 of 2005) making the regulations in this Schedule.

Definitions

2. In these regulations any word or expression to which a meaning has been assigned in the Electronic Communications Act, shall have that meaning ascribed to them unless the context indicates otherwise.

"112 emergency service" means the services provided by the emergency organisations;

"automatic location identity " means any location information processed in an electronic communications network indicating the geographical position of the subscriber equipment;

"bill" means an invoice, account, statement or any other document of similar nature or character, and **"billing"** shall have a corresponding meaning;

"caller line identity" means a facility by which the subscriber equipment number of a caller is displayed to the called party prior to the call being established and is a form of automatic number identity;

"Department" means the Department of Communications;

"emergency calls" means calls to the 112 emergency number;

" emergency number" means the exclusive national public emergency number 112.;

"Minister" means the Minister of Communications;

“ **public emergency communications centres** means the 112 emergency centres whereby the public, end-user and subscriber has the ability to contact an emergency centre by dialling the numerals 112 in order to request an emergency service;

“ **simlocked** ” means the inability for/of a subscriber to use the sim card of another electronic communications network licensee or electronic communications service licensee on the subscriber’s equipment;

“ **simless** ” means a subscriber equipment without a sim card;

“ **sim** ” means a subscriber identity module,

“ **softlocked** ” means the inability for/of a subscriber to use the services of the electronic communications network licensee or electronic communications service licensee on the subscriber’s equipment.

Application of these regulations

3. These regulations apply to all electronic communications network service licensees and electronic communication service licensees licensed in terms of Chapter 3 of the Electronic Communications Act, No. 36 of 2005, public emergency communication centres (112 emergency centres), emergency organisations and the public. These regulations also apply to licensees contemplated in subsection 76(7) (b) of the Electronic Communications Act, No. 36 of 2005. The licensees contemplated above, must ensure universal access to the 112 emergency centres and from the 112 emergency centres to the emergency organisations throughout the Republic.

Emergency numbers

4. The emergency numbers shall include the number(s) 112, 10111, 10177,107 and any other numbers as determined by the Authority. Within 18 months of the date of this regulation, the 112 number shall be the exclusive national public emergency number.

Request for emergency services

5. When members of the public make requests for services, such requests must be considered as emergencies by the following emergency organisations-

- (a) police services;
- (b) ambulance;
- (c) traffic authority;
- (d) fire;
- (e) coast guard; and
- (f) any other similar organisation providing assistance to the public in emergencies.

Suspended and disconnected services

6. (1) Members of the public, including disabled people, end-users, and subscribers whose telephone services are temporary disconnected or suspended from networks of their respective licensees must, at all times, have access to 112 emergency centre.
- (2) Simlocked, simless or softlocked phones must not be a barrier to the subscriber, end-user or members of the public when accessing the 112 emergency service.

Duties of 112 emergency centres and licensees

- 7 (1) The licensees must, whenever members of the public make electronic communication requests using emergency number 112 to access a 112 emergency centre, ensure that such electronic communications are carried to the 112 emergency centre, and from the emergency centre to the emergency organisation.
- (2) The 112 emergency centre shall ensure that emergency requests are transmitted to the relevant emergency organisation.

Making available automatic number identity and automatic location identity to 112 emergency centres

8. (1) The licensees contemplated in these regulations are obliged to send the caller line identity information to the 112 emergency centres and from the emergency centres to the emergency organisations. In cases where a licensee uses the services or network of another licensee, the same obligation shall apply.
- (2) In instances where an emergency call originates from a public payphone, any

other phone where the public has access to emergency services ,community service telephone and universal service obligation related service, the licensee shall ensure that the caller line identity is forwarded to the 112 emergency centre and from the 112 emergency centre to the emergency organisation.

- (3) Automatic location identity shall have at least the following parameters but not limited to –
- (a) Subscriber or end-user name, surname or company name;
 - (b) User location (street name, house number, area or town and postal code)
 - (c) the latitude, longitude or altitude of the subscriber equipment;
 - (d) the direction of travel of the subscriber or end-user;
 - (e) the time the location information was recorded;and
 - (f) any other parameter that is determined by the Authority from time to time.
- (4) The obligation to provide caller line identity and automatic location identity details by the licensee must not be restricted by carrier pre-selection or any other processes that are unrelated to this obligation.
- (5) The licensees must obtain the caller line identity and automatic location identity of their subscriber for the purposes of subsection 7(1) and 7(8) and the licensee must inform the subscriber in advance. The caller line identity, shall be used by the licensee, public emergency centres and emergency organisations for the emergency requirements only. In cases where there is a need for the licensee, public emergency centre and emergency organisation to use the caller line identity to return the emergency call to the subscriber or end-user, they may do so for the emergency purposes only.
- (6) Subsection 7(5) also applies to cases where other forms of electronic communication is used by the subscriber or end-user of the licensee to access emergency services.
- (7) In the cases where a licensee provides services to subscribers through a roaming agreement, the same obligations contained in subsections 7(1),7(3),7(4),7(5) and 7(6) shall apply.
- (8) The licensees contemplated in these regulations are obliged to provide

automatic location identity details to the 112 emergency centres and from 112 emergency centres to emergency organisations. In the cases where a licensee uses the services or network of another licensee, the same obligation shall apply. The most efficient and effective technologies must be used to provide the physical location details of subscriber equipment to the emergency centres and from the emergency centres to the emergency organisations.

Liabilities

9. Where it is proven that the licensees are not guilty of an offence in terms of section 76 (4) (b), the licensee shall be exempted from liability for all claims arising out of acts done in meeting their obligation as contained in this regulation.

Charging for carrying emergency communications to the 112 emergency centres and from the 112 emergency centres to the emergency organisation

10. (1) The subscriber or end- user must not pay any costs to the licensee when accessing the 112 emergency centres. In instances where an emergency communication request originates from a public payphone, any other phone that the public has access to emergency services, community service telephones and universal service obligation related services, the cost shall be free to the public.
- (2) The licensee shall bear the costs of carrying any electronic communications to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.
- (3) Where more than one licensee carries the emergency request, the licensees shall enter into commercial arrangements ensuring that the applicable payments are made to the applicable licensee with respect to the cost of carrying the request.

Records to be kept by Emergency Call Centres and Licensees

11. (1) The 112 emergency centres, emergency organisations and the licensees must keep records of all the electronic communications received and transmitted including data relating to the provision of call line identity and automatic location identity;
- (2) These records must be kept for a period of at least five years.

- (3) A 112 emergency centre must, to the satisfaction of the Authority and in compliance with any other applicable law, keep the following records relating to its emergency service activities –
- (a) documents relating to persons who are in control or in a position to exercise control over an emergency centre established by the Minister;
 - (b) financial records and audited financial statements of the 112 emergency call centre;
 - (c) all contracts entered into by or on behalf of the 112 emergency centre in connection with the daily operational activities of the centre;
 - (d) a log of all calls and other electronic communication requests received and made in a form acceptable to the Authority;
 - (e) a record for keeping of:-
 - (i) all telephonic requests; and
 - (ii) correspondence between the 112 emergency centre, licensees and emergency organisations;
 - (h) a log of all telephone calls, messages and any other electronic communication received by the 112 emergency call centre, its point of origination and time and response times.
 - (i) a log of all telephone calls, messages and any other electronic communications made to emergency organisation, its point of origination, time and the response times.
- (4) Copies of all correspondence with the Department, the Authority, emergency organisations and licensees must be made available, upon request, by the 112 emergency centre to the Authority.
- (5) Electronic network services licensees and electronic communication service licensees shall maintain records of all costs incurred in the routing of 112 emergency calls.
- (6) The 112 emergency centre may develop a database containing caller line identity and automatic location identity.
- (7) In instances where the 112 emergency centre develops a database containing caller line identity and automatic location identity information, the licensees shall forward an updated list of their caller line identity and automatic location identity to the 112 emergency centre on daily basis.

Financing of Emergency Call Centres

12. (1) 112 emergency call centres must be financed and provided with operational capital from-
- (a) such monies as may be allocated from public funds to the 112 emergency centres by the Minister with the concurrence/approval of the National Treasury; and
 - (b) such monies as may, from time to time, be apportioned to the 112 emergency centres by licensees.

Technical standards and specifications.

13. (1) All 112 emergency centres established in terms of the ECA must adhere to the Authorities regulations relating to technical standards and specifications including type approval regulations applicable to electronic communications network services licensees and electronic communications service licensees.
- (2) The licensees, 112 emergency centres and emergency organisations must ensure the inter-operability of technologies for the efficient and effective provision of emergency communications.
 - (3) The most efficient and effective technologies must be used to provide the physical location details to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.
 - (4) Licensees must ensure that subscriber equipment and the link between the subscriber's equipment and the licensee network complies with the requirements as contained in this regulation.
 - (5) Licensees must ensure that their networks have diversity, redundancy, transmission quality and dedicated circuits in meeting the requirements in the said regulation at all times.

Handling of calls by the 112 emergency centres

14. (1) An emergency call to the 112 emergency centre must be answered as quickly as possible or in less than 30 seconds.

(2) All electronic communications service licensees and electronic communications licensees must carry 112 emergency requests that are in the form of any electronic communication to the 112 emergency centres and from the 112 emergency centres to the emergency organisations.

Ownership and Control

15. (1) A person that has an interest in a electronic communications network service or electronic communication service must not, directly or indirectly, exercise control or have an attributable interest in the 112 emergency centres established pursuant to a proclamation, for the establishment of 112 emergency centre, by the Minister;

(2) A foreign person must not, directly or indirectly, exercise control over the 112 emergency centres in any way whatsoever.

112 Complaints

16. (1) The public, subscribers and end users may lodge a 112 complaint to the Authority in terms of the code of conduct as well as the end-user and subscriber service charter.

Licensee's 112 Forum

17. (1) All licensees must work together in establishing a forum, within three months from date of publication of these regulations, to ensure that the challenges and matters of common interests that may arise from meeting the obligations as required in terms of these regulations are resolved amicably and expeditiously.

(2) The forum must inform the Authority within, at least, five working days of the

main meetings to be held among the licensees. The Authority may attend these meetings as an observer. In case of disputes, the matter shall be referred to the Authority for decision making.

Public Awareness Campaigns

18.(1) The licensees and the 112 emergency centres shall use mechanisms available to them to make the public, the licensee's subscribers and end-users aware of the use of the 112 emergency number as contained in these regulations. These mechanisms shall include but not limited to subscriber bills, billboards, print media and other types of media.

112 Logo

19. The 112 logo shall be used by the 112 emergency centres and displayed on public roads and other public places. In cases where other entities seek to use the 112 logo, approval may be granted by the 112 emergency centres.

Offences and Penalties

20. (1) Any party or person misusing or abusing 112 number may be found guilty of offence in terms of 17 H (3) (e) of ICASA Act.

(2) Any person who fails to comply with these regulations may be brought before the Complaints and Compliance Committee in terms of section 17B of the ICASA Act.

Review of Regulations

21. The Authority may from time to time review these regulations.

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