

**Communications
Regulatory Authority**
State of Qatar

**هيئة تنظيم
الاتصالات
دولة قطر**

Consultation on Draft Spam Regulation (Amended) Closing Date for Comments October 01, 2017

August 06, 2017

Industry Consultation
Consumer Affairs Department
CRA-CA-4902-17-ng

Communication Regulatory Authority

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1. Introduction and Background

1.1. Context and Scope of this Document

The Communications Regulatory Authority (CRA) is the Communications Regulator in the State of Qatar established by virtue of Emiri Decree (42) in 2014. The CRA is mandated to regulate the Communications and Information Technology Sector, the Postal Sector, access to digital media and spectrum. The CRA ensures that competition in the communications sector thrives and consumer rights are protected effectively.

It has been observed that spam continues to remain a consumer concern in Qatar, with a notable number of customers complaining about the receipt of unsolicited electronic messages. Phishing by way of spam, also puts consumers at risk of fraud and is a notable cause for concern for CRA.

CRA previously relied on self-regulation by Service Providers and extensive awareness campaigns in order to combat spam. CRA and Service Providers engaged in awareness and education efforts in an attempt to address ongoing complaints about spam. In June 2016, CRA issued a Spam Code and in December 2016, CRA published the Spam Regulation in the official Gazette, but Spam continues to remain a concern for CRA. In December 2016, the Ministry of Transport and Communications (MOTC) published the Privacy Law No. (13) of 2016 (“Privacy Law”) in the official Gazette, which Law defines rules around the privacy and protection of personal data. The Consumer Affairs Department continues to monitor spam and related scams complaints and has now determined that an amended Regulation (aligned with the Data Privacy Law) would help better control spam, reduce the number of spam related complaints and enhance the consumer experience in the communications sector.

1.2. Purpose

The purpose of this Regulation is to set out the particular obligations on Service Providers, senders and / or users of Electronic Communications for the purposes of Direct Marketing in relation to Consumer Privacy, Personal Data and Cybercrime, in accordance with the Regulatory Framework, and especially but not limited to Article

49 (3) of the Telecommunications Law, Article 4 and 16 of the Emiri Decree, the Privacy Law and the Cybercrime Law.

1.3. Consultation and Publication

1.3.1. Directions to respondents

In line with CRA's transparent and open regulatory processes, CRA herewith initiates a consultation on the Draft Spam Regulation (Amended). All Stakeholders and interested parties are invited to provide their comments in writing on the draft Regulation.

CRA requests that all submissions (to the extent possible) be supported by relevant evidence and firm justifications. CRA will carefully review and consider all submissions received in response to this consultation, however CRA is under no obligations to adopt or implement comments and submissions from proposals submitted.

CRA will also conduct a workshop during the consultation process for those intending to respond to the consultation. The workshop is scheduled for September 17, 2017 and all stakeholder are invited to attend.

The CRA invites comments and views on this consultation from the industry and interested parties. All comments should be submitted via email to ngajather@cra.gov.qa and CGA103@cra.gov.qa not later than **October 01, 2017**.

Alternatively, you may deliver a hard copy to CRA at:

**The Communications Regulatory Authority
Consumer Affairs Department,
Floor 11, Al Nasr Tower B, Corniche,
PO Box 23404, Doha, Qatar**

1.3.2. Publication of submissions

In line with CRA's policy on transparency and public accountability, CRA intends to publish the submissions to this consultation on its website at www.cra.gov.qa . All

submissions will be processed and treated as non-confidential unless confidential treatment of parts of a response has been requested.

In order to claim confidentiality for information in submissions that stakeholders regard as business secrets or otherwise confidential, stakeholders must provide a non-confidential version of such documents in which the information considered confidential is blacked out. This “blacked out” portion/s should be contained in square brackets. From the non-confidential version it has to be clear where information has been deleted. To understand where redactions have been made, stakeholders must add indications such as “business secret”, “confidential” or “confidential information”. A comprehensive justification must be provided for each and every part of the submission required to be treated as confidential. Furthermore, confidentiality cannot be claimed for the entire or whole sections of the document as it is normally possible to protect confidential information with limited redactions.

While CRA will endeavor to respect the wishes of respondents, in all instances the decision to publish responses in full, in part or not at all remains at the sole discretion of CRA. By making submissions to CRA in this consultation, respondents will be deemed to have waived all copyright that may apply to intellectual property contained therein.

For more clarification concerning the consultation process, please contact Neetha Gajather on ngajather@cra.gov.qa

1.4. Commencement Date

It is intended that new obligations in this Regulation will come into force six (6) months after finalization and publication.

Below are the indicative dates for the finalization of the draft Regulation.

Table 1: Indicative dates for Regulation finalization

Milestone	Indicative date
Draft Regulation released for public comment	August 06, 2017
Workshop for submitters	September 17, 2017
Submissions due	October 01, 2017
Public launch date for the Regulation	October/November, 2017

New obligations in force	May, 2018
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2. Overview of the Legislative Framework

2.1. Relevant Provisions in the Regulatory Framework

The CRA is empowered to issue this consultation document pursuant to the provisions contained in the following legislation and legal instruments:

- The Privacy Law No. (13) of 2016 (“Privacy Law”);
- Cybercrime Prevention Law No. (14) of 2014 (“Cybercrime Law”);
- Telecommunications Law No. (34) of 2006 (the “Telecommunications Law”);
- The Executive By-Law to the Telecommunications Law No. (1) of 2009 (“By-Law”),
- Emiri Decree No. (42) of 2014 establishing the Communications Regulatory Authority (“Emiri Decree”),
- The Telecommunications Consumer Protection Policy (“Consumer Protection Policy”)

2.2. Legal Effect

The draft Regulation is intended to mandate the rules related to spam in support of consumer protection. This Regulation is developed in accordance with

- Article 49 (3) of the Telecommunications Law, which provides that upon implementation of a Consumer Protection Policy, the CRA (ictQATAR) shall have various powers, including to follow-up and prevent abusive and misleading commercial practices.
- Chapter 6 of the Data Privacy Law on Electronic Communications for Direct Marketing with specific reference to Article 22 which prohibits any electronic communications with individuals for the purposes of direct marketing without securing prior consent. The Article further states that the electronic communication should demonstrate the identity of the initiator and proof for direct marketing purposes. The communication should also include a correct

address that can be easily accessed through which the consumer can send the request to stop such communications or to withdraw his previous consent.

Once implemented, the Regulation will form part of the CRA Regulatory Framework. This Regulation will be binding on Service Providers in accordance with Article 49 of the Telecommunications Law, which provides that Service Provider must comply with the rules, conditions, standards and practices relating to the Consumer Protection Policy.

Appendix: Draft Spam Regulation (Amended)

For Comment and Feedback