



Consumer Protection Code for ICT and Media Services

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Bhutan InfoComm and Media Authority

Royal Government of Bhutan

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1. Legal Basis

This Code is issued as per Section 326 of the Information, Communications and Media Act of Bhutan 2018 (“the Act”) by the Bhutan InfoComm and Media Authority (“the Authority”) to promote and provide for the better protection of the interest of the consumers as well as to enhance social and economic welfare of consumers in ICT and Media sectors.

2. Title and Commencement

This Code shall be called the Consumer Protection Code for ICT and Media Services and shall come into force on the 30th day of September, 2021 corresponding to the 24th day of the 8th month of the Bhutanese Iron Female Ox Year.

3. Scope of Application

This Code shall apply to ICT and Media Service providers licensed by the Authority and shall be read in conjunction with all other codes of practice and Rules developed to protect the interest of the ICT and Media consumers.

4. Amendment

This Code is subject to amendment and changes in accordance with the needs and changes in national priorities, Government policies and industrial and technological trends. Amendment of this Code by way of addition, variation or repeal may be affected by the Authority as and when required.

5. Interpretation

The power to interpret this Code shall vest with the Authority who may issue such instructions as may be necessary to give effect to and implement the provisions of this Code.

6. Rules of construction

In this Code, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

7. Definitions

In addition to the following terms, or unless the context requires otherwise, the words and terms used in this Code shall have the same meaning as assigned in the Act:

Alternative Dispute Resolution Centre means the Bhutan Alternative Dispute Resolution Centre established as per Alternative Dispute Resolution Act 2013.

Authority means the Bhutan InfoComm and Media Authority established as per the provision of the Act.

Consumer means any subscriber or user of services whether such services are acquired by the consumer for its own usage or for sale.

Complaint means an expression of dissatisfaction made by a consumer on the services provided by the service providers.

Notification is the act of telling consumers something associated with their products or services through notice including advertisement.

Personal Information means any data or information which relates to a person who can be identified from that data or other information, which is in the possession of, or is likely to come into the possession of Service Providers.

Product means a physical item that is provided or caused to be provided by the Service Providers as an integral part of the services.

Service Provider means holder of ICT or/and Media license issued by the Authority.

8. Objective

The objective of this code shall be to:

- a) Assist consumers in understanding their rights and obligation when buying a product or availing services.
- b) Refrain service providers from misleading, deceiving, unfair or fraudulent conduct and/or action while providing their services.
- c) Improve access to, as well as the quality of information that is necessary for consumers to make informed choices.
- d) Institute a system for handling complaints including dispute resolution.
- e) Assure quality of service as per their offered scheme and standards.

9. General Principle

A licensed ICT and Media Service Provider shall:

- a) Act honestly, fairly, professionally and operate with due skill, care and diligence in the best interest of its consumer.
- b) Not negligently or deliberately mislead consumers.
- c) Ensure transparency through disclosure of relevant information related to its products and services including the pricing.
- d) Ensure to correct errors and handle complaints speedily, efficiently and fairly.
- e) Protect and maintain confidentiality of the consumer information provided.

10. General Requirement

A licensed ICT and Media Service Provider shall ensure that:

- a) The details of its product or services are made available through online and offline medium.
- b) A system is instituted to handle consumer complaints.
- c) Notifications are provided at least one month in advance to its consumer:
 - i. On the amendment or alteration of services before such amendment or alteration is introduced.
 - ii. On its cessation or merger, or transfer of all or part of its activities to another service provider for enabling alternative arrangement.
 - iii. On the launch or introduction of new products or services or changes in pricing.

11. Specific Provision

11.1 Information associated with Products or Services

The Service Provider shall provide:

- a) Complete, accurate and up-to-date information to the consumer, including but not limited to, service coverage, rates, quality of service and terms and conditions;
- b) Comprehensive information on the usage of its product or services; and
- c) Details on:
 - i. Any geographical or technical limitation which may substantially affect the performance of its product or services.

- ii. The roaming rates of ICT services.

11.2 Pricing

The Service Provider shall:

- a) Make publicly available the prices associated with its products or services.
- b) Inform any change in pricing associated with the products or services at least one month before such changes are introduced.

11.3 Consumer Billing System

The Service Provider shall ensure that:

- a) The bill for its products or services is accurate, timely and verifiable.
- b) A customized bill detailing all the required information is provided without any charges upon request by the consumer.
- c) The records of the consumer's bill are retained for a minimum period of six (6) months.

11.4 Quality of Service

The Service Provider shall:

- a) Ensure its products or services are provided as per the prescribed Quality of Service set by the Authority.
- b) Draw up a Service Level Agreement (SLA) with the consumer and provide services as per the agreement. The sample SLA for different services shall be endorsed by the Authority.
- c) Publish the report on the quality of service of its products and services on a quarterly basis.
- d) Inform its consumer on:
 - i. Planned service interruption due to maintenance or up-gradation or migration of services before such activities are undertaken.
 - ii. Service disruption due to technical glitch or any other unforeseen disruption and take measures to immediately restore the services.

11.5 Provisioning of Post-Sale Service

The Service Provider shall ensure:

- a) To provide details on the post-sale support including contact details, charges if applicable; and

- b) To provide the circumstances in which post-sale support services can be availed.

12. Dispute Resolutions

12.1 Complaint to the Service Provider

a) The Service Provider shall:

- i. Establish Consumer Complaint Center for receiving complaints.
- ii. Institute internal redressal processes to review and handle complaints.

b) Any complaint received by the Service Provider shall be resolved within thirty days. Such a complaint shall be recorded and the details of the complaint including the action taken by the Service Provider shall be submitted to the Authority on a monthly basis.

c) The Service Provider shall ensure continuity of service to the consumer while the complaint or dispute is under review by the Service Provider.

d) In the event if the consumer is not satisfied with the action taken by the Service Provider on the complaint, the consumer shall have the right to appeal to the Authority within ten working days.

12.2 Complaint to the Authority

- a) Where a consumer is not satisfied with the service provided by the Service Provider, the consumer shall have the option to either lodge the complaint directly to the Authority or to the Service Provider.
- b) The consumer shall have the right to appeal to the Authority within ten working days in the event of dissatisfaction with the action taken by the Service Provider.
- c) To file a complaint to the Authority, the consumer shall submit:
 - i. The details of the complaint;
 - ii. Evidence or copy of relevant document(s) in support of the complaint.

13. Penalties

In case of breach of provisions of this Code and the provisions of the Act on Consumer Protection, the Authority shall, subject to the degree of violation, impose the following penalties in addition to other regulatory requirements:

- (i) Issue a written warning letter or impose a penalty equivalent to a maximum of six (6) months daily minimum wage or both depending on the gravity of the offence for the first violation.

(ii) Impose a penalty equivalent to a maximum of one (1) year daily minimum wage depending on the gravity of the offence for the immediate subsequent violation and increase the penalty by double the amount imposed on the previous offence for the succeeding violations.

(iii) Notwithstanding the above provisions, if the violation is proven to be severe, the Authority may impose a penalty up to one (1) year daily minimum wage even for the first violation.

14. Appeal

Any person aggrieved by the decision of the Authority may appeal against such decision to the Alternative Dispute Resolution Centre within ten (10) working days from the receipt of the information of such decisions as per section 67 of the Act.