



Case T-036

Calling Line Identity (CLI) facilities:
proposed telecommunications
licence review and potential for
limiting telephone-based fraud

Statutory Initial Notice to modify
Class II and Class III licenses

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Jersey Competition Regulatory Authority
2nd Floor Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF
Tel 01534 514990

Web: www.jcra.je

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1 Overview and summary

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**) is carrying out a review of Calling Line Identity (**CLI**) facilities with the important aim of protecting Islanders against CLI-based fraud.
- 1.2 Following a consultation process and the publication of a Non-statutory Final Decision on 27 April 2022, the Authority is issuing this Statutory Initial Notice of its proposed intention to modify telecoms Class II and Class III licences to include the licence condition set out in Annex A of this document. This constitutes the exercise by the Authority of a specified regulatory function for the purposes of Articles 10 and 11 of the Telecoms Law.
- 1.3 This Initial Notice sets out the intention of the Authority to carry out such specified regulatory function and to invite representations or objections before the consultation closing date, which is 26 August 2022. The Authority may subsequently issue a Final Notice making such modifications, issue a fresh Initial Notice or take some other action, following the process outlined in Article 11 of the Telecoms Law.

2 Introduction and background

- 2.1 CLI facilities provide important protection to Islanders, allowing people receiving telephone calls to see the telephone number of the person calling before deciding to answer or not, and so potentially minimise unwanted fraudulent or nuisance calls, which can cause significant annoyance and, in some cases, distress for consumers.
- 2.2 In view of its responsibilities for regulating local telecoms services for the benefit of Islanders, the Authority commenced a review of CLI facilities in July 2021, in line with its business plan commitments and supported by published prioritisation principles.
- 2.3 Following a Call for Information and Non-statutory Draft Decision consultation, the Authority issued a Non-statutory Final Decision on 27 April 2022, having considered responses received from interested parties and accepted proposed amends where appropriate.
- 2.4 The Non-Statutory Final Decision included an intention to modify telecoms Class II and Class III licences to include a new licence condition setting out regulatory expectations on the provision of CLI facilities in Jersey and steps operators should take to limit Islanders' exposure to CLI-based fraud. The proposed new licence condition is set out in Annex A of this document.

3 Legal and regulatory framework

- 3.1 The Telecoms Law requires the Authority to carry out its functions in such a manner as it considers is best calculated to ensure that (so far as is reasonably practicable) telecoms services are provided, both within Jersey and between Jersey and the rest of the world, as satisfy all current and prospective demands for them.

- 3.2 The Telecoms Law prohibits anyone using a telecoms system for the purpose of causing annoyance, inconvenience or needless anxiety to another, and sending a message that the person knows to be false.
- 3.3 The Authority has granted Class II and Class III telecoms licences with specific conditions applicable to licensees providing telecoms services in Jersey. Article 18 of the Telecoms Law allows the Authority to modify any condition contained in a licence, which includes inserting a new condition, as well as amending or deleting an existing condition.

4 Next steps

- 4.1 This is an Initial Notice of the Authority's intention to carry out a specified regulatory function, that is to modify the Licensee's licence under the Telecoms Law to include the licence condition set out in Annex A of this document, pursuant to the provisions of Article 18 of the Telecoms Law and in accordance with Article 11 of the Telecoms Law.
- 4.2 This Initial Notice, including the text of such proposed licence condition, is available for inspection at the Authority's offices at 2nd Floor, Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF, between the hours of 9.00 am and 5.00 pm Monday to Friday or on the JCRA website at www.jcra.je.
- 4.3 Written representations or objections to the exercise of this specified regulatory function may be made by letter and delivered to 2nd Floor, Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF or by e-mail to info@jcra.je on or before 5.00 pm on 26 August 2022.

By Order of the Jersey Competition Regulatory Authority

27 April 2022

Annex A: Proposed new licence condition

Class II and Class III telecoms licences will have the following additions:

1. DEFINITIONS AND INTERPRETATION

‘Calling Line Identification’ means data that enables identification of the number from which a call could be made or to which a return call could be made;

‘Calling Line Identification Facilities’ means facilities which enable the telephone number of a calling party to be presented to the called party prior to a call being established;

‘CLI Data’ means the contents of all signalling messages which can be used between Licensed Operators and/or between Licensed Operators and Subscribers to signal the origin of the call and/or the identity of the calling party, including any associated privacy markings;

‘Emergency Organisations’ means:

- (a) the police, the ambulance and fire services and the marine search and rescue services’; and
- (b) any other organisation, as directed from time to time by JCRA as providing a vital service relating to the safety of life in emergencies;

PART III: GENERAL CONDITIONS RELATING TO THE PROVISION OF TELECOMMUNICATIONS

X Calling line identification facilities

X.1 The Licensee must provide Calling Line Identification Facilities, and enable them by default, unless they can demonstrate that it is not technically feasible or economically viable to do so.

X.2 The Licensee must inform Subscribers if Calling Line Identification Facilities are not available on the service they are providing to those Subscribers.

X.3 When providing Calling Line Identification Facilities, the Licensee must:

- (a) ensure, so far as technically feasible, that any CLI Data provided with and/or associated with a call includes a valid, diallable number which uniquely identifies the caller; and
- (b) respect the privacy choices of Users.

X.4 The Licensee must not charge Subscribers any additional or separate fee for access to or use of standard Calling Line Identification Facilities.

X.5 Where technically feasible, the Licensee must:

- a) take all reasonable steps to identify calls, other than calls to Emergency Organisations, in relation to which invalid or non-diallable CLI Data is provided; and
- b) prevent those calls from being connected to the called party, where such calls are identified.

X.6 This Condition applies subject to the requirements of relevant data protection legislation.