



*'creating a level playing field'*

## **REGULATORY CIRCULAR NUMBER 2 OF 2013**

Date: 26 April 2013

### **REGULATORY CIRCULAR ON UNSOLICITED SHORT MESSAGES (SMS)**

#### **Citation**

This Circular may be cited as the Postal and Telecommunications Regulatory Authority of Zimbabwe (Regulatory Circular on Unsolicited Bulk SMS) Regulatory Circular Number 2 of 2013.

#### **Application**

This Regulatory circular shall apply to all licensed mobile network operators in Zimbabwe and shall apply with effect from 1 May 2013.

#### **Background of the Regulatory Circular**

The Authority has been receiving complaints from consumers pertaining to unsolicited advertisements to cell phones via text messaging. It has also come to the Authority's attention that some mobile operators are inviting businesses and other third parties to advertise their products, services and events to registered subscribers through bulk messages sending for a fee. Whilst SMS advertising is welcome, these messages become unsolicited if they are without subscriber consent to receive them.

## **Details of the Regulatory Circular**

In view of the above, and in line with its mandate to promote the interest of users as stipulated in Section 4 of the Postal and Telecommunications Act Chapter 12:05 of 2000, the Postal and Telecommunication Regulatory Authority of Zimbabwe (POTRAZ) requires operators to adhere to the following principles:

- To respect the constitutional right of customers to personal privacy and shall not provide their subscriber databases to third parties without the consent of customers.
  
- Not send or cause to be sent commercial communication to Subscribers unless:
  - The subscriber has subscribed to the service by sending an SMS or in writing.
  - The principal message includes a functional unsubscribe facility that the recipient may use to instruct the person who authorised the sending of the principal message (the sender) that no further commercial messages from or authorised by the sender should be sent to the mobile number at which the principal message was received; and
  - The unsubscribe facility is expressed and presented in a clear and conspicuous manner; and
  - The unsubscribe facility allows the recipient to respond to the sender using the same method of communication that was used to send the principal message; and
  - There is no cost to the recipient if the recipient uses the unsubscribe facility.

For any representations, please contact the Director General of the Authority within seven days of the date of this Regulatory Circular