

AUSTRALIAN  
COMMUNICATIONS  
INDUSTRY FORUM



INDUSTRY CODE

ACIF C522:2007

CALLING NUMBER DISPLAY

## **ACIF C522:2007 Calling Number Display Industry Code**

First Published as ACIF C522:2000  
Second Edition as ACIF C522:2001  
Third Edition as ACIF C522:2003

**Communications Alliance Ltd was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services. ACIF is a division of Communications Alliance.**

### **Disclaimers**

1. Notwithstanding anything contained in this Code:
  - (a) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for any direct or indirect loss, damage, claim, or liability any person may incur as a result of any:
    - (i) reliance on or compliance with this Code;
    - (ii) inaccuracy or inappropriateness of this Code; or
    - (iii) inconsistency of this Code with any law; and
  - (b) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for ensuring compliance by any person with this Code.
2. The above disclaimers will not apply to the extent they are inconsistent with any relevant legislation.

### **Copyright**

© Communications Alliance Limited 2000

This document is copyright and must not be used except as permitted below or under the *Copyright Act 1968*. You may reproduce and publish this document in whole or in part for your or your organisation's own personal or internal compliance, educational or non-commercial purposes. You must not alter or amend this document in any way. You must not reproduce or publish this document for commercial gain without the prior written consent of Communications Alliance. Organisations wishing to reproduce or publish this document for commercial gain (i.e. for distribution to *subscribers to an information service*) may apply to subscribe to the *Communications Alliance Publications Subscription Service* by contacting the Communications Alliance Commercial Manager at [info@commsalliance.com.au](mailto:info@commsalliance.com.au). If you publish any part of this document for any purpose, you must also publish this copyright notice as part of that publication.

## **EXPLANATORY STATEMENT**

This is the Explanatory Statement for the ACIF C522:2007 **Calling Number Display** Industry Code. The Explanatory Statement outlines the purpose of this Industry Code (the Code) and the factors that have been taken into account in its development. The Code replaces the ACIF C522:2003 Calling Number Display Industry Code published by ACIF in February 2003.

### **Background**

The Code addresses privacy issues raised by Calling Line Identification (CLI) and Calling Number/Name Display (CND).

At the time a call is established data is generated to identify the public number of the service from which the call originates and a flag to identify if the public number is to be displayed to the recipient of the call. Together, the public number of the caller and the flag form the CLI. CLI is passed through carriers' networks and is integral to the operation of telecommunications networks, facilitating efficient call management, route selection and billing and is passed between those carriers and carriage service providers (CSPs) (including internet service providers) involved in ensuring the correct termination of that call in accordance with the *Telecommunications Act 1997* (the Act).

CLI makes possible the provision of a range of products and services to customers, including calling number display and calling name display (both referred to as CND). The exchange of CLI between carriers and CSPs however, can also raise risks to privacy because of the personal information that is being exchanged. Part 13 of the Act restricts the use and disclosure of information, including CLI, that carriers and CSPs obtain in the course of their business. The Code expands on those privacy protections, ensuring that CLI is only passed on to those CSPs where it is necessary to facilitate the delivery of a carriage service. It also restricts the use of CLI by those CSPs to purposes which are necessary for the running and support of communications over a telecommunications network.

Services making use of CND present or display the calling party's public number or customer name, providing the calling party has not blocked it and there is no technical impediment to displaying it.

CND offers a range of service advantages for call recipients, such as being able to identify the source of calls before answering, keeping a log of incoming calls while away from the phone and being able to immediately return a missed call. CND offers several benefits to business users, including retaining contact public numbers of callers for the purpose of future contact and providing enhanced service for existing customers, who can be immediately recognised at the time of their call.

However, CND also has potential risks to privacy, particularly where participation is on an opt-out basis and can allow increased disclosure of personal information without the knowledge of the consumer. Callers in many situations may not wish the call recipient to be able to identify their public number. Doctors who call patients from home, customers who call businesses but do not wish to be contacted in the future, and victims of domestic violence are some of the groups who may not want their public numbers disclosed.

Code rules about blocking and enabling CND and related customer awareness activities apply only to the provision of a standard telephone service. A standard telephone service, as defined in legislation, is a service for voice telephony, whether a local service or a public mobile telecommunications service, or an equivalent service for people with disabilities, which connects the call to another like service regardless of the network(s) being used. Short message services (SMS) and multi-

media message services (MMS) are data services which are technically unable to carry a blocking code and therefore exempt from Code rules in section 3 and 4.

All CND arrangements must ensure that consumers are given an adequate level of privacy protection and that they can make informed choices in relation to the disclosure of their personal information.

### **Current arrangements for Calling Number Display products**

CND has been offered by telecommunications providers (carriers and CSPs – 'suppliers') since late 1997. Its introduction was influenced by Guidelines prepared by the former AUSTEL Privacy Advisory Committee. Those Guidelines dealt with the measures to be adopted prior to introducing the product, including a public education campaign and the offering of CND to those being called on an "opt out basis".

"Opt out" means that the calling public number is transmitted automatically to the called party unless the calling party has chosen to block CND, either for all calls or for a particular call.

### **2000 version of the Code**

Following the development of the AUSTEL Guidelines, the industry published the first version of the CND Code in 2000, which included provisions on the blocking and enabling of CND and the use and disclosure of CLI. The 2000 version of the Code required suppliers to undertake CND public education campaigns prior to launch, and maintain ongoing awareness among their customers of the key privacy issues set out in the Code. It also required the ACIF Consumer Codes Reference Panel (CCRP) to conduct a review of public awareness of CND to ensure set targets for public awareness had been met. The 2000 version of the Code also included Guidelines for private sector organisations receiving CND to collect, use and disclose that information in accordance with privacy principles. It also required CSPs who supply CND to organisations to provide those organisations with a copy of the CND Guidelines, and to take action if the service provider believed an organisation had contravened the Guidelines. The Code was revised in 2001 to give the TIO formal jurisdiction to handle complaints under the Code.

### **Revision 2003**

In 2001, a subcommittee of the CCRP reviewed consumer awareness research undertaken by the Australian Communications Authority and commissioned additional, targeted research into public awareness of CND. The research established a significantly high level of public awareness of CND, but also established an ongoing public desire for information on managing their privacy in relation to CND.

As a result of the CCRP review and recommendations, requirements in the 2000 version of the Code for a public education campaign and research to ensure consumer awareness were not included in the 2003 version of the Code. The requirements for suppliers to continue their ongoing awareness activities on CND for their customers were, however, retained.

The *Privacy Act 1988* (the Privacy Act) was amended in 2001 to require the private sector, with the exception of most small businesses, to comply with the National Privacy Principles (NPPs). The NPPs address the handling of personal information, including collection, use and disclosure which would include those activities associated with CND Information. The 2003 Code still required suppliers to make a copy of the CND Guidelines available to certain recipients, but, because the Privacy Act now extended to the private sector, the enforcement role for suppliers was removed. Other changes made in the 2003 version of the CND Code

recognised the new regulatory arrangements in place and sought to achieve consistency with the various obligations on suppliers.

### **Revision 2006**

In this revision of the Code, changes were made to allow suppliers more flexibility in the means of blocking or enabling CND information, while preserving the ability of customers to either block or display their information.

Changes were also made to provide clarity on uses of CLI by CSPs, to standardise the terms used and to review and cater for the impact of new technologies. Code rules were also clarified on a supplier charging for the enabling as well as blocking of CND. The highly prescriptive information requirements were also made more flexible.

The Code also no longer contains the CND Guidelines. The use of personal information to contact customers is already addressed in legislation, including the National Privacy Principles in the Privacy Act 1988, with further protections provided by the Spam Act 2003 and the Do Not Call Register Act 2006, providing far more protection than the Guidelines.

It was suggested in the 2005 Report *Examination of Policy and Regulation Relating to Voice Over the Internet Protocol (VoIP) Services* to the Minister for Communications, Information Technology and the Arts, that ACIF Codes be reviewed as to their relevance toward services using VoIP, in particular those Codes considered to apply to the provision of a Standard Telephone Service (STS) as defined by the *Telecommunications (Consumer Protection and Services Standards) Act 1999*. VoIP providers who offer services that are not considered to be a STS have obligations regarding customers' informed consent imposed by part 13 section 289 of the Act; while such services may not be covered by the scope of this Code, the providers need to ensure that they are familiar with the requirements of the Act.

The Working Committee examined the application of this Code to services using VoIP. It became apparent to the Working Committee that a number of CSPs providing services using VoIP may be technically unable to block CND. For example, the CND for calls within some VoIP providers' own networks could not be blocked on either a call-by-call or permanent basis and that consumers would experience difficulty distinguishing those calls that could be affected prior to making a call.

The Working Committee sought further consultation from numerous VoIP suppliers, which revealed that a supplier's ability to comply in full with Section 3 of the Code depended on the network devices deployed and the functionality of those devices, for example an all-in-one IP call routing solution verses multiple tier functionality.

The Working Committee concluded that affected suppliers must comply with the Code as much as that is possible and make known to the customer any such limitation at a point in time which will provide the customer with an opportunity to protect their right to privacy.

### **How this Code builds on and enhances the current privacy protection arrangements**

The way in which suppliers have to handle personal information associated with CLI is already regulated by the Privacy Act and Part 13 of the Act.

This Code deals specifically with CND and CLI and refines the more general privacy protection rules set out in the Privacy Act and the Act. It aims to regulate:

- the manner in which CND enabling or blocking is to be offered to customers by suppliers;
- options which customers have in relation to enabling or blocking CND;

- charges which may apply in relation to enabling or blocking the display of CND to the called party; and
- measures to be undertaken by suppliers to ensure that the public is aware of CLI and CND privacy implications.

Privacy awareness measures will require suppliers to provide readily accessible information as to the status of their lines (blocked or enabled).

The Code also provides guidance on dealing with new customers and customers who are changing public numbers.

The Code also deals with the provision of CLI to CSPs. CSPs may receive CLI as part of running and supporting communications over a telecommunications network. Generally, CLI is provided to CSPs regardless of whether customers have opted for blocking of CND. Accordingly, the Code sets out strict limits on the circumstances in which CLI may be provided to CSPs and how they may use it.

The Code, when registered, will provide enforceable privacy protection rules for the benefit of telecommunications customers.

### **What the Code will accomplish**

The objectives of the Code are to:

- (a) require suppliers to provide privacy protections in the supply of CLI and CND;
- (b) ensure that suppliers adopt procedures to allow callers using the standard telephone service provided to them to freely enable or block CND to the called party;
- (c) require Suppliers to inform their customers, on an ongoing basis, about CLI and CND and the privacy implications of both, and how customers can utilise CND Blocking features of their standard telephone service so that they are able to make informed choices about their use of telecommunications; and
- (d) deal with the use of CLI by suppliers.

The Code will ensure that all suppliers abide by a standard set of rules in relation to the way they provide their customers choices for enabling and blocking CND to those they are calling and meeting service delivery standards in relation to implementing customer choices.

It will enable customers to make privacy related choices without being charged for opting to block or enable CND to the called party.

It will also ensure that suppliers maintain on-going awareness activities in relation to CND, CLI and privacy.

It achieves these objectives by building a comprehensive set of rules, complemented by guidance notes.

### **How the objectives will be achieved**

It is anticipated that all suppliers will comply with the Code, either directly as Code signatories or indirectly by Code registration by the ACMA.

### **Anticipated Benefits to Consumers**

Consumer benefits will flow from the adherence by suppliers to privacy protection measures, over and above the statutory requirements imposed by the Privacy Act and the Act.

Registration of the Code by ACMA will ensure that all suppliers who fall within the established sections of the industry (as set out in section 110 of the Act) can be directed to comply with the Code, whether or not the suppliers have chosen to

adopt it voluntarily through the Communications Alliance process. This uniformity will benefit customers who can be reasonably sure, when choosing a telecommunications provider, that CND will be offered in accordance with industry standards.

Registration will also ensure that all customers are given options for enabling or blocking CND, to those being called both on a permanent and per call basis, and that these options are available free of charge.

Customers will benefit from the on-going awareness strategies in the Code, in that it will allow them to make informed choices about their use of telecommunications.

Since the Code deals with information relating to individuals, it can be expected to benefit all domestic users of telecommunications services, and those individuals who operate small businesses which acquire telecommunications services.

Consumers can be assured that the industry has put in place standards for the provision of CND products. The rules are written in clear and easily understood terms, to ensure that customers can know what they should expect of their telecommunications providers in relation to CND products.

### **Benefits to industry**

Part 6 of the Act identifies the role of industry codes, developed by the industry, to apply to participants in the industry in relation to their telecommunications activities.

The Code sets down easily understood rules and guidance notes, providing a level of certainty for suppliers, their customers and the telecommunications industry as a whole.

The development of privacy standards specific to CND products will foster consumer confidence in the use of new information and communications technologies, and should therefore encourage the uptake of new products and services.

Registration of the Code will ensure that all sections of the industry operate on an equal footing in relation to their provision of CLI and CND since the Code will effectively have the weight of law.

### **Anticipated costs of compliance**

Suppliers offering CND have an obligation to maintain awareness activities among their customer base.

**CIRP/WC19 : Calling Number Display** Working Committee

## TABLE OF CONTENTS

<b>1</b>	<b>GENERAL</b>	<b>2</b>
1.1	Introduction	2
1.2	Registration with ACMA	2
1.3	Scope	2
1.4	Objectives	3
1.5	Code review	3
<b>2</b>	<b>ACRONYMS, DEFINITIONS AND ABBREVIATIONS</b>	<b>4</b>
2.1	Acronyms	4
2.2	Definitions	4
2.3	Interpretations	8
<b>3</b>	<b>BLOCKING AND ENABLING CND</b>	<b>9</b>
3.1	General	9
3.2	Permanent Line Blocking for Unlisted Entry	10
3.3	CND Availability to Emergency Services	10
3.4	Timeframe	10
3.5	Charges	10
3.6	Change of Public Number or Status	11
3.7	No discrimination	11
3.8	Exceptions to Code Obligations	11
<b>4</b>	<b>PROVIDING CUSTOMER INFORMATION</b>	<b>12</b>
4.1	Information Requirements	12
<b>5</b>	<b>OBLIGATIONS IN RELATION TO PROVISION OF CLI</b>	<b>14</b>
5.1	Supplier Obligations in Relation to Provision of CLI	14
5.2	CSP Obligations in Relation to Receiving CLI	14
<b>6</b>	<b>CODE ADMINISTRATION AND COMPLIANCE</b>	<b>16</b>
6.1	Code Signatory Arrangements	16
6.2	Powers of the Telecommunications Industry Ombudsman to Handle Complaints	16
6.3	Power to Handle Industry Complaints	16
<b>7</b>	<b>REFERENCES</b>	<b>17</b>
<b>A</b>	<b>APPENDIX</b>	<b>18</b>
	<b>CUSTOMER BLOCKING/ ENABLING CND</b>	<b>18</b>
	<b>PARTICIPANTS</b>	<b>19</b>

# 1 GENERAL

## 1.1 Introduction

- 1.1.1 Section 112 of the Act sets out the intention of the Commonwealth Parliament that bodies and associations in the telecommunications industry develop Industry Codes relating to telecommunications activities, including a Code on Calling Number Display.
- 1.1.2 The development of the Code has been facilitated by Communications Alliance through a Working Committee comprised of representatives from the telecommunications industry, consumer groups and privacy advocates.
- 1.1.3 The Code deals specifically with CND and CLI. Broader privacy protection measures are dealt with in the *Privacy Act 1988* (Cth).
- 1.1.4 If there is a conflict between the requirements of the Code and any requirements imposed on a Supplier by legislation, the Supplier will not be in breach of this Code by complying with the requirements of legislation.
- 1.1.5 Compliance with the Code does not guarantee compliance with legislation and the Code is not a substitute for legal advice.
- 1.1.6 Statements in boxed text are a guide to interpretation only and are not binding as Code rules.

## 1.2 Registration with ACMA

The Code is to be submitted to AMCA for registration pursuant to section 117 of the Act.

## 1.3 Scope

- 1.3.1 The Code is applicable to the following sections of the telecommunications industry under section 110 of the Act. These are collectively referred to as 'Suppliers':

- (a) Carriers; and
- (b) CSPs.

*NOTE: CSPs include internet service providers.*

- 1.3.2 The Code deals with CND and the provision of CLI to Carriers and CSPs in relation to the telecommunications activities of Suppliers, as defined in section 109 of the Act, including the following:
  - (a) carrying on business as a Carrier;
  - (b) carrying on business as a CSP; or
  - (c) supplying goods or service(s) for use in connection with the supply of a listed Carriage Service.

- 1.3.3 Code rules in Sections 3 and 4 of this Code apply only in relation to the provision of a STS. They do not apply to data services such as SMS and MMS.

*NOTE: Data services such as SMS and MMS are technically unable to carry a blocking code.*

- 1.3.4 Nothing in this Code is intended to affect:
- (a) Suppliers using or disclosing CLI in the course of providing a STS, where the use or disclosure is necessary to provide that STS and is authorised or required by legislation;
  - (b) Emergency Services Organisations or persons handling calls on their behalf; or
  - (c) Customer choice of Enabling or Blocking CND to the called party, provided the Customer is fully informed.

## **1.4 Objectives**

This Code is intended to:

- (a) require Suppliers to provide privacy protections in the use of CLI and CND;
- (b) ensure that Suppliers adopt procedures to allow Callers using the STS provided to them to easily Enable or Block CND to the called party;
- (c) require Suppliers to inform their Customers, on an ongoing basis, about CLI and CND and the privacy implications of both, and how Customers can utilise CND Blocking features of their STS so that they are able to make informed choices about their use of telecommunications; and
- (d) deal with the use of CLI by Suppliers.

## **1.5 Code review**

Review of the Code will be conducted 5 years after the Code is registered by ACMA.

## 2 ACRONYMS, DEFINITIONS AND ABBREVIATIONS

### 2.1 Acronyms

For the purposes of the Code, the following acronyms apply:

ACMA	Australian Communications and Media Authority
ACIF	Australian Communications Industry Forum
CLI	Calling Line Identification or Calling Line Identity
CND	Calling Number Display or Calling Name Display
CSG	Customer Service Guarantee
CSP	Carriage Service Provider
PMTS	Public Mobile Telecommunications Service
PNDD	Public Number Directory Data
STS	Standard Telephone Service

### 2.2 Definitions

For the purposes of the Code, the following definitions apply:

#### **Act**

means the *Telecommunications Act 1997* (Cth).

#### **Block**

means the method by which the Caller prevents the called party identifying them by using CND, either by way of a Permanent Line Block or by use of the Blocking Code.

#### **Blocking Code**

means a series of numbers and/or symbols which the Caller uses before the Public Number in order to prevent sending CND to the called party for that particular Call. The Blocking Codes are 1831 or #31#.

#### **Call**

means a voice call made using a STS.

#### **Caller**

means the person originating a Call using a STS (often called the "end user"), whether or not that person is also the Customer in relation to the STS.

#### **Calling Line Identification/Calling Line Identity**

means the data generated by a Telecommunications Network which relates to the Public Number of the originating Call.

**Calling Number Display**

means the displayed or presented Public Number and/or name of the Customer from whose STS a Call is made (based on CLI). Also known as Caller ID.

**Carriage Service**

has the meaning given by section 7 of the Act.

**Carriage Service Provider**

has the meaning given by section 87 of the Act.

*NOTE: Carriage Service Providers include internet service providers.*

**Carrier**

has the meaning given by section 7 of the Act.

**Communications**

has the meaning given by section 7 of the Act.

**Customer**

means the person who is contracted to a CSP for the supply of a Carriage Service in association with a Public Number.

**Customer Service Guarantee**

means the Customer Service Guarantee made pursuant to section 115 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth).

**Directory Assistance Services**

has the same meaning as given by section 7 of the Act.

**Directory Related Services**

means Directory Assistance Services, Operator Assistance Services, Operator Services and Public Number Directories.

**Display Code**

means a series of numbers and/or symbols which the Caller uses before the Public Number in order to Enable sending CND to the called party for that particular Call. The Display Codes are 1832 or \*31#.

**Emergency Service Number**

means as defined in the Telecommunications Numbering Plan 1997 (s 3.24). The Plan specifies that 000 is the primary Emergency Service Number whilst 106 and 112 are secondary Emergency Service Numbers.

*NOTE: As per the Telecommunications (Emergency Call Person) Determination 2002, Communication can only be made with 106 using a text device, and with 112 using a Public Mobile Telecommunications Service that uses GSM technology.*

**Emergency Service Organisation**

means an organisation described in the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth) (s. 147) as an emergency service organisation.

*NOTE: Emergency Service Organisations include a police force or service or a fire service or an ambulance service.*

**Enable**

means the method by which a Caller allows the called party to identify them using CND on either a permanent or per Call basis.

**Geographic Number**

means a number that has been allocated under the Numbering Plan to a CSP for the provision of a local service.

**Line Blocking Status**

means the status of a particular STS in relation to whether it has in place Blocking or Enabling of CND.

**Listed Entry**

means PNDD that will be available in Directory Related Services and includes a STS with:

- (a) a Geographic Number that the Customer has not requested to be excluded from Directory Related Services;
- (b) a Mobile Service Number that the Customer has agreed to be included in Directory Related Services;
- (c) a Public Number that when called, gives access to a private telephone exchange extension that the Customer has specifically requested be included in Directory Related Services; or
- (d) any other Public Number that the Customer has specifically requested to be included in Directory Related Services.

**Mobile Service Number**

means a number that has been allocated under the Numbering Plan to a CSP for the provision of a PMTS.

**Numbering Plan**

means a plan made pursuant to section 455 of the Act.

**Override Code**

means a series of numbers which a Caller uses to access the service of a particular Supplier on a per Call basis.

**Operator Assistance Service**

means a service involving the connection of a call by an operator.

**Operator Services**

means:

- (a) services for dealing with faults and service difficulties; and
- (b) services of a kind specified in regulations made under the Act.

**Per Call Blocking**

means Blocking CND for a single Call, by use of the Blocking Code.

**Permanent Line Block**

means an arrangement between a Customer and a Supplier by which there is automatic Blocking unless the Caller, in respect of a particular Call, uses the Display Code.

**Public Mobile Telecommunications Service**

has the meaning given in section 32 of the Act.

**Public Number**

means a number specified in the Numbering Plan as referred to in subsection 455(3) of the Act.

**Public Number Directory**

has the meaning given by section 285 of the Act.

**Public Number Directory Data**

means:

- (c) the Public Number;
- (d) the name of the Customer or business;
- (e) the directory name;
- (f) the directory address;
- (g) an indication of whether the Public Number is to be used for government, business, charitable or residential purposes, or if the service type information is not available; and
- (h) an indication of whether the service is to be a Listed Entry, an Unlisted Entry or a Suppressed Address Entry, where offered, in a Public Number Directory.

**Public Payphone**

has the same meaning as in *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*.

**Standard Telephone Service**

has the meaning given by section 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

**Supplier**

means a Carrier or CSP.

**Suppressed Address Entry**

means a Listed Entry whereby, at the Customer's request and if offered by the CSP, only the Customer's name, locality, State, postcode and Public Number will be made public in a Public Number Directory.

**Telecommunications Network**

has the meaning given by section 7 of the Act.

**Unlisted Entry**

means PNDD that will not be available in Directory Related Services and includes a STS with:

- (a) a Geographic Number that the Customer has specifically requested to be excluded from Directory Related Services;
- (b) a Mobile Service Number that the Customer has not agreed to be included in Directory Related Services;
- (c) the number of a Public Payphone;
- (d) a Public Number that when called, gives access to a private telephone exchange extension that the Customer had not specifically requested be included in Directory Related Services; or
- (e) any other Public Number that the Customer has not specifically requested to be included in Directory Related Services.

**2.3 Interpretations**

In the Code, unless the contrary appears:

- (a) a reference to a statute, ordinance, Code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) words in the singular includes the plural and vice versa;
- (c) a verb used in the present tense includes that verb used in other tenses;
- (d) words importing persons include a body whether corporate, politic or otherwise; and
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, officer, employee, volunteer, agent and/or subcontractor (including but not limited to, persons taking by novation) and assigns.

### 3 BLOCKING AND ENABLING CND

#### 3.1 General

- 3.1.1 Subject to Section 3.2 and Clause 3.3.1, a Supplier must ensure that its Customers have the choice of Blocking CND on a permanent basis and on a per Call basis for each STS supplied.
- 3.1.2 Blocking of CND must be offered by Suppliers on an unconditional basis and must operate across all networks.
- 3.1.3 Subject to Section 3.2 and Clause 3.3.1, a Supplier must offer the capability of Enabling CND for each STS supplied. Supplier may offer the capability of Enabling CND on:
  - (a) a per Call basis; or
  - (b) a permanent basis; or
  - (c) both.
- 3.1.4 Subject to Clause 3.3.1, a Supplier must ensure that a Permanent Line Block prevents the presentation of CND for all Calls made from that STS, except for Calls preceded by the Display Code.
- 3.1.5 Suppliers must not override a Permanent Line Block without the Caller's consent.
- 3.1.6 Subject to Clause 3.3.1, a Supplier must ensure that Callers using its Carriage Services are able to Block or Enable their CND associated with the Carriage Service in relation to a particular Call by using the Blocking Code or the Display Code prior to the Public Number of the called party.
- 3.1.7 Where a Caller uses an Override Code to access a Supplier's Carriage Services, the Supplier must ensure that:
  - (a) the Caller can Block or Enable CND by using the relevant Blocking or Display Code; and
  - (b) where technically feasible, the Blocking or Display Code can be used immediately prior to the Override Code.
- 3.1.8 Where it is not technically possible for the Blocking or Display Code to be used immediately prior to the Override Code, as per Clause 3.1.7, a Supplier must inform its Customers how they can Block or Enable CND for Calls made using the Override Code.
- 3.1.9 A Supplier must ensure that:
  - (a) where a Caller has a Permanent Line Block or has used the Blocking Code; and
  - (b) the called party has diverted the Call by one or more diversions;the CND of the Caller is not presented to the called party except as permitted in Clause 3.3.1.

### 3.2 Permanent Line Blocking for Unlisted Entry

A Supplier must ensure that a STS which has an Unlisted Entry carries a Permanent Line Block. The Supplier must offer the Customer with that STS the capability of Enabling CND. A Supplier may offer the capability of Enabling CND on:

- (a) a per Call basis; or
- (b) a permanent basis; or
- (c) both.

*NOTE: Refer to Appendix A for Customer Options for Blocking and Enabling CND.*

### 3.3 CND Availability to Emergency Services

- 3.3.1 A Supplier must ensure that all Calls made to Emergency Service Numbers result in the provision of CND, regardless of whether the STS from which the Call is made has a Permanent Line Block or the Caller has used the Blocking Code.
- 3.3.2 A Supplier must take reasonable steps to ensure that Customers are made aware that the display or presentation of CND will operate for all Calls to Emergency Services Numbers. (Refer to Clause 4.1.1 (I))

### 3.4 Timeframe

- 3.4.1 Where CND is provided as part of a Carriage Service to which the CSG does not apply, such as a PMTS, the Supplier must inform Customers of its timeframes for implementing requests by a Customer for a Permanent Line Block.

*NOTE: For service to which the CSG applies, applicable timeframes apply to the provision of Permanent Line Block.*

- 3.4.2 Suppliers must comply with the timeframes set by them under Clause 3.4.1 for implementing Permanent Line Blocks.

### 3.5 Charges

- 3.5.1 Subject to Clause 3.5.2, a Supplier must not charge a Customer for Blocking or Enabling.
- 3.5.2 A Supplier must permit a Customer to elect to implement or remove a Permanent Line Block from a STS once in a six-month period without incurring a charge. However, a Supplier may charge the Customer for the second and subsequent changes within a six-month period, providing:
  - (a) the Customer has been informed of the proposed charges at the time of requesting the change; and
  - (b) that any charge levied is limited to the reasonable cost of implementing or removing a Permanent Line Block from the STS.

*NOTE: Nothing in this Clause 3.5 is intended to prevent a Supplier from charging a Customer for an Unlisted Entry.*

### **3.6 Change of Public Number or Status**

- 3.6.1 If a Customer changes their Public Number and the new Public Number is part of:
- (a) an Unlisted Entry, the Supplier must implement a Permanent Line Block. The Supplier must offer the Customer with that STS the capability of Enabling CND. The Supplier may offer the capability of Enabling CND on:
    - (i) a per Call basis; or
    - (ii) a permanent basis; or
    - (iii) both.
  - (b) a Listed Entry, the Supplier must, unless the Customer requests otherwise, ensure that the Line Blocking Status is the same as it was for that Customer's previous Public Number and advise the Customer that the existing Line Blocking Status will be implemented for the new Public Number.
- 3.6.2 Where a Customer with a Listed Entry requests that it become an Unlisted Entry, the Supplier must ensure that the Public Number carries a Permanent Line Block. The Supplier must offer the Customer with that STS the capability of Enabling CND. The Supplier may offer the capability of Enabling CND on:
- (a) a per Call basis; or
  - (b) a permanent basis; or
  - (c) both.

### **3.7 No discrimination**

A Supplier must not unfairly discriminate between or offer different levels of service to Customers on the basis of whether those Customers choose to Enable or Block CND.

### **3.8 Exceptions to Code Obligations**

- 3.8.1 Where, for technical reasons, a Supplier's Telecommunications Network cannot support the option of Blocking or Enabling CND on a permanent basis and/or on a per call basis, the relevant Supplier must inform the Customer of the extent and possible effects of any such limitation. The timing and content of the disclosure must be sufficient to enable the Customer to make an informed choice about whether to exercise their right to privacy and must also occur prior to the parties entering into any form of agreement for the supply of services, or prior to a technical change for customers of an existing Supplier.
- 3.8.2 A Supplier must, without penalty, free any Customer of their contractual obligations who wishes to leave them as a consequence of technological change whereby that Supplier does not support Blocking or Enabling.

## 4 PROVIDING CUSTOMER INFORMATION

### 4.1 Information Requirements

- 4.1.1 Where applicable to the Carriage Service provided to the Customer, Suppliers must, on an ongoing basis, provide the following information to Customers in clear terms:

*NOTE: Provision of information to Customers on an ongoing basis can include the use of bill reminders, stickers, news letters, information on a Supplier's webpage.*

- (a) general explanation of what CLI and CND are and how they work;
- (b) default participation status and options (choices) for different types of Public Numbers (e.g. Geographic Numbers and Mobile Service Numbers) and listing types (i.e. Listed Entry, Unlisted Entry or Suppressed Address Entry (where offered)), together with details of relevant charges (i.e. charges for frequent changes of Line Blocking Status);
- (c) an explanation, where relevant, of services that cannot support Blocking or Enabling, such as SMS and MMS;
- (d) where the Line Blocking Status is implemented by the Supplier, periodic reminders of the Line Blocking Status;
- (e) how captured CND may be used by called parties;
- (f) examples (scenarios) of why Customers may wish to implement Blocking CND;
- (g) an explanation of how Blocking works;
- (h) Blocking and Display Codes a Customer can use to Block or Enable CND when using that Supplier's services;
- (i) the sequence for using a Display or Blocking Code when also using an Override Code;
- (j) the meaning of various terminal message displays relating to CND, where equipment is supplied by the Supplier;
- (k) the implications of Enabling CND for multi-caller households or premises, and for Customers with an Unlisted Entry in particular;
- (l) an explanation of the automatic Enabling of CND for Calls to emergency services;
- (m) an explanation of CND for international Calls;
- (n) a freephone or local rate number and TTY number for enquiries through which Customers can obtain immediate confirmation of their Line Blocking Status or obtain information about the use of CND and its implications; and
- (o) the Public Number(s) of the relevant bodies who receive complaints about use of CLI or CND.

- 4.1.2 Suppliers must ensure that, when providing information to Customers under Clause 4.1.1, the information is accessible to people from diverse cultural and linguistic backgrounds and people with disabilities.
- 4.1.3 Suppliers who provide a wholesale telephony service must provide appropriate and timely information about CLI and CND to the CSPs who resell their products to enable both the Supplier and the reseller to meet their information obligations, as outlined in Clause 4.1.1.

## 5 OBLIGATIONS IN RELATION TO PROVISION OF CLI

### 5.1 Supplier Obligations in Relation to Provision of CLI

- 5.1.1 A Supplier may provide CLI to a CSP for the purposes of facilitating the delivery of a Carriage Service.
- 5.1.2 Prior to agreeing to supply CLI to a CSP, a Supplier must be satisfied that CLI is to be used only for the purposes identified in Clause 5.2.1.

### 5.2 CSP Obligations in Relation to Receiving CLI

- 5.2.1 A CSP which receives CLI in the course of facilitating the delivery of a Carriage Service must not use or disclose that CLI for purposes other than:
  - (a) passing data required within and between networks to support network switching and the correct termination of a Communication;
  - (b) supporting the Blocking or Enabling of CND;
  - (c) supporting the delivery of other telecommunications services and products that rely on CLI;
  - (d) activities relating to the management of Carriage Services within and between Telecommunication Networks;
  - (e) activities related to analysing network traffic and performance for the purposes of:
    - (i) ensuring compliance to relevant Industry Codes and Standards for network performance; and
    - (ii) planning of Telecommunication Network activities associated with increasing Telecommunications Network capacity.
  - (f) fault handling activities within and between Telecommunications Networks;
  - (g) supporting Customer and inter-carrier billing and credit control;
  - (h) Telecommunications Network fraud prevention activities; or
  - (i) dispute resolutionwhere the CSP has a direct relationship to the Carriage Service, or where required by law.
- 5.2.2 A CSP must not use CLI for purposes of data mining, behavioural monitoring, marketing or identifying and communicating with other than that CSP's own Customer.

*NOTE: Nothing in Clause 5.2.1 or 5.2.2 precludes a CSP from using CND that it has received in its capacity as a called party in accordance with general rules on the regulation of marketing activities, on the same basis as other recipients.*

- 5.2.3 CSPs receiving CLI must inform their Customers that they are receiving the Customer's CLI regardless of Blocking.

## **6 CODE ADMINISTRATION AND COMPLIANCE**

### **6.1 Code Signatory Arrangements**

Under ACIF Code signatory arrangements, Code Signatories are subject to ACIF's Code Administration and Compliance Scheme (November 2003) (the Scheme). Accordingly, all Code Signatories who are bound by this Code are also bound by the Scheme.

### **6.2 Powers of the Telecommunications Industry Ombudsman to Handle Complaints**

Under section 114 of the Telecommunications Act 1997 and, subject to consent by the Telecommunications Industry Ombudsman, this Code confers on the Telecommunications Industry Ombudsman the functions and powers of:

- (a) receiving;
- (b) investigating;
- (c) facilitating the resolution of;
- (d) making determinations in relation to;
- (e) giving directions in relation to; and
- (f) reporting on

complaints made by the end users of carriage services about matters arising under or in relation to this Code, including compliance with the Code by those industry participants to whom this Code applies.

### **6.3 Power to Handle Industry Complaints**

6.3.1 Complaints may be made under this Code to Communications Alliance about a contravention of this Code by a Signatory to this Code:

- (a) by a member of the industry (or coalition of consumer representatives) (an "Industry Complaint"); or
- (b) by referral from the ACMA of an Industry Complaint under the power granted to the ACMA in section 514 of the Telecommunications Act 1997, subject to the agreement of Communications Alliance to accept the referral. Without limiting the grounds on which Communications Alliance may withhold its agreement to accept a referral, Communications Alliance may withhold its agreement where it considers that the complaint can be more conveniently dealt with in another forum or that handling the complaint may impose an unreasonable cost burden on Communications Alliance.

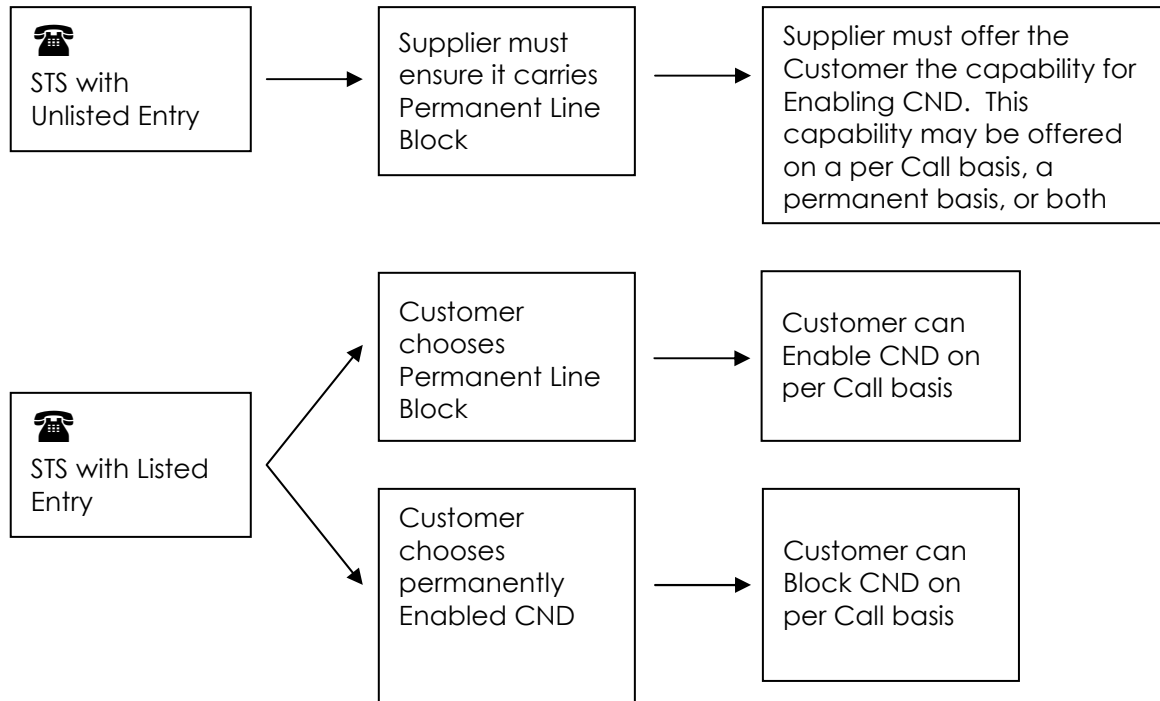
6.3.2 Communications Alliance must handle complaints under Clause 6.3.1 (a) or (b) in accordance with the provisions of the ACIF G514:2003 Code Administration and Compliance Scheme.

## 7 REFERENCES

<b>Publication</b>	<b>Title</b>
<b>Industry Codes</b>	
ACIF C555:2002	Integrated Public Number Database (IPND)
<b>Industry Guidelines</b>	
ACIF G514:2003	Code Administration and Compliance Scheme
ACIF G619:2005	IPND Data
<b>Legislation</b>	
<i>Privacy Act 1998 (Cth)</i>	
<i>Telecommunications Act 1997 (Cth)</i>	
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)</i>	
<i>Telecommunications (Emergency Call Person) Determination 2002</i>	
<i>Telecommunications Numbering Plan 1997</i>	

## A APPENDIX

### CUSTOMER BLOCKING/ ENABLING CND



NB:

- The processes set out in this Chart are subject to Clause 3.3.1 which requires that CND is passed to ESOs, regardless of whether the provision of CND has been Blocked.
- Suppressed address is treated as a Listed Entry.
- In practice, the default position for a STS with a Listed Entry is for per line Enabled.

## **PARTICIPANTS**

The Working Committee responsible for the revisions made to this Code consisted of the following organisations and their representatives:

<b>Organisation</b>	<b>Membership</b>	<b>Representative</b>
Australian Privacy Foundation	Voting	Nigel Waters
Country Women's Association	Voting	Myra Pincott
Engin	Voting	Simone Newton
Hutchison Telecoms	Voting	Alexander R. Osborne
SETEL	Voting	Gordon Frend
Telstra	Voting	Terry Black

Margaret Fleming of Communications Alliance chaired the Working Committee. Holly Raiche of Communications Alliance provided project management support.

-

Communications Alliance was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the Telecommunications Act 1997 - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



**Published by:  
COMMUNICATIONS  
ALLIANCE LTD**

**Level 9  
32 Walker Street  
North Sydney  
NSW 2060 Australia**

**Correspondence  
PO Box 444  
Milsons Point  
NSW 1565**

**T 61 2 9959 9111  
F 61 2 9954 6136  
TTY 61 2 9923 1911  
E [info@commsalliance.com.au](mailto:info@commsalliance.com.au)  
[www.commsalliance.com.au](http://www.commsalliance.com.au)  
ABN 56 078 026 507**

Care should be taken to ensure the material used is from the current version of the Standard or Industry Code and that it is updated whenever the Standard or Code is amended or revised. The number and date of the Standard or Code should therefore be clearly identified. If in doubt please contact Communications Alliance.