



National Information & Communications Technology Authority

GUIDELINE FOR INTERNET SERVICE PROVIDER (ISP)



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I. EXECUTIVE SUMMARY

The National Information and Communication Technology Authority (NICTA) is a statutory entity established under the NICT Act, 2009. In accordance with Part XI-Division 4, Section 218 of the Act, NICTA is mandated to regulate the ICT Industry by developing rules and guidelines including minimum regulatory requirements relating to the use or provision of ICT technology in Papua New Guinea (PNG).

Many new dynamic IP-based technologies are ever emerging warranting for new or revised regulatory mechanisms to be established to govern the safe and reliable use and/or operation of the internet service. This revised instrument provides a framework covering the operational and interconnection requirements especially with the PNG IXP, privacy and data protection, including cybersecurity and other general requirements to regulate the internet service.

It is now an appropriate time to reconsider the requirements for ICT technology and use in PNG, as set out in this guideline, notwithstanding that regular reviews will be required into the future to ensure their currency.

This guideline is intended to provide explanation and context to relevant legislation, regulatory instruments and formal Government policies, such as cyber policy, and must be read consistently with those instruments, legislation and policies.

1. INTRODUCTION

The internet forms a vital infrastructure for development; it is also seen as the new source of growth, and drivers for innovation and social well-being in PNG. As the internet economy grows, stakeholders and the rest of the economy become increasingly reliant on digital infrastructure to perform their essential functions.

In regulating the internet, NICTA adopts a balanced and light-touch approach to ensure that minimum standards are set for the responsible use of the internet service while offering a maximum flexibility for the industry players to operate. NICTA believes that confidence in the internet is fundamental to developments in the digital economy in PNG.

NICTA trusts that compliance with this guideline will promote confidence, reliability and enhance value of the internet and its related ICT system and at the same time reduce the security threats out there on the internet.

This instrument shall be cited as the “Guideline for Internet Service Providers”. It specifies the minimum regulatory requirements that must be observed by parties involve in the internet service.

2. DEFINITIONS

Act	– means, National Information and Communications Technology (NICT) Act, 2009,
APNIC	– Asia Pacific Network Information Centre,
Content	– means, all forms of information uniquely retrieved from or supplied to the internet,
ICT	– means Information and Communication Technology,
IETF	– means Internet Engineering Task Force,
IGSP	– means Internet Gateway Service Provider,
IP	– Internet Protocol,
IPR	– Intellectual Property Rights,
ISP	– means Internet Service Provider. In this guideline, “ISP” is used interchangeably with “licensee” and has the same meaning.
License	– means a license granted under the NICT Act to authorize operation of the ICT service. In this guideline, license refers to an ISP license which is an Individual Application License.
Licensee	– means, holder of an ICT license. In this guideline, licensee means holder of an ISP License which is an Individual Application License.
NICTA	– means National Information and Communication Technology Authority,
NIO	– National Intelligence Organization
QoS	– means, Quality of Service
PNG	– means the ‘Independent State of Papua New Guinea’
PNGCERT	– means PNG Computer Emergency Response Team (PNGCERT),
PNG IXP	– means PNG Internet Exchange Point,
PoP	– means Point of Presence

3. OBJECTIVES

The guidelines in this instrument aim to;

- promote transparency, efficiency and competitiveness and also facilitate innovation in the provision of internet services in PNG;
- to ensure that minimum quality of service parameters is implemented for compliance purpose;
- promote end user confidence and ensuring that internet services are reasonably accessible to all people, and the internet service is supplied at performance standards to meet the needs of the public;
- encourage, facilitate and promote industry self-regulation in the provision of internet service;
- enhance cybersecurity and minimize use of services for illegal purposes and thus, building trust in ICT; and,
- provide transparent mechanism for complaint handling and ensures that complaints are handled in a fair and efficient manner.
- assist ISPs and the law enforcement agencies to structure their interactions in relation to cybercrime issues.

4. SCOPE

- a) The guidelines shall apply equally to suppliers of internet services by use of line links, satellites and/or microwave facilities. It applies to all licensees providing Internet services or any other internet protocol-based ICT services whether it is an access provider or an access seeker and regardless of the technology used to deliver the internet service.
- b) The guidelines encourage ISPs to provide adequate quality of services to its customers in an easily comparable form, regardless of whether the ISP is an access provider or an access seeker and regardless of the technologies used to deliver the service.
- c) This guideline is not intended to standardize the services and features of an internet service. Instead, the guidelines in these instrument aim to provide a framework to cover;
 - operational requirements;
 - interconnection requirements;
 - privacy and data protection;
 - cybersecurity;
 - prohibited content or material; and,
 - other general requirements.
- d) The guidelines in this instrument does not replace, but rather provides supplements to other regulatory instruments and license conditions specified by NICTA.
- e) Nothing in this guideline is intended to prevent the Internet industry from developing its own complementary or self-regulatory approaches to issues it considers important, consistent with existing legislation and policies, such as those relating to facilitating competition in the PNG economy and prohibiting anti-competitive behavior.

5. LICENSING

- a) NICTA anticipates and will ensure strict compliance with the Act and the “Standard and Special Conditions of Individual License Rule, 2011” by a licensee under the term of its license.
- b) The ISP license is an Individual Application license, issued by NICTA.
- c) NICTA may refuse an application on reasonable grounds and/or where the grant of license applied for would not be accommodated taking into account frequency spectrum, satellite regulation and market considerations. Such reasons shall be made known to the applicant.
- d) Once a license is awarded, the licensee’s details will be published on NICTA registry, which is open to public viewing.
- e) No limit is set upon the number of ISP licenses that may be granted by NICTA.

6. OPERATIONAL REQUIREMENT:

6.1 DELIVERY OF SERVICE (DoS)

- a) The licensee shall use the best technology in line with industry best practice to provide internet service to the public. They shall be bound by the terms and conditions of the license, as well as such directions or regulations of NICTA as per the provisions of the Act and/or other regulations/directives/instructions as amended or issued by NICTA.
- b) Where traffic management practices are required in order for the efficient operation of internet service, the licensee shall be completely transparent about the practices that it has in place and how end user services are affected.
- c) The licensee shall make its own arrangements for the infrastructure involved in providing the service, and shall be responsible for the installation, networking, testing, commissioning and operations of necessary equipment, treatment of end user complaints, and issuance of bills to end users, collection of revenue and attending to claims and damages arising out of its operations.
- d) The licensee shall take all proper and adequate safety measures to safeguard life or property in respect of all apparatus, equipment and installation possess, operated, maintained or used under the license, including exposure to any electrical emissions or radiation emanating from the apparatus, equipment or installation used.
- e) The licensees will be required to set up their nodes/servers within the geographical limits of the service area. They shall use internet protocol (IP) and shall meet the technical requirements of the ISPs to which they are connected. The equipment used by the ISPs shall be in conformity with the Interface/Protocol requirements as applicable.
- f) The licensee shall prior to any installation or maintenance work on the systems, obtain all necessary permissions from the relevant authorities or governmental departments for works on land owned or controlled by any government or local authority or statutory body, and from the relevant owner or occupier for works on any private land.

- g) The licensee shall take adequate steps to prevent harmful emissions from their system that may be hazardous to the environment, including people and property that may be injured or damaged, and shall take special care in respect of storage, usage, and disposal of batteries to be used in the installations and systems of the licensee.
- h) The licensee shall refrain from causing interference with systems of other operators licensed by NICTA or other systems of government agencies in PNG, and shall comply with directions from NICTA or any other authorized agency for the prevention, cessation or mitigation of such interference.
- i) The licensee is also required to take reasonable steps to ensure that the charging mechanisms used in connection with any of its facilities or services are accurate and reliable in all material aspects.

6.2 NETWORK AND CONNECTIVITY

- a) NICTA sets technical standards to facilitate network connectivity, safe working practices and safety of life and equipment, and other general requirements as seen to be appropriate by NICTA. All licensees shall comply with these technical standards issued by NICTA and other recognized international standards to ensure that the technical quality of ICT services and equipment that connect either directly or indirectly to the network provider are maintained.
- b) Licensees shall be connected to the Internet Gateway Service (IGS). The Licensee may be connected to other ISPs to get leased internet bandwidth if IGS PoP is not available at a specific and preferred location with the prior permission from NICTA.
- c) Licensees can access the gateway in a technical and economically efficient manner either through fixed or mobile terrestrial services, or through satellite services. For ISPs accessing the gateway through satellite, conditions and other specifications pertaining to satellite regulations as determined by NICTA must be complied with.
- d) The licensee shall take lease/sub-lease backhaul network services from a licensed access provider. In case of unavailability of access services, the licensee, with the prior approval of NICTA and other relevant government entities, may build its own access network for connecting the customers with the licensee's PoPs by following the provisions of Infrastructure Sharing Guideline developed by NICTA.
- e) An ISP having multiple nodes or PoPs, will need to demonstrate to NICTA that it is possible to monitor traffic in all routers or switches from the central monitoring center. An ISP shall inform NICTA of every change that takes place in its topology or configuration, and demonstrate that all routers or switches continue to be accessible from the central monitoring center.
- f) Licensees shall not use any kind of VSAT for internet and data communication services without obtaining a VSAT License issued from NICTA.

6.3 QUALITY OF SERVICE (QoS)

- a) The quality of service over the Internet should conform to the guidelines published by the Internet Engineering Task Force (IETF).
- b) All licensees shall comply with the Telecommunications Quality of Service (QoS) Rule, 2022 and any other applicable minimum QoS standards define by NICTA.
- c) The ISP shall take remedial measures in the shortest possible time to rectify and/or improve network performance including but not limited to service quality, reliability, and bandwidth availability.
- d) NICTA reserves the right to carry out performance tests and also define the quality of service parameters for licensee's networks at any time during the currency of a license. It is mandatory for licensees to comply with such parameters of QoS as and when prescribed by NICTA.
- e) The licensee shall provide the internet service within any service supply time targets set out in their license conditions and the Telecommunications Quality of Service (QoS) Rule, 2022 and other relevant regulations developed by NICTA.

6.4 SPECTRUM OBLIGATIONS

- a) Licensees that use spectrum to provide internet service shall pay all applicable fees and other charges, if any, to NICTA at a fixed price as determined by NICTA.
- b) All licensees shall use the spectrum in such a way that any harmful emission is avoided.
- c) NICTA reserves the right to cancel or revoke assignment of frequency allocated to any licensees on following grounds;
 - i. national security or national interest.
 - ii. non-compliance or violation of any license conditions.
 - iii. non-payment of fees or dues within the time limit specified by NICTA, and
 - iv. any other reasonable cause that NICTA thinks fit and proper to do so.
- d) NICTA reserves the right to make any changes in the fees and charges from time to time and the licensee shall abide by this decision.

6.5 TOP LEVEL DOMAIN NAME

- a) The internet registry shall be within the framework of APNIC which is the Regional Internet Registry administering the IP addresses in the region.
- b) It shall be the responsibility of the licensee to obtain top level domain name, IP address and domain name along with others, from the IT department at PNG Unitech.

6.6 SERVICE AREA

- a) A licensee may provide internet services in any district, province or town within PNG. The service area must be made known to NICTA before providing the service.
- b) The licensee shall provide the service in the service area without any discrimination unless directed by NICTA in writing so to refuse.

7. INTERCONNECTION BETWEEN ISPs

- a) Interconnection arrangements between ISPs and IGSPs shall be on mutually agreed terms and conditions. This includes peering interconnection arrangements and other arrangements such as transit interconnection arrangements. In the event the parties could not settle on the terms of an interconnection agreement, the provisions of Part VI of the Act shall be taken to apply to those interconnection arrangements, as if the ISP and IGSP parties to those interconnection arrangements were both interconnecting carriers.
- b) ISPs and IGSPs shall make every effort to ensure that sufficient bandwidth, domestically and internationally, is made available, and that ISPs lease sufficient bandwidth from IGSPs or carriers, to provide quality, reliable, high speed internet access to all customers at all times.
- c) Direct interconnection between two separate ISPs is permitted. The interconnection shall be negotiated on fair, transparent and non-discriminatory commercial terms between ISPs. The obligation of interconnection shall be in compliance with Part VI of the Act.

8. INTERCONNECTION TO PNG EXCHANGE POINT (PNG IXP)

- a) It shall be the obligation of individual ISPs to interconnect its network and/or computer system and keep it connected at all times (24/7) to the PNG IXP for the purpose of facilitating efficient routing and interconnection of IP transit networks within PNG and avoiding the use of international leased lines for IP traffic between internet users in PNG; such interconnection will consequently improve the general connectivity to the internet.
- b) It shall also, be the sole obligation of an ISP to distribute and receive routing information for local data to or from all members of the PNG IXP. The ISPs involved in peering, shall enter into separate peering agreements with all other members before they can exchange traffic.
- c) To get connectivity to the PNG IXP for providing domestic internet service, the Licensee shall follow the Infrastructure Sharing Guidelines published by NICTA. The Licensee shall have to arrange the connectivity with PNG IXP.
- d) For interconnection to the PNG IXP, members and intending members must comply with the regulations and/or agreements that exist between the IXP Service Provider and also other laws deemed necessary.
- e) An ISP that does not have a direct international connection to the internet through which an internet access is provided may be exempted in writing by NICTA from this obligation as stipulated in this guideline. The provisions of the Act, Part VI, Section 139, shall apply in this regard.

9. SUPPLY OF INTERNET ACCESS SERVICE FOR RESALE

- a) ISPs that supply Internet access to other ISPs for resale shall ensure that their supply agreements include the following provisions:
 - i. the right to suspend or terminate service supply in the event of any direction, decision or order from NICTA identifying the recipient of the services as being in breach of its license or any other legal requirement,
 - ii. requirement that the recipient of the services provide any service-related information that the supplier of the services requires to comply with any direction, decision or order from NICTA, or any license condition or other legal requirement; and
 - iii. The right to provide copies of any service supply agreement and any service-related information to NICTA or other legal authority.

10. SERVICE TERMINATION OR SUSPENSION

- a) Licensees must include in their service agreement, clauses that permits immediate suspension or disconnection of an enduser's account and the termination of their service agreements on grounds that the enduser has breached any of the terms and conditions in that service agreement. The licensee may do so if;
 - i. the licensee has provided the end user with an advance notice and an opportunity to remedy the breach;
 - ii. the end user has failed to remedy the breach.
- b) The licensee shall not suspend the service agreements or terminate provision of internet service to end users under the agreement on grounds that the end user is engaging in illegal or improper activities. Instead, the licensee should inform relevant authority and act in conformity with the directives and rules of that particular authority.
- c) A licensee that intends to cease operations or discontinue a specific service must give reasonable advance notice to all affected end users. In such cases, the Licensee must take all reasonable measures to avoid any service interruption to its end users, including complying with any requirement specified by NICTA.
- d) Pursuant to subsection (c) above, in any case in which an end user has made an advanced payment for services provided by a licensee, and the licensee subsequently decides to discontinue operation or the specific service, the licensee must allocate a proportionate share of the advanced payment for refund to the end user.

11. PRIVACY AND DATA PROTECTION

- a) The licensees shall take all reasonable measures to protect the end user's information from unauthorized use, disclosure and/or access.
- b) Licensees may collect and maintain end user information deliberately for its business purposes. The information shall be;
 - i. fairly and lawfully collected and processed;
 - ii. processed for limited and identified purposes;
 - iii. relevant, accurate and not excessive;
 - iv. kept no longer than necessary;
 - v. not transferred to any other party except as permitted by any terms and conditions agreed with the end user as permitted by any permission or approval from NICTA or other Law Enforcement Agencies or as permitted and/or required by other PNG Laws and Regulations.
- c) Licensees collecting, maintaining and using or disclosing any individually identified end user information shall take all reasonable steps to ensure that information is accurate, relevant and current for the purposes for which it is to be used.
- d) When accessing identified individual information, licensees shall ensure that security assessment be done by relevant government agency before access to such information is granted for that purpose which it is to be used.
- e) Pursuant to clause (e) above, licensees shall ensure compliance with the Act and the NIO Act 1984 section 38 & 39 and also other relevant PNG Laws. Compliance with such practices shall improve the national security assessment requirements and processes so that user information is protected and is used for the purpose it is intended for.
- f) The licensee indemnifies NICTA against all actions brought against NICTA for breach of privacy of, or the unauthorized interruption of data transmitted by subscribers.

12. CYBERSECURITY

- a) ISPs must protect consumers by default from known cyber-attacks and cyber threats and ensure that consumers are informed of such efforts and have the opportunity to opt out if desired.
- b) The ISP shall provide customers with minimum level of guidance on security best practices and with routes of reporting suspicious activity that are linked with PNGCERT where relevant.
- c) ISPs shall employ best known security practices in their network when providing internet services. Such security practices shall cater for routing threats, email, computer, hackers, spywares, phishing and other cybersecurity threats in IP networks.
- d) ISPs shall establish mechanisms for quickly informing consumers of suspicious activity or vulnerabilities identified in their network and provide assistance to them in addressing any of the issues they come across.
- e) The ISP shall completely and totally be responsible for the security of their networks. They should also have in-place, well-outlined organizational policy (Code of Conduct)

on security and security management of its networks, network forensics, network hardening, network penetration test, risk assessment and actions to fix problems and to prevent such problems from reoccurring. They should take all measures in respect of these activities.

13. PROHIBITED CONTENT OR MATERIAL

- a) A prohibited content or material is material that is objectionable on the grounds of public interest, public morality, public order, public security, national harmony or is otherwise prohibited by applicable PNG laws.
- b) An ISP may not produce, reproduce, disseminate or broadcast information with the content that;
 - i. opposes the fundamental principles determined in the PNG Constitution;
 - ii. compromises State security, divulges State secrets, subverts State power or damages National unity;
 - iii. harms the dignity or interests of the State;
 - iv. incites ethnic hatred or racial discrimination or damages inter-ethnic unity;
 - v. sabotages State religious' policy or propagates heretical teachings or feudal superstitions;
 - vi. disseminates rumors that undermine social order or disrupt social stability;
 - vii. propagates obscenity, pornography, gambling, violence, murder or fear or incites the commission of crimes;
 - viii. insults or slanders a third party or infringes upon the lawful rights and interests of a third party; or
 - ix. includes other content prohibited by PNG laws or administrative regulations of the Censorship Board of PNG.
- c) ISPs should make genuine attempts to block sites distributing offensive and/or prohibited materials as stipulated in this guideline and also other PNG laws relating to harmful content, which are normally administered and/or enforced by PNG censorship Board.
- d) ISPs shall also block access to or close down any website in respect of which the ISP has been notified in writing by the Censorship Board of PNG that pornographic or seditious material, or material of an offensive or defamatory nature, is being distributed from that website and where the ISP is lawfully obliged to terminate access to that website following delivery of that notice from the Censorship Board.
- e) A licensee who is in doubt as to whether any content would be considered prohibited may refer such content to the Censorship Board of PNG for its decision.

14. CYBERCRIME AND ASSISTANCE TO LAW ENFORCEMENT AGENCIES

- a) ISPs shall provide assistance to law enforcement agencies and government regulatory agencies to assist in preventing cybercrime and other illegal activity. Assistance includes the provision of information, upon lawful request by the Royal PNG Constabulary and other law enforcement agencies, or if required by order of a court, notwithstanding the general obligation to protect customer's privacy.
- b) NICTA strongly advice that compliance with the cybercrime laws of PNG is adhered to under the term of the license.
- c) An ISP shall close down or block access to an internet site or sites if required in writing to do so by a law enforcement agency or by NICTA, for the reason that the internet site or sites is or are reasonably suspected of being used for cybercrime or other illegal activity, for propagating computer viruses, or for other activities contrary to the laws of Papua New Guinea.
- d) Other than in the circumstances described above, ISPs will take no action to block access to any website or internet or IP address.
- e) Upon request from law enforcement agencies, a service provider shall undertake all reasonable efforts to assist law enforcement agencies in executing the request.
- f) An ISP shall prepare written procedures, which includes appropriate due diligence measures, for the processing of requests, and ensure that requests are followed up to pursuant to the agreed procedures.

15. PROVISION OF INFORMATION TO CONSUMERS

- a) An ISP should ensure that their customers have access to information about potential risks to their rights-that is Illegal and/or harmful content, risks for children, security and privacy online, including information on what they are doing to help their customers counter those risks.
- b) The licensee shall prepare a consumer guide and make copies available to its end users and at all of its point of sale. The consumer guide must address factors expressed in the NICTA's Consumer Protection Rule, 2014 and the provisions in the Act.
- c) ISPs shall furnish billing information and offerings or contracts in a form that is clear, concise, accurate and easily readable format to its customers. This information shall be published on their websites, consumer guide or on pamphlets and made readily available to their users or subscribers.
- d) The licensee shall indicate clearly to the subscribers, at the time of entering into contract with such subscribers, about the specifications and the quality of their service.

16. EMERGENCY SERVICES

- a) Licensees shall comply with any network or other requirements that may be approved by NICTA in terms of provision of emergency services during operation. Parameters such as location identification information, special numbers and routing for emergency service locations shall be available when providing emergency service.
- b) Pursuant to clause (a) above, the following services shall be provided and easily accessed by subscribers:
 - i. calls free of charge for emergency services,
 - ii. emergency service routing localized in every province of PNG,
 - iii. emergency services accessible to all including persons with disabilities, and
 - iv. priority routing to enable consumers access emergency services.

17. PUBLICATION AND ADVERTISING

- a) The licensee shall disclose on its website and in all service agreements, full and accurate information regarding the performance, technical and commercial terms of its internet service in a manner sufficient for customers and third party service providers to make informed choices when intending to use their service.
- b) The ISP shall also ensure that information that is retained, broadcasted and/or received through the internet shall comply with relevant provisions of the Act and the Censorship Board Act in-terms of Publication, Protection of State laws, Contents laws and also the laws relating to IPR and management of information on the internet.

18. INSPECTION AND MONITORING

- a) NICTA shall audit or inspect, either directly using its own equipment and software or through independent authorities, the records relating to requirements outlined in this guideline and also other relevant instruments that NICTA has developed. NICTA, if it thinks fit, may require the service providers to get the reports audited and submitted at its own cost, through independent and qualified authorities. The inspections may be carried out with or without a representative of the licensee.
- b) ISPs shall incorporate adequate monitoring equipment in their networks, which will provide a means of measuring network traffic including service monitoring to ensure reliability. Such monitoring is necessary for network planning purposes such as determining when more capacity is required. Traffic monitoring is also valuable in that it allows correct network dimensioning and performance.
- c) The licensee shall maintain complete and accurate records of service provisioning /activation, fault repair/ restoration, billing complaints, response time to the Customer for assistance, bandwidth utilization/throughput, service availability/uptime, packet loss and latency measurements.
- d) Network performance parameters like bandwidth utilization/throughput including broadband connection speed, packet loss and latency shall be measured on sample basis by NICTA from time to time, directly or if need so arises, or through an independent agency.

- e) The ISPs must also set-up one local exclusive telephone which is to be made available at their respective monitoring center. The maintenance cost of the monitoring system and infrastructure at the monitoring center located at the premises of the service provider shall be borne by the ISP.
- f) The ISP should ensure that necessary provision including hardware and/or software is available in their equipment for doing the Lawful interception and monitoring from a centralized location.

19. LODGING COMPLAINTS

- a) An ISP lodging a complaint to NICTA about deteriorating of service level, interconnection and/or bandwidth from the IGSP is required to submit hard and/or soft copy evidence taken from these monitoring activities justifying their claims.
- b) The service provider shall provide a mechanism that may support the customer for any questions or requests it may have regarding the service levels and general operational issues in the frame of the service covered by their Service Agreement, the provisions of this guideline and other regulatory instruments. Such mechanisms may take the form of phone numbers, e-mail addresses, web portals, chat systems, or any other methods that allow the customer to establish direct communications with a representative of the licensee.
- c) ISPs must have in place adequate and effective procedures for receiving and responding to content related complaints including any takedown notices issued by NICTA or other government bodies.

20. DOCUMENT ADMINISTRATION

18.1 AMMENDMENTS

- a) NICTA shall administer this Instrument and make amendments or modifications to this Instrument as may appear to be necessary to prevent anomalies.
- b) NICTA shall inform the industry on any such amendments to this Instrument through the relevant media sources.

18.2 ENFORCEMENT

- a) This Instrument will be in force and effective from the date endorsed by the NICTA Board and is subject to the appropriate provisions of the Act.

18.3 PUBLICATION AND DISTRIBUTION

- a) This document is published on the NICTA website www.nicta.gov.pg for public information.

18.4 COMPLAINTS AND INQUIRIES

- a) Complaints or inquiries maybe lodged in writing to the: Director Licensing and Enforcement, PO BOX 8227, BOROKO, NCD. Phone: 325 8633, Facsimile: 3004829