



know your limits

20th June 2025

Mr. Panny Yokope

Acting Chief Executive Officer

National Information and Communications Technology Authority (NICTA)

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National Capital District

"For Collection"

Dear Mr. Yokope,

FEEDBACK AND RECOMMENDATIONS ON NICTA'S DRAFT GUIDELINE ON THE CONSUMER COMPLAINTS MANAGEMENT SYSTEM

We write in reference to the public consultation process initiated by NICTA concerning the *Draft Guideline on NICTA's Consumer Complaints Management System*.

The National Gaming Control Board (NGCB) commends NICTA for its proactive efforts to strengthen consumer protection within the ICT sector through the establishment of an accountable and transparent complaints management framework.

Following a thorough review of the draft Guideline and Discussion Paper, we respectfully submit the following observations and recommendations for consideration. These reflect our commitment to supporting a robust consumer redress mechanism that aligns with international best practices and complements existing regulatory mandates.

• Legal and Legislative Framework

To enhance procedural clarity and legal certainty, we recommend incorporating a comprehensive step-by-step outline of the complaints handling process, inclusive of statutorily defined timeframes for acknowledgment, investigation, resolution, and appeals. Clear and accessible guidance for consumers on the submission and adjudication of complaints should be explicitly stipulated within the framework.

Further, we recommend ensuring that reports published under **Section 242 of the Act** are made publicly accessible in a transparent and comprehensible format. Consistent alignment with international best practices, together with the implementation of periodic training programs for enforcement personnel, would enhance regulatory efficiency. Additionally, we propose the establishment of proactive monitoring protocols to detect potential breaches before escalation, coupled with a well-defined enforcement mechanism under **Section 244**, specifying regulatory sanctions applicable to contraventions.

• Complaint Intake and Registration

To facilitate procedural consistency and legal standardization, we advocate for the implementation of a uniform complaint submission protocol, including a standardized form or digital platform. To ensure

accessibility for all consumers, submission channels should encompass multiple mediums, such as telephone, email, online portals, and physical submission points.

Moreover, service providers should be legally mandated to comply with minimum verification requirements when receiving complaints, thereby minimizing incomplete submissions and improving resolution efficiency.

- **Acknowledgment and Initial Assessment**

While the 48-hour acknowledgment timeframe is reasonable, we recommend incorporating a follow-up mechanism to ensure complainants receive confirmation. Further, jurisdictional clarity is required for complaints within NICTA's mandate yet lacking predefined regulatory provisions. Additionally, the framework should explicitly define priority classification criteria for High, Medium, and Low priority complaints to ensure consistency in case assessments.

- **Preliminary Investigation**

We recommend enshrining statutory maximum time limits for each procedural stage—acknowledgment, preliminary investigation, resolution, and appeal. Service providers' response time obligations should be expressly codified within the framework to mitigate undue delays. Additionally, escalation protocols must be clearly delineated to prevent procedural bottlenecks.

- **Escalation Process**

To strengthen regulatory oversight, all escalated cases must be subject to transparent tracking mechanisms and legally enforceable follow-up procedures. Where complaints are referred to external bodies, the framework should prescribe clearly defined obligations, including expected response times and accountability measures, to facilitate inter-agency coordination and timely resolution.

- **Full Investigation**

A legally sound complaints management framework should incorporate standardized evidentiary procedures, including uniform protocols for document collection, witness interviews, and regulatory compliance verification. To foster fairness and impartiality, complainants, service providers, and regulatory authorities must be assured of continuous stakeholder engagement throughout the adjudicative process.

The framework should also delineate clear provisions governing the communication of investigation findings to affected parties, including complainants' right to appeal adverse determinations where applicable.

- **Reporting and Recommendation**

To ensure accountability, we advocate for the adoption of structured reporting formats, mandating the inclusion of standardized sections such as background, methodology, findings, and legally actionable recommendations. Recommendations should be aligned with the SMART criteria (Specific, Measurable, Achievable, Relevant, and Time-bound) to enhance enforceability.

Further, active stakeholder engagement is recommended to facilitate meaningful consultations, while regular updates to the framework should be incorporated to maintain compliance with evolving industry standards and regulatory precedents.

- **Complaint Resolution and Closure**

To uphold due process, the framework should mandate transparent communication with complainants regarding resolution outcomes, including a detailed explanation of steps undertaken during investigations. All actions should be documented comprehensively, specifying relevant timelines and responsible entities.

Additionally, a formal appeals process should be legislatively defined, including prescribed timeframes and escalation procedures to safeguard consumer rights.

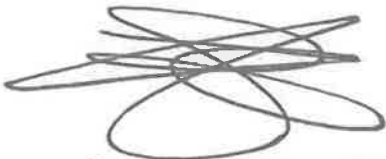
- **Follow-up and Monitoring**

Regular post-resolution follow-ups with complainants would serve to assess satisfaction and identify any emerging concerns necessitating regulatory intervention. The framework should prescribe performance-based key metrics (KPIs) for evaluating resolution effectiveness.

To enhance procedural oversight, advanced data analytics tools should be leveraged to identify complaint trends and refine policy interventions proactively. Furthermore, the implementation of a robust feedback mechanism- integrating perspectives from complainants and service providers- would improve operational efficiency. Continuous training programs for complaints-handling officers should be made statutorily mandatory to ensure regulatory personnel remain proficient in consumer protection best practices.

Should further engagement be required, the NGCB remains open to participating in upcoming consultations or workshops held by your office.

Yours sincerely,



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Imelda Agon
Chief Executive Officer