

PCC.I/DEC. 246 (XXVIII-16)¹

DIGITAL FINANCIAL SERVICE CONSUMER PROTECTION QUESTIONNAIRE

The 28 Meeting of Permanent Consultative Committee I: Telecommunications/Information and Communication Technologies (PCC.I),

DECIDES:

1. To request that the Member States fill out the questionnaire annexed to this Decision by November 30, 2016, to gather information on digital financial service consumer protection in the Member States.
2. To instruct the Rapporteurship on Economic Aspects of Telecommunications/ICT Services to gather the information from the questionnaire and to present its findings at the 31st Meeting of the PCC.I

ANNEX TO DECISION PCC.I/DEC. 246 (XXVIII-16)

DFS Consumer Protection Questionnaire

The International Telecommunication Union's (ITU) Working Group on Consumer Experience and Protection (CEP) in Digital Financial Services (DFS) is developing recommendations and/or a toolkit for developing country regulators and stakeholders on how to address CEP issues in providing DFS. The Evans School Policy Analysis and Research Group (EPAR) is supporting this work through a desk review of country legislation relevant to CEP. Thank you for agreeing to talk with us to supplement this desk review with a better understanding of the regulations and practices surrounding DFS consumer protection in your country. Your participation is, of course, entirely voluntary and you need only respond to questions that you are comfortable with. Please also let us know if you would like this information to remain internal (shared only with the working group) or if it can be considered public, and if we can acknowledge your participation by name in the report.

	Bank Regulator	Telecom Regulator
Name		
Position		
Organization Name		
Organization Role in DFS Regulation (e.g., policy, compliance enforcement, etc.)		

¹ CCP.I-TIC/doc. 3834/16 rev. 1

DFS CEP Institutions, Regulations, and Supervision

1. What are the primary regulatory institutions governing DFS CEP?
 - a. *What are their roles in monitoring or regulating DFS CEP issues? (e.g. monitoring DFS providers, monitoring fraud, etc.)*
 - b. *Are there any particular challenges in coordinating DFS regulation among different institutions? If yes, what are they? Are there specific measures or mechanisms in place in your jurisdiction to address these challenges?*
2. What are the primary regulatory documents that include relevant provisions for protecting DFS consumers? And from when do they date?
3. Is there an entity that monitors competition issues in DFS? If yes, what is the name of the entity and governing legislation?
 - a. *To your knowledge, has any entity conducted a study of DFS competition in your country?*

Consumer Costs for DFS

4. Are there regulations for collecting and monitoring information from DFS providers on prices, fees, and other terms imposed on customers?
 - a. *If yes, what entity is responsible for monitoring compliance between these terms and existing regulations?*
5. Are there regulations around the transaction fees, taxes, or tariffs that are applied to DFS?
 - a. *Are there regulations on the pricing of DFS, for example protecting consumers from anti-competitive pricing or DFS providers with dominant market share?*
6. Are DFS agents permitted to charge additional fees to consumer for DFS services?

Burden/Costs from Consumer Financial Losses or Other Harm

7. Between consumers, providers, and agents, who bears the damages and costs in the event of loss of consumer funds or data?
 - a. *For example, in cases of system malfunctions, provider losses (bankruptcy, fraud, hacking), agent misconduct, erroneous transactions, failed pin protection, individual consumer fraud, etc.*
8. What costs are consumers responsible for in these situations?
 - a. *For example, fees for processing complaints or requesting redress, time spent in recovering lost funds or data, etc.*

Transparency of Terms and Protection from Costs/Consumer Harm

9. Are there regulations for transparency in DFS Terms & Conditions, so that consumers are aware of the costs associated with DFS?
 - a. *For example, making information accessible for different population groups (e.g., different language groups, illiterate populations, the poor), communicating fees, different ways of communicating T&Cs (verbally, in writing, posting at shops), explicitly informing consumers of particular terms (e.g., implications of loan default, consumer redress mechanisms), etc.*

10. Are there regulations mandating DFS provider policies to protect consumers from financial losses or other consumer harm (e.g., loss of data and personal information)?
 - a. *For example, training of agents and employees, monitoring of agents/employees, PIN/password requirements, data storage requirements, levels of authorization for access to consumer funds or data, rules for sharing of data*
 - b. *Are regulators tasked with monitoring Terms & Conditions to ensure they comply with consumer protection regulations?*

Dispute Resolution

11. Are DFS providers required to offer specific mechanisms for complaints or dispute resolution?
 - a. *For example, multiple forms of complaint channels (in person, phone, online), free complaint channels, etc.*
 - b. *Are there regulations for how DFS providers should communicate complaint and dispute resolution procedures to consumer?*
 - c. *Are DFS providers required to respond to complaints and resolve disputes within a certain amount of time?*
12. Do regulations mandate the availability of particular consumer complaint or dispute resolution mechanisms, either internal or external to the DFS providers?
 - a. *For example, internal escalation procedures with the DFS provider, alternative dispute resolution channels, arbitration procedures, small claims or consumer courts, etc.*

Closing Questions

13. Are there any planned legislation/regulations related to DFS?
14. What does your organization consider the biggest challenges for low-income users of DFS? Do you see any particular challenges for other groups, such as women or rural users?
15. Is there any additional information that you would like to add?