

Determination of 26.9.2002

## **Determination on the conditions of the “12118” directory enquiry service to be provided by PT Comunicações S.A.**

1. Following the concerns put forward by certain providers regarding the conditions under which the “12118” directory enquiry service will be provided by PTC, namely regarding the disclosure of customers’ data of other providers without the authorization of the same, ANACOM asked for the necessary clarifications to PTC by notice of 14/06/02.
  
2. In the reply dated 28/06/02, PTC referred to that:
  - a) The information contained in the directory enquiry service database is of general interest and although “12118” is only accessible right now through PTC network, the data of customers from other FTS providers were maintained, otherwise a discriminatory behaviour would occur;
  - b) Should the FTS providers wish so, such information can be eliminated whenever requested through “12118”;
  - c) The customers from the remaining FTS providers and from the land mobile service (LMS) providers have access to all information obtained in “12118”, through number “118”, and therefore what is in question is only the comfort of being able to get several types of information in only one call instead of making several calls;
  - d) PTC is fully available to allow access to “12118” through other networks, on commercial conditions to be agreed upon.

3. Consequently and considering, namely, that:

- a) The universal service provider is committed to prepare, publish and provide to users telephone directories containing FTS and LMS subscribers who have authorized the disclosure of their personal data as well as to provide users with a directory enquiry service, through an abbreviated code for disclosure of those data (article 3 and article 6 of Decree-Law no. 458/99, of 05/11). Under the terms of the NNP, to the directory enquiry service within the scope of the universal service corresponds number “118”;
- b) For the provision of said directory enquiry service, the FTS and LMS providers will have to submit to PTC, in its capacity as universal service provider, the necessary information for compliance with said obligation (article 6 of Decree-Law no. 458/99 and articles 41 and 42 of the FTS operation regulations);
- c) It is also true that the data obtained by PTC, related to subscribers from other providers, are intended to be treated and disclosed by the directory enquiry service within the scope of the universal service – “118” service, being this the purpose for the submittal of these data. In this context, pursuant to the provisions contained in Law no. 67/98, of 26/10, personal data should be gathered for certain explicit and legitimate purposes and cannot later be treated in such a way that would make it incompatible with those purposes;
- d) In any case, PTC may offer to customers other information services, included in its commercial offer, which may correspond to characteristics and prices different from the ones associated with the “118” service;

- e) The access conditions to those services, by other operators, are subject to the freedom of negotiation principle between the interested parties, without prejudice of the remaining applicable legislation;
- f) The “12118” service, in view of the involved numbering resources, is a PTC network internal service and therefore is not illegible for purposes of interconnection and, consequently, does not allow access by customers of other providers. On the other hand, PTC renders the “1820” information service, currently accessible by the customers of mobile networks, which allows for the provision of an unlimited number of information during only one call and for a price close to the ones practiced in the “12118” service;
- g) In view of what is referred to above, and since PTC confirmed the availability, through the “12118” service, of direct customers data from other providers gathered from one of the provisions contained in the Universal Service (“118” service);

The Board of Directors of ANACOM, in the meeting held on 30/09/02, determined the non-use, by PTC, except as otherwise agreed, of direct customers data from other providers in the information provided through the “12118” service