

15-02-2023

Shri Dr. P. D. Vaghela,
Chairman,
Telecom Regulatory Authority of India (TRAI)
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi, 110 002

Subject: Collective consumer representation on implementation of Caller Name Presentation (CNAP) in Telecom Services

Dear Shri Vaghela,

We are thankful to Telecom Regulatory Authority of India (TRAI) for inviting comments and counter comments on its Consultation Paper on Caller Name Presentation (CNAP) in Telecom Services. To this end, certain Consumer Groups have come together to highlight key issues arising out of the proposed CNAP and provide certain recommendations. The key issues which need a thorough examination from a consumer perspective are presented below:

- 1. Need for conducting a Regulatory Impact Assessment:** We recommend RIA and evidenced-based studies which would include comprehensive cost-benefit analysis and public consultations, for a need-based assessment of CNAP, and to examine reliability of CAF information, crowd sourced data, and understand shared usage of mobile phones.
- 2. Protection of identity of consumers in distress, victims of abuse, whistle-blowers, and journalists:** There might be various scenarios wherein consumers may not wish to have their identities revealed on others' devices. These could include calls by victims of domestic abuse, activists, journalists, auditors, investigators, watchdogs, whistleblowers, or those bound by professional secrecy. Also, consumers making one-off innocuous or inquiry related calls may have no option but to give up their identity even before the call is picked up. We recommend that such a one-size fits all approach, bereft of nuances, is not an optimal solution.
- 3. Risks of Cyber Attack and Data Protection:** The proposed model of CNAP would involve creating a database of name and mobile number of the entire country's subscribers and with certain third parties, such as handset manufacturers and operating system providers having access to the same. Large datasets have been honeypots for cyber-attacks.
- 4. Violation of Privacy of Individual Consumers:** There are further concerns around privacy especially in the context of the absence of a Data Protection Law in India.
- 5. Violation of consent of Consumers due to Mandatory Implementation and right to privacy of consumers:** We recommend that CNAP should be introduced as an alternative and voluntary 'opt-in' service, to preserve consumer-choice and ensure that the constitutionally protected fundamental rights are respected.

6. **Issues to consumers due to unreliability of Information:** The information obtained in Customer Acquisition Form (CAF) though KYC (Know Your Customer) process cannot be relied on for display of caller ID. There have been multiple instances of fraudulent KYCs and shared usage of numbers creating differences between ‘user’ and ‘subscriber’. This discrepancy based on gender is also observed in India, as there exists a digital divide.
7. **Utility of existing market-based solutions which help display and mark suspicious callers based on crowd-sourcing:** Crowdsourced data is based on community feedback and a combination of Artificial Intelligence and Machine Learning, as spam identification systems. There has been research which suggests that primary information that is complemented by both follow-up feedback and collective confirmation leads to improved outcomes for the public. We recommend examining the model of crowd-sourced data, to address the issues of spam and robo calls, unsolicited commercial calls (UCCs) in India. While the model may also be prone to misuse and pose certain privacy risks, it would be prudent to improve the shortcomings of the solutions by addressing risks rather than exploring a new solution like CNAP, which has potential to exacerbate consumer issues and risks.
8. **Issues for Law Enforcement, women safety, and other disadvantaged groups:** Multiple stakeholders agree that CNAP can potentially harm consumers, like women. It can lead to various social and criminal issues, such as social media stalking.
9. **Cost of CNAP and likelihood of passing it off to the consumers:** The cost associated with the implementation of CNAP, needs to be reviewed, as it is likely to be passed on to the customers.

We hope that you will take these above-mentioned points into consideration.

We look forward to your valued response.

Thanking you,

The following organisations have endorsed this letter:

1. **Consumer Unity and Trust Society** (<https://cuts-ccier.org/>)
2. **Cashless Consumer** (<https://www.cashlessconsumer.in/>)
3. **HelpAge Social Welfare Society** (<https://ngodetails.com/india/KERALA/helpage-social-welfare-society/>)
4. **New Indian Consumer Initiative** (<https://www.newindianconsumer.com/>)
5. **Consumer Rights, Education and Awareness Trust** (<https://www.creatindia.org/>)

Copy to: - Shri Akhilesh Kumar Trivedi, Advisor (Network, Spectrum & Licensing), TRAI