



DUALE, OVIA &
ALEX-ADEDIPE

Rights and Remedies of Subscribers of Telecommunications in Nigeria



Introduction

The Nigerian telecommunication industry is a vast ecosystem of interconnected individuals and systems in cyberspace. The very nucleus of this system being raw data which has the tendency of being mismanaged. Mismanagement of data can come in a number of forms ranging from poor network carriage, restricted access to information, unwanted messages to overcharged billing. These challenges and others pose a critical problem to the telecommunication sector dealing grave ravages on subscribers of telecommunications in Nigeria. In this TMT Thursday edition, we delve into the rights and remedies available to subscribers of telecommunications.

Rights of Telecommunications subscribers

The primary recourse on the rights of consumers in the Nigerian Legal System is the Constitution of the Federal Republic of Nigeria 1999 as amended (the "**Constitution**"). It protects telecommunication subscribers telephone conversations, and telegraphic communications.¹

¹ Section 37 of the Constitution of the Federal Republic of Nigeria 1997



Section 37 of the constitution sets the stage for other laws to regulate in specific terms the rights of telecommunication subscribers. Such other laws include the Nigerian Communications Act Cap N97 LFN 2004 (the "**Act**"), Nigerian Communications Commission's Consumer Code of Practice Regulations 2007 (CCPR 2007), Nigerian Communications Commission's Quality Service Regulations 2013, Nigerian Communications Commission's Dispute Resolution Guidelines, and Nigerian Communication Commission (Registration of Telephone Subscribers) Regulations 2011. The rights available to the consumers are highlighted below.

Right to Information

Paragraph 6(1) of CCPR 2007 directs all Telecommunication Service Providers (the "**Service Providers**") to provide accurate, complete, and up-to-date information about their products and services to their consumers in simple and clear language. Paragraph 6(2) further urges Service Providers to endeavour to respond timely to requests made by subscribers on their services and provide such information free of charge.



Right to Quality Service

Section 104 of the Act requires all service providers to meet the minimum standards of quality of service in their respective services. The standards for quality of service are to be specified and published by the Nigerian Communications Commission (the “**Commission**”). In light of this, the Quality of Service Regulations (QSR 2013) was released to guarantee the accessibility and quality of communication services, equipment, and facilities and preserve and enhance superior service standards. The QSR stipulates the minimum quality standards for different telecommunications services.

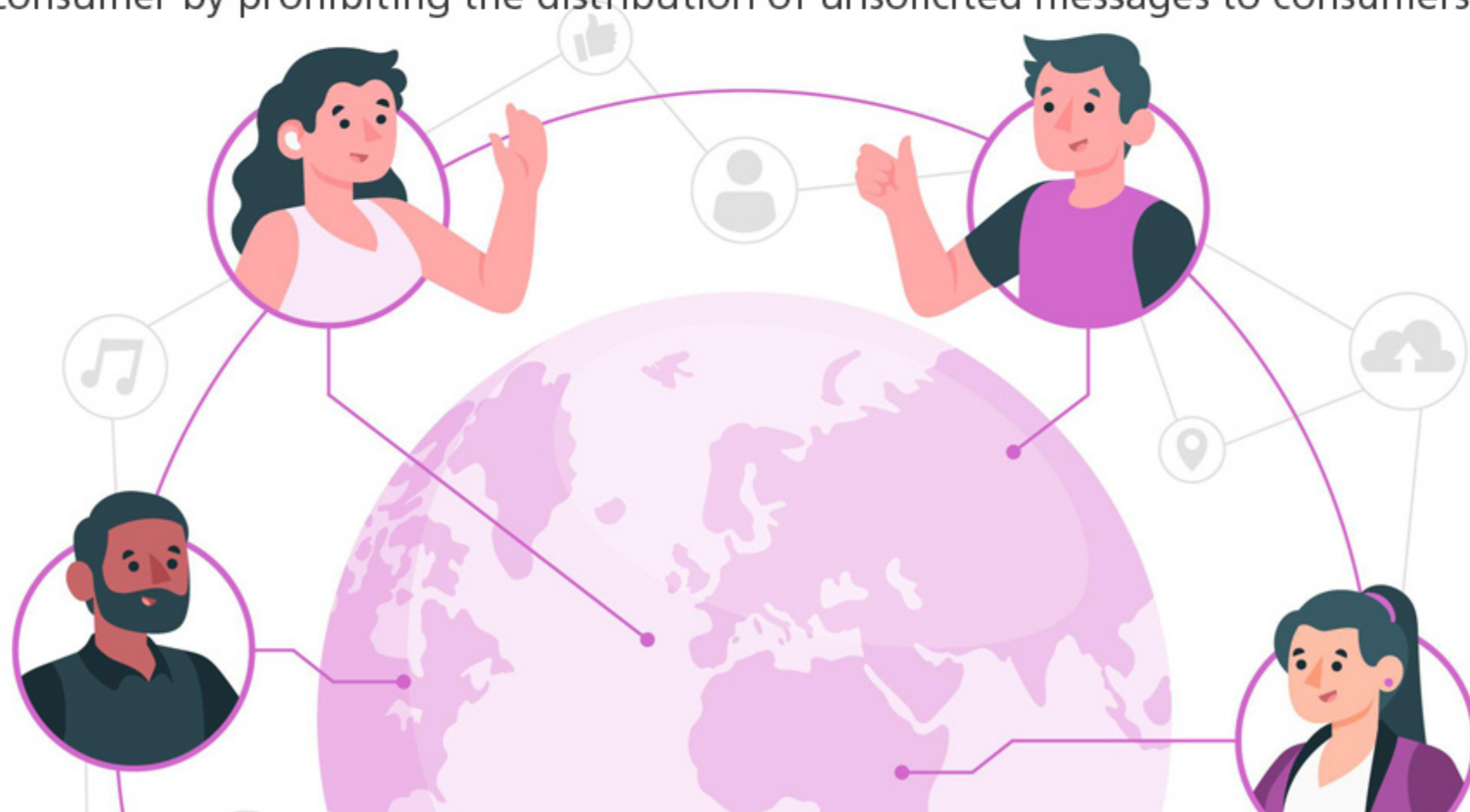


Right to Fair and Accurate Billing

Paragraph 21 of CCPR 2007 directs Service Providers to ensure that billing is accurate and the accuracy of the billing is verifiable. Service Providers must ensure that sufficient information is available on the bill or be readily available to the consumer upon request.

Right to Privacy and Protection of Personal Information

Paragraph 38(1) of CCPR 2007 directs Service Providers that gather, store, use, or disclose personally identifiable consumer information to make reasonable efforts to guarantee that the data is reliable, relevant, up to date and utilized for the purpose it was collected. According to Paragraph 8(2), Service Providers must set up suitable procedures or systems to enable the identification and correction of errors in consumer's data. This is in line with the right of a data subject to rectify hi/her data. In addition to these provisions, Paragraph 20 of CCPR protects the privacy of a consumer by prohibiting the distribution of unsolicited messages to consumers.



Remedies for Telecommunication

Section 4(p) and 75 (2) of the Act grants the Commission the rights to hear and settle disputes between persons subject to the Act with regards to any matter within covered by the Act or any subsidiary legislations made pursuant to the Act. The Commission, in pursuance of this power, published the Dispute Resolution Guidelines which set out the practice and procedures for resolving disputes.

In addition to this remedy, a subscriber is also entitled to seek remedy at the High Court. In *MTN Nigeria Ltd v. Amadi* (2012) LPELR-21276(CA) and *MTN Nigeria Ltd v. Chinedu* (2018) LPELR-44621(CA) the court granted the subscribers monetary damages for violation of their rights.

