

15 January 2025

Department of Trade Industry and Competition

For attention : Acting Director-General

Per email: ssasayi@thedtic.gov.za

Dear Sir

DRAFT AMENDMENTS TO THE CONSUMER PROTECTION ACT REGULATIONS 2011

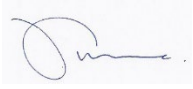
1. The Internet Service Providers' Association (ISPA) has reviewed the proposed amendments to the Consumer Protection Act Regulations 2011 and sets out its submissions below.
2. ISPA's interest in this process is motivated by:
 - 2.1. ISPA's ongoing involvement with the fight against unsolicited electronic communications since the enactment of the Electronic Communications and Transactions Act 2002 ("the ECT Act").
 - 2.2. ISPA's recognition by the Minister of Communications and Digital Technologies as an Industry Representative Body (IRB) under Chapter 11 of the ECT Act. Recognition as an IRB requires that ISPA's members are subject to a continuing obligation to comply with the ISPA Code of Conduct (as approved by the Minister).
 - 2.3. ISPA's Code of Conduct – available from <https://ispa.org.za/code-of-conduct/> - which prohibits the sending of spam by members in the following terms:

ISPA members must not send or promote the sending of unsolicited electronic communications and must take reasonable measures to ensure that their networks are not used by others for this purpose.

ISPA members must provide a facility for dealing with complaints regarding unsolicited electronic communications originating from their networks and must react expeditiously to complaints received.
 - 2.4. The ongoing need to ensure that the ISPA Code of Conduct is aligned with relevant legislation and regulation, including the Protection of Personal Information Act 2013, the Consumer Protection Act 2008 and the Consumer Protection Act Regulations 2011.
3. The primary purpose of this submission is to express firm support for the proposed amendments.
4. ISPA's analysis indicates that the draft amendments are complementary to relevant provisions of the Protection of Personal Information Act 2013 and – properly enforced – have the potential to make a material difference to the volumes of unsolicited electronic communications received by South Africans.

5. ISPA wishes the Department the best in concluding this process as quickly as possible.

Regards

A handwritten signature in black ink, appearing to be "D. [unclear]", on a light blue background.

ISPA