Internet And Mobile Association Of India

IAMAI Submission on TRAI Consultation Paper 'Introduction of Calling Name Presentation (CNAP) in Telecommunication Networks'

The Internet and Mobile Association of India ("IAMAI") is a not-for-profit industry body and we play a key role in ensuring the growth and sustainability of the digital industry. We firmly believe that the digital industry is going to be a major driving force in the economic and social development of the country which includes job creation, innovation, contribution to the GDP, inclusion and empowerment of our citizens, etc.

On 29 November 2022, the Telecom Regulatory Authority of India (TRAI), published a consultation paper 'Introduction of Calling Name Presentation (CNAP) in Telecommunication Networks'. At the outset, IAMAI would like to thank the TRAI for the opportunity to submit our comments on the consultation paper. While the initiative aims to provide users a much-required relief from spam and fraudulent calls, the implementation of the initiative raises some concerns, which we have outlined below.

IAMAI Submission

1. Need to protect telecom subscriber's privacy and consumer choice

TRAI's proposal to make it mandatory for telecom service providers (TSPs) to mandatorily display Calling Name Presentation (CNAP) presents a material risk to the constitutionally protected fundamental rights of Indian citizens. The proposed CNAP framework if implemented in its current form can pose a grave danger to citizens' privacy and the exercise of other constitutionally protected fundamental rights.

Currently, TSPs are already mandated to display caller line identification (CLI) and the TRAI's proposal to expand this to disclose the personal name of all telecom subscribers based on their know-your-customer (KYC) documentation will pose a significant privacy risk to individuals who may prefer not to be identified to the caller. This could be due to a variety of legible reasons (e.g., the risk to life and property, witness protection, whistle-blower protection, risk of retribution etc.).

In addition, the implementation of mandatory CNAP will directly contravene the exercise of constitutionally protected fundamental rights of citizens. Indian citizens are entitled to the fundamental constitutional right to privacy which has been duly recognised by the Hon'ble Supreme Court of India in Justice K. S. Puttaswamy v. Union of India (2017). Preserving this constitutionally protected right to privacy is an essential prerequisite to ensuring and preserving the exercise of other constitutionally protected fundamental rights of individuals (e.g., right to free speech). Going ahead with the current CNAP framework may adversely impact individual freedom and therefore is not advised.

The TRAI may consider providing citizens with an 'opt-in' approach as an alternative, giving them a choice to voluntarily opt in for CNAP services and an option to easily opt-out if they desire to withdraw from the service at any point. This approach will ensure citizens' choice and preference is at the centre while also ensuring that constitutionally protected fundamental rights are respected and given necessary and due policy protection both in letter and in spirit.

2. Impact on women's safety

Another important aspect of the mandatory nature of CNAP poses is with respect to the safety of women. The service will display a women subscriber's name and data, to every calling party whether or not she consents to it. This could potentially increase the risk and expose one's number to being circulated without permission, increase spam through calls and messages, targeted sexual harassment, being added to unsubscribed groups on messaging applications and social media platforms etc. Therefore, the introduction of CNAP in its current form will impinge on a women's informational privacy and autonomy and expose her to exacerbated harm. These problems are gendered in nature and are likely to occur more for women than men and must be addressed.

3. Issues with KYC

In our view, the problem of unsolicited calls cannot be solved by solely relying on KYC information. TRAI itself has also launched multiple measures such as Do Not Disturb, TCCCPR 2018, etc. to address this problem.

TSPs are subject to fulfilling mandatory KYC compliance checks of users prior to the issuance of SIM cards. KYC involves collecting and verifying basic user information based on certain officially valid documents. The manual verification of KYC is susceptible to errors, while the digital verification of KYC has not been implemented universally. Further, it must be noted that fraud and scams as phenomena are dynamic in nature, with criminals continuously changing their modus operandi to find loopholes in the system.

Given these constraints, KYC may not be adequate to accomplish the goal of introducing CNAP. In addition, we must take note that it is very common that SIMs may not be purchased by the actual user. As per the current rules, any individual can obtain up to 9 SIM cards by providing their proof of identity and proof of address. Therefore, there are a lot of users who have obtained their numbers from parents, siblings, and friends and are not a part of the KYC database. There are also challenges with individuals purchasing SIMs with fake IDs. Therefore, KYC as a whole may not be able to identify and verify if the individual purchasing the SIM is the user.

The CNAP solution if imposed can further the digital gender divide in the country with women being 15% less likely to own a mobile phone.[1] For women who do have access to phones, there is a high likelihood that these numbers have been registered by male family members under their KYC details. A caller ID framework solely relying on KYC will increase the chances of them being excluded from interactions. With their names being represented by the names of their male family members, it may impact their economic freedom and limit interactions to their close circle.

Given the age limitations, children are dependent and use numbers that are registered under the parent's KYC and continue using the same number well into adulthood. It is very rare for these changes to be noted and recorded to ensure the KYC is updated to register the number for the right user.

Therefore, it is important to note that incorrect identification will likely lead to more confusion in the ecosystem.

[1] https://www.gsma.com/r/wp-content/uploads/2021/06/The-Mobile-Gender-Gap-Report-2021.pdf

4. Infrastructure concerns surrounding implementation

The adoption of any of the four models suggested by TRAI will need considerable revamp of the existing infrastructure in use by telecom providers. As mentioned by TRAI, one of the primary considerations in implementing the CNAP facility is likely to increase the call setup time and other call quality related issues. Even as stakeholders look for technological solutions to reduce the latency time, i.e., time taken to look up the calling name information from a database and supplying it to the provider responsible for displaying it to the subscriber, the current infrastructure will have to be upgraded to enable the CNAP facility.

An associated issue is the prevalence of non-smartphone communication instruments, such as mobile phones without internet connections, landline phones, etc. As of September 2022, there are 1145.5 million wireless subscribers and 26.5 million wireline subscribers.[2] TRAI has indicated that it wishes for the CNAP facility to be technology neutral and internet independent. In this endeavour, it will have to consider the challenges that telecom providers will face in ensuring transfer of accurate information over intermediate network nodes. While modern networks may readily support CNAP supplementary services, there could be issues with legacy networks and between various network types.

Multiple stakeholders including manufacturers and service providers will have to work together to enable CNAP on future supplies and it is not clear how this would apply to current products and what benefit it will reap in the long run. For instance, landline providers might need to recall the handsets and provide their customers with new ones that have the CNAP functionality built in in case this is made mandatory.

It is preferable that TRAI provides its inputs on the cost of setting up and maintaining the CNAP database, as different types of network providers will have to adopt different methods to implement the facility. Further, it is currently unclear if these providers would need to bear the cost of setting up and maintaining the database, or if there would be any form of governmental supports.

5. Other Issues

There may be limitations to the CNAP approach. For instance, non-internet solutions preclude out-of-band data / API queries from the device. Here, it must be noted that terminating carrier must append the caller name to inbound calls, and the directory is far too massive to load locally, on-device.

Moreover, disparate handset displays generally implies engineering for the lowest common denominator, meaning feature phones in this case. This is highly dependent on native OS and OEM displays – often resulting in truncated, illegible CNAP.

IAMAI Suggestion

The implementation of mandatory CNAP by TSPs will pose a significant privacy risk to individuals who may prefer not to be identified to the caller due to a variety of legible reasons. On the other hand, even KYC verification which is likely to be used for implementing the CNAP framework may still not provide the most accurate information on the caller ID feature as SIM cards may not be purchased by the actual user. As CNAP is a proposed solution to address UCC and spam calls, it may be noted that the Department of Telecom (DoT) has also launched multiple measures such as Do Not Disturb,

[2] https://trai.gov.in/sites/default/files/PR_No.82of2022_0.pdf

TCCCPR 2018, etc., to address these problems. Privacy will continue to be a big concern and must be addressed to ensure vulnerable sections of society like women are not endangered.

For the successful implementation of CNAP, attention must also be paid to the readiness of existing telecom networks and the feasibility of providing CNAP facility to all telephone subscribers. At present, this is not a straightforward task. Such an exercise would come at a huge cost to carriers and also potentially the government, as they would be required to put in place a secure, synchronised and robust system that can support billions and billions of calls daily for the purpose of providing CNAP facilities. Moreover, as there exist a large variety of network types in India, there could be issues with legacy networks and between various network types.

Taking into account the concerns raised above, we recommend that TRAI should create an opt-in intra-network consent-based implementation framework that allows all the consumers opting to share their name details to receive the name details of similar opt-in consumers as calling party, while all the consumers not opting to share their names to not be able to receive the CNAP service as well. Such an intra-network framework would also overcome issues arising because of different types of networks. National tollfree numbers can also be included post calling name validation.

Lastly, we recommend that TRAI should do a detailed cost benefit analysis and Regulatory Impact Analysis (RIA) before deciding whether to adopt CNAP in India and which model for purpose of implementation with the focus on addressing fraud/spoofing/UCC.

We note that one of our members has an alternate view as far as implementation of CNAP is concerned. They believe that CNAP can address incessant spam/UCC and so the primary target of CNAP should be Telemarketing/A2P calling, which is the major driver of spam volume today. In addition, the CNAP framework should cover those callers/entities who misuse the P2P route for the purpose of commercial communications/SPAM. As per our member, such misuse should be classified based on rational criteria, and appropriate rules may be framed to block such misusers by TSPs beyond a specific threshold. They also believe that outgoing calls should be allowed on domestic tollfree numbers.