

Email Mobility

Guidelines

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Table of Contents

1. Introduction	3
2. Responses to Consultation	4
3. Guidelines	5
3.1 Initial Period for transfer of emails.....	5
3.2 Notification during the Initial Period	6
3.3 Subsequent period for transfer of emails	7
3.4 Re-allocation of email address upon termination	7

1. Introduction

The Ministry for Infrastructure, Transport and Communications (MITC) has informed the MCA that it intends to make amendments to the Electronic Communications (Regulation) Act (Chapter 399 of the Laws of Malta) and the Electronic Communications Networks and Services (General) Regulations (Chapter 399.28 of the Laws of Malta) relating to email mobility.

The new provisions are expected to require undertakings providing electronic communications services, that also provide electronic mail services to, upon termination by a subscriber of the electronic communication service, if that subscriber also enjoys an electronic mail service from that service provider, upon request by the subscriber, forward all email messages received by that subscriber, free of charge to an email address of the subscriber's choice for a period of twelve months.

The objective of the new provisions is to facilitate subscriber switching between ISPs, by ensuring that email services do not act as a barrier to switching.

In January 2010, in anticipation of the above legislation the Malta Communications Authority (MCA) published a Consultation document on Email Mobility, setting out the processes that would need to be adopted to implement email mobility.

In anticipation of the adoption of the above mentioned legal amendments the MCA is publishing these **Guidelines for the implementation of Email Mobility Services**, to encourage the industry to introduce this service at the earliest.

2. Responses to Consultation

The Consultation period for the Proposed Decision entitled "Email Mobility" ran from 13th January 2010 to 19th February 2010.

Responses to this Proposed Decision were received from Waldonet Ltd, GO p.l.c., Vodafone Malta, Mr. David Scerri and Mr. Godfrey Vella.

MCA wishes to thank these parties for their interest and response.

3. Guidelines

This section provides guidelines for the implementation, management and provision of email mobility services and summarises the responses to the consultation.

The responses received by the MCA reflected the views of the undertakings and the general public. Some of these responses outlined concerns about the challenges for undertakings to implement such measures, suggested alternatives for this legislation and outlined certain concerns associated with this legislation. In contrast, other responses encouraged the adoption of this legislation.

All the responses received by the MCA were examined in detail and considered in the compilation of these guidelines.

3.1 Initial Period for transfer of emails

The MCA proposed that when a subscriber cancels a service of access to the Internet, the service provider, upon request by the subscriber, should forward to any email address as indicated by the subscriber, all emails addressed to the subscriber's previous email address for a minimum period of 6 (six) calendar months.

Feedback on this proposal was received by the Authority which suggested that the re-direction period proposed is too short and that a re-direction period of 12 months is more appropriate. Having evaluated the implications of this suggestion, the Authority considers that a 12 month re-direction period is more reasonable and appropriate.

Guideline 1:

When a subscriber cancels a service of access to the Internet, the service provider, upon request by the subscriber, should forward to any email address as indicated by the subscriber, all emails addressed to the subscriber's previous email address for a minimum **period of 12 (twelve) calendar months**. During the minimum period of 12 (twelve) calendar months the forwarding service should be provided **free of charge**.

The email forwarding request should be made by the subscriber during the termination process of the current Internet service. The original ISP is to activate the forwarding process to the new email address and trigger a test email to ensure the mechanism is fully operational, within 24 (twenty-four) hours from the ISP's acceptance of the subscriber's request to terminate the service. This ensures that the forwarding mechanism to the new email address is operational and that no emails are lost during the forwarding activation period.

3.2 Notification during the Initial Period

In its Consultation paper, the MCA proposed that during the 12 (twelve) calendar month period, the original ISP should generate an automatic response message to all email senders (those sending email to the subscriber's initial email address) alerting them about the subscriber's new email address.

The Authority received feedback on this proposal which suggested that such notifications may go to spammers and subscribers would encounter spamming problems. The MCA believes that even though there might be cases where like any other email the automatic email notification will be subjected to spamming, the benefits of informing third parties of a change of email address outweigh these drawbacks. Spam can be eliminated by installing spam filters and follow industry guidelines for eliminating spam.

Guideline 2:

During the 12 (twelve) calendar month period, the original ISP should generate an automatic response message to all email senders (those sending email to the subscriber's initial email address) alerting them about the subscriber's new email address.

The automatic response message should only contain the following information regarding the subscriber's new email address:

Subject: Your email has been Forwarded

Email address name.surname@originalisp.com is now inactive. Your email has been automatically forwarded to the recipient's new email address.

The new email address of the recipient is as follows: name.surname@newisp.org

Kindly update the contact details accordingly.

The MCA suggests that subscribers should be given the option to request that the new email address is not disclosed in the automatic response message.

3.3 Subsequent period for transfer of emails

The MCA further proposed that following the 12 (twelve) calendar month free-of-charge email forwarding period, the ISP should offer the possibility to subscribers to extend their initial forwarding period at a charge for an indefinite period.

During the Consultation period, it was suggested that the charge for the re-direction of emails, following the 12 (twelve) calendar month free-of-charge email forwarding period, is reasonable and cost-oriented. The MCA appreciates that it is at the undertaking's discretion to determine such fees. Nonetheless, the Authority believes that it is in the undertakings' interest to provide reasonable fees for such services, and thus the Authority encourages undertakings to take competitive advantage of such possibilities to offer practical solutions.

Guideline 3:

Following the 12 (twelve) calendar month free-of-charge email forwarding period, the ISP should offer the possibility to subscribers to extend this initial forwarding period at a charge. This service should be available for an indefinite period.

3.4 Re-allocation of email address upon termination

The Consultation paper proposed that the original ISP should not allocate the subscriber's email address to another subscriber before a period of 12 (twelve) calendar months following termination.

The Authority received feedback on this proposal which suggested that if subscribers do not opt for email forwarding at termination date, there is no reason for that email address not to be reassigned at the provider's discretion. The Authority would like to note that in the Consultation document it did not intend to relate the non-reallocation of an email address by an ISP to the subscriber's decision to opt for email forwarding services. The MCA would like to point out the serious consequences that may arise if an email is sent to the wrong recipient.

The MCA received other views in relation to the issue mentioned above, whereas it was suggested that email addresses should never be reallocated, and in any case not before a period of 5 (five) years. Having evaluated the observations made in this suggestion, the Authority considers that the original ISP should not allocate the subscriber's email address to another subscriber before a period of 5 (five) years following termination. The guidelines below have been amended accordingly.

Guideline 4:

The original ISP should not allocate the subscriber's email address to another subscriber before a period of 5 (five) years following termination. After that period expires, the ISP should be free to allocate that email address to any other subscriber.