



BERMUDA
**REGULATORY
AUTHORITY**

**Consultation:
Email Mobility**

Consultation Document

Matter C13/1000

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Responses by: 30 September 2013

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1 INTRODUCTION

The Regulatory Authority (RA) is the statutory body responsible for the regulation of the Electronic Communications sector in Bermuda as stipulated in the Regulatory Authority Act.

The objective of this consultation is to obtain stakeholder feedback on a proposed new obligation on Internet Services Providers (ISP) that will facilitate subscribers switching between ISPs, by ensuring that email services do not act as a barrier to switching.

The RA is therefore seeking the views and comments of all interested parties on the proposed legal amendments for the provision of temporary, free-of-charge email forwarding services put forward in this consultation document.

2 BACKGROUND

In today's world, many individuals and businesses depend just as heavily on their email addresses as on their phone numbers and physical addresses with regards to their public points of contact with the larger world. One's email address is a key component of the small matrix of characteristics which forms one's public identity: name, address, phone number, and email address. This is how the world knows who we are and how to contact us and therefore the loss or change of an email address could be a major setback.

Consequently, in order to retain the email address, in the absence of a mechanism to migrate email addresses, individuals and businesses who obtain an email account from their ISP are forced to remain with their existing ISP, or to pay for the retention of a stand alone email account, thus creating a barrier to change ISP.

The Regulatory Authority (RA) is proposing to include new provisions to the effect that undertakings providing electronic communications services, that also provide electronic mail services shall, 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, the service provider would forward all email messages received by that subscriber, free of charge to an email address of the subscriber's choice for a period of six months.

It is recognised that there are no technical barriers that prevent the emails sent to the original email address to be automatically forwarded to the subscriber's new email address. This measure would guarantee the continuation of email service, to both subscribers and the business community.

This consultation invites input from interested parties on such legal measures and a possible technical solution that would operate as follows:

- Forwarding of all email messages, upon request by the subscriber, free of charge to the subscriber's new mailbox, for a period of six months, following the switch of the subscriber from the original ISP to the new ISP, in accordance with the planned new legal provision;
- Provide the option to subscribers to extend the initial period of 6 months for an indefinite period, against a charge;
- Issue an automated notification message, informing the sender that the recipient has migrated to an alternative email account. This message should also include details of recipient's new email address; and
- Retain the email address 'unused' for a minimum period of one year following the migration of the subscriber to the new ISP.

3 PROPOSED DECISION

This section provides an overview of the proposed decision for the management of email Mobility, thereby ensuring prompt switching and delivery of email.

3.1 Initial Period for transfer of emails

In accordance with the planned legal provision, when a subscriber cancels a service of access to the Internet, the service provider, upon request by the subscriber, would 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**. During the minimum period of 6 (six) months the forwarding service would be provided free of charge.

The RA proposes that:

- this obligation would exclude direct access by the subscriber to the previous mail-box; and
- the email forwarding request would 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.

3.2 Notification during the Initial Period

During the 6 (six) calendar month period, the original ISP would 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 would 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.org¹

Kindly update the contact details accordingly.

All personal information should be processed in accordance with the Data Protection Provisions.

¹ The subscriber may request that the new email address is not disclosed in the automatic response message.

3.3 Subsequent Period for transfer of emails

Following the 6 (six) calendar month free-of-charge email forwarding period, the ISP would offer the possibility to subscribers to extend this initial forwarding period at a charge. This service would be available for an indefinite period.

3.4 Re-allocation of email address upon termination

The original ISP would not allocate the subscriber's email address to another subscriber before a period of 12 (months) calendar months following termination. After that period expires, the ISP would be free to allocate that email address to any other subscriber.

4 SUBMISSION OF COMMENTS

The consultation period will run from the **6th August 2013** to **30th September 2013**, during which time, the RA welcomes written comments on any of the issues raised in this consultation document.

Having analysed and considered the views and comments received, the RA will review the proposals and publish its decision that will, inter alia, summarise the responses to the consultation. Authorised undertakings will be required to ensure that their policies and procedures for dealing with the decisions meet or exceed the established minimum standards.

Receipt of comments will be acknowledged. Comments will be made publicly available by the RA and on the RA website unless declared confidential. Respondents are therefore asked to separate out any confidential material into a clearly marked annex.

Responses to this consultation should be filed electronically in MS Words or Adobe Acrobat format. Parties filing comments should go to the Regulatory Authority's website www.rab.bm and follow the link to the Consultations and Responses page and click the "Click here to submit responses" icon which appears at the top of the page. **All comments should be clearly marked "Responses to Consultation Email Portability C13/1000"**

The Chief Executive Officer is the principal point of contact at the Regulatory Authority for interested persons during this consultation. He may be contacted by email at pmicallef@rab.bm or by mail to:

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Responses should be due by close of business **Friday, 30th September 2013**