

**[MEMORANDUM CIRCULAR NO. 07-08-2018,
August 31, 2018]**

**FURTHER AMENDING MEMORANDUM CIRCULAR NO. 03-03-2005,
RULES AND REGULATIONS ON BROADCAST MESSAGING SERVICE**

*Adopted: 30 August 2018
Date Filed: 31 August 2018*

WHEREAS, Memorandum Circular (MC) No. 04-07-2009 was promulgated to address concerns on “disappearing and/or vanishing loads” by, among others, prohibiting the sending or initiating of push messages;

WHEREAS, MC No. 04-07-2009 provides that a subscriber who wants to avail of the services offered by content and/or information service providers and/or PTEs may avail of such services only through his/her operative act of communication with the content and/or information providers and/or PTEs through written correspondence, text messaging, internet or other similar means of communications;

WHEREAS, the number of complaints on unauthorized/disputed prepaid load deductions is increasing;

NOW, THEREFORE, pursuant to Republic Act 7925, Executive Order 546 series of 1979, and to minimize if not to eliminate unauthorized/disputed prepaid load deductions, the National Telecommunications Commission hereby promulgates the following guidelines:

1. Content and/or Information providers and/or PTEs shall ensure that consumers/subscribers who avail or opt-in to a content and/or information service, through the internet or other means, receive opt-in confirmation. The opt-in confirmation text message shall provide clear and concise disclosure of the content and/or information service’s name, description, and frequency of content and/or information that the consumer/subscriber will receive in a specified period (such as per day, week or month), complete terms and conditions or link to the complete terms and conditions, cost or rates, privacy policy or link to privacy policy, customer care contact information and clear and user-friendly opt-out instructions.
2. Content and/or information providers and/or PTEs shall implement at least double opt-in confirmation process.
3. Content and/or Information providers and/or PTEs shall keep records of the opt-in and opt-out requests from the time a user/subscriber initiates opt-in for at least six (6) months after the user has opted out of