



MEMORANDUM CIRCULAR

No. 04-06-2007

SUBJECT: DATA LOG RETENTION OF TELECOMMUNICATIONS TRAFFIC

The National Telecommunications Commission hereby prescribes the following rules requiring public telecommunications entities (PTEs) to retain records of telecommunications traffic since access to these records has become vital in the prosecution of consumer complaints. At the same time, this Circular aims to further strengthen the welfare and protection afforded to end-users and/or consumers of telecommunications services by NTC Memorandum Circular No. 8-9-95 [Implementing Rules and Regulations of R.A. 7925] and the Consumer Protection Act [R.A. 7394].

- Section 1. PTEs shall retain the call data records on voice calls and similar records for non-voice traffic. Non-voice traffic includes SMS, MMS and other similar telecommunications services.
- Section 2. Records indicating traffic data on the origin, destination, date, time, and duration of communications shall be retained within the following periods:
- a) two (2) months for non-metered services with fixed monthly charges;
 - b) four (4) months for other telecommunications services not covered in (a); or
 - c) until excused by NTC for records requested in connection with pending complaints.
- Section 3. PTEs shall allow the NTC and the complaining subscriber access to these records upon a formal written request and only in connection with a complaint filed and pending with the NTC. The records shall not be made available to any other person or party without a court order or a written consent from the subscriber concerned. The PTEs shall furnish the NTC with the hard copies of these records within three (3) days from the date of request.
- Section 4. Non-compliance with and/or violation of this Circular shall be dealt with appropriate administrative and penal sanctions as provided by law.
- Section 5. This supersedes any and all existing Orders, Circulars, Memoranda or any part thereof inconsistent herewith.

Section 6. This circular takes effect fifteen (15) days after publication in a newspaper of general circulation and the UP Law Center having been furnished three (3) copies.

(sgd)
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