



## **Code of Conduct**

### **A. Freedom of expression**

1. Internet Uncapped must respect the constitutional right to freedom of speech and expression.

### **B. Privacy and confidentiality**

2. Internet Uncapped must respect the constitutional right of Internet users to personal privacy and privacy of communications.
3. Internet Uncapped must respect the confidentiality of customers' personal information and electronic communications, and must not gather, retain, sell or distribute such information to any other party without the written consent of the customer, except where required to do so by law.

### **C. Consumer protection and provision of information to customers**

4. Internet Uncapped must provide the following information on their web sites: their registered name, email address, telephone and fax numbers and physical address.
5. Internet Uncapped must have an Acceptable Use Policy (AUP) for their Internet access services. This policy must be made available to customers prior to the commencement of any such service agreement and at any time thereafter, on request.
6. In their dealings with consumers, other businesses, Internet Uncapped must act fairly, reasonably, professionally and in good faith. In particular, pricing information for services must be clearly and accurately conveyed to customers and potential customers.
7. Internet Uncapped may only offer service levels which are reasonably within their technical and practical abilities.
8. Internet Uncapped must comply with all compulsory advertising standards and regulations.

### **D. Standard terms and conditions**

10. Standard terms and conditions must contain:
  - All information and terms relevant to the relationship with the recipient of the service;
  - a requirement that the customer will not knowingly create, store or disseminate any illegal content;
  - a commitment to lawful conduct in the use of the services, including copyright and intellectual property rights; and
  - an undertaking not to send or promote the sending of spam.
11. Standard terms and conditions must give an Internet Uncapped the right to remove any content hosted by that member which it considers illegal or for which it has received a take-down notice.
12. Standard terms and conditions must give Internet Uncapped the right to suspend or terminate the service of any customer that does not comply with the terms and conditions, Acceptable Use Policy or any other contractual obligations.

### **E. Unsolicited communications (“spam”)**

14. Internet Uncapped members must not send or promote the sending of unsolicited bulk email and must take reasonable measures to ensure that their networks are not used by others for this purpose. Internet Uncapped must also comply with the provisions of section 45(1) of the ECT Act, and must not send or promote the sending of unsolicited commercial communications that do not comply with the provisions of section 45(1) of the ECT Act.
15. ISPA members must provide a facility for dealing with complaints regarding unsolicited bulk email and unsolicited commercial communications that do not comply with the provisions of section 45(1) of the ECT Act originating from their networks and must react expeditiously to complaints received.

### **F. Cyber crime**

16. Internet Uncapped must take all reasonable measures to prevent unauthorised access to, interception of, or interference with any data on that members network and under its control.

### **G. Protection of minors**

17. Internet Uncapped must take reasonable steps to ensure that they do not offer paid content subscription services to minors without written permission from a parent or guardian.
18. Internet Uncapped must provide Internet access customers with information about procedures and software applications which can be used to assist in the control and monitoring of minors’ access to Internet content. This requirement does not apply to corporate customers where no minors have Internet access.

### **H. Lawful conduct**

19. Internet Uncapped must conduct themselves lawfully at all times and must co-operate with law enforcement authorities where there is a legal obligation to do so.
20. Internet Uncapped must respect intellectual property rights and not knowingly infringe such rights.
21. Internet Uncapped must uphold and abide by this Code of Conduct and adhere to the associated complaints and disciplinary procedures.

## **I. Unlawful content and activity**

22. There is no general obligation on Internet Uncapped to monitor services provided to customers, but a member is obliged to take appropriate action where it becomes aware of any unlawful content or conduct.
23. Internet Uncapped must not knowingly host or provide links to unlawful content, except when required to do so by law.
24. If Internet Uncapped becomes aware of conduct or content which has been determined to be illegal, it must suspend or terminate the relevant customer's service and report the conduct or content to the relevant law enforcement authority. Internet Uncapped must report such cases and any action taken to Internet Uncapped a reasonable period of time.
25. Internet Uncapped must establish a notification and take-down procedure for unlawful content and activity in accordance with WAPA's take-down notification procedure, and respond expeditiously to such notifications.
26. Internet Uncapped must keep a record of all take-down notices received and any materials taken down for a period of at least three years unless possession of such materials is illegal.

## **J. Internet standards**

28. Internet Uncapped must operate with due regard for established Internet best practices, as set out in the various request for comment (RFC) documents and as mandated from time to time by established and respected Internet governance structures.

## **K. Compliance with the Code of Conduct**

29. Internet Uncapped must receive and investigate complaints made in accordance with this Code of Conduct, unless such complaints are frivolous, unreasonable, vexatious or in bad faith.
30. Internet Uncapped must make all reasonable efforts to resolve complaints in accordance with the complaints procedure.
31. Internet Uncapped must co-operate in accordance with the complaints and disciplinary procedures and comply with any decisions taken respect to the Code of Conduct and complaint and disciplinary procedure.

## **L. Alterations**

35. Internet Uncapped reserves the right to make alterations to this Code of Conduct from time to time.