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5 July 2021

**TO: COMPETITION COMMISSION OF SOUTH AFRICA**  
**c/o Queen Khetsi**  
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**ASSESSMENT OF THE IMPACT OF THE DATA SERVICES MARKET INQUIRY  
RECOMMENDATIONS ON THE COST OF DATA AND ACCESS TO DATA**

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## **INTRODUCTION**

1. Media Monitoring Africa (MMA) welcomes this opportunity to provide information to the Competition Commission of South Africa (Commission) in respect of its assessment of the impact of the recommendations of the Data Services Market Inquiry (DSMI) on the cost of data and access to data. This submission addresses the questions contained in the Commission's letter of 10 June 2021, and provides MMA's views on the effectiveness of the DSMI and the agreements that were entered into with the mobile network operators (MNOs).
2. In line with the list of questions received, this submission is structured as follows:
  - 2.1. **First**, our submissions with regard to retail price reduction.
  - 2.2. **Second**, our submissions with regard to the zero-rating of public benefit organisations (PBOs).
  - 2.3. **Third**, our submissions with regard to lifeline data, discounts and free communication.
  - 2.4. **Fourth**, our submissions with regard to price transparency.
  - 2.5. **Fifth**, our additional comments on areas on which we would urge the Commission to engage.
3. These are dealt with in turn below.
4. MMA notes that on 6 January 2020, we addressed a letter to the Commission through our attorneys, Power Singh Inc., welcoming the publication of the final report, and drawing attention to a report that MMA published with several other organisations – namely, the South African National Editors' Forum, the Interactive Advertising Bureau of South Africa and the Association for Progressive Communications – titled 'Universal access to the internet and free public access in South Africa: A seven-point implementation plan'.<sup>1</sup> In that correspondence, MMA also highlighted that while digital inclusion is imperative, this must be accompanied with media and information literacy to ensure that people are able to enjoy the full benefits of the internet safely and meaningfully. MMA also requested a meeting with the Commission to discuss how it can support the effective and practical implementation of the recommendations.
5. MMA hereby reiterates its willingness to support the work of the Commission in furthering the goal of achieving universal access to the internet for all persons in South Africa. This firmly aligns with MMA's vision and mission, and is borne out by this submission.

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<sup>1</sup> A copy of the report is accessible here: <https://internetaccess.africa/universal-access/>.

## **PART I: RETAIL PRICE REDUCTION**

### ***Question 1.1: How were you made aware of the price reductions by the MNOs?***

6. MMA was made aware of the price reductions as a result of a small selection of media reports on the subject, as well as personal experiences of loading pre-paid data. There is relatively scant information available on the specifics of the pricing models adopted by the MNOs, particularly with reference to how the particular reductions were determined and the extent to which this was impacted by the COVID-19 pandemic. It is also unclear whether persons on contract received the benefits of the reduced pricing.

### ***Question 1.2: What is your view about the current level of data usage in South Africa?***

7. While the reductions in data pricing are to be welcomed, MMA is concerned that this does not go far enough. In a policy brief prepared by Research ICT Africa (RIA), it was noted that “[d]ue to a lack of regulation and an inherently imperfect market, even after the reduction, prices remain anti-poor”.<sup>2</sup> According to RIA, data pricing in South Africa remains high, and the reality remains that most South Africans cannot afford to go online due to data costs, lack of internet-enabled devices and digital literacy skills, all of which are associated with poverty.<sup>3</sup> RIA explains that the measures implemented as a result of the Commission’s DSMI “[d]o not provide any relief to the nearly half of South Africans that remain offline. The main barrier to internet access in South Africa is the price of a smart device. Any strategy to reduce prices has to be accompanied by one to bring the unconnected online – with universal access policies over the last 25 years having largely failed.”<sup>4</sup>
8. Data usage is likely to have drastically increased during the COVID-19 pandemic as more people moved online to learn, work and communicate. It is therefore not clear that a direct correlation can be drawn between the price reductions and data usage, as the pandemic is certainly an extenuating factor. Although it is indeed possible that more people were able to afford the connectivity charges as a result of these price reductions, MMA reiterates that data pricing alone is only one tenet of the broader understandings of meaningful access to the internet, which must necessarily include considerations of the cost of devices, appropriateness of connectivity, media and information literacy skills (including digital literacy skills) and relevance of content available.
9. It also bears highlighting that South Africa’s data pricing remains high when compared to the rest of Africa. The reality for many persons in South Africa is that the price reductions simply do not go far enough to enable meaningful access to the internet in a country with significant socio-economic divides.

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<sup>2</sup> RIA, ‘Despite reduction in mobile tariffs, data still expensive in South Africa’, June 2020 at p 1, accessible [here](#).

<sup>3</sup> Id.

<sup>4</sup> Id at p 2.

**Question 1.3: Have the retail price reductions improved affordability and accessibility of data for consumers, in particular the poor?**

10. As mentioned above, MMA aligns itself with RIA's finding that data pricing in South Africa remains anti-poor. There is simply insufficient publicly-accessible evidence at present to indicate that persons in lower income households in the country can yet afford meaningful access to the internet. As we have seen through the COVID-19 pandemic, the digital divide has exacerbated existing socio-economic schisms in the country; in this regard, as noted by the Alliance for Affordable Internet (A4AI):<sup>5</sup>

"2020 has been the year of digital salvation and of digital deprivation. Just as the world has turned to the internet to work from home, keep businesses alive, go to school online and stay connected with loved ones, around 3.5 billion people — almost half the world — remain without internet access.

COVID-19 has shown the internet is not a luxury but a lifeline, and underscored why affordable, meaningful internet access must be a basic human right.

We should not have a world where a lack of internet access prevents children from learning when schools are closed. Or where students have to sit on the roofs of their parents' home because it's the only place they can get a mobile signal. Or where deep digital inequalities undermine efforts to contain the spread of the virus.

The pandemic gives us a historical opportunity to tackle multiple digital inequalities – cutting across gender, geography, wealth and the rural/urban divide – and to make universal internet access a reality."

11. A4AI reflects that the most pressing challenge is to bring down the cost to connect, noting that while 85% of the world is now within range of a mobile network, the cost of data remains too expensive for many.<sup>6</sup> In this regard, it is noteworthy that the United Nations Broadband Commission for Sustainable Development (Broadband Commission) has adopted a so-called "1 for 2" target for affordable internet, in terms of which 1 gigabyte of data should be available at less than 2% of gross national income (GNI) per capita.<sup>7</sup> According to a special report prepared by News24, South Africa did not meet this threshold for affordability when analysed in 2019, while other African countries had better scores than South Africa.<sup>8</sup> The report also highlighted a submission made by A4AI to the Commission revealing that the poorest 20% of South Africans would have to spend 19% of their monthly income to buy 1 gigabyte of data.<sup>9</sup>

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<sup>5</sup> A4AI, 'The internet has been a lifeline in 2020 – but not for everyone. Governments must act', 21 December 2020, accessible [here](#).

<sup>6</sup> Id.

<sup>7</sup> Broadband Commission, '2025 Targets: Connecting the other half', 2018 at p 1, accessible [here](#).

<sup>8</sup> News24, 'Special report: Are we being overcharged for data? How SA stacks up against 9 peer countries', 16 January 2019, accessible [here](#).

<sup>9</sup> Id.

12. There are therefore various barriers to entry for many persons in South Africa when it comes to connecting the unconnected, including the still high cost of data, the high cost of devices, the lack of media and information literacy skills, and a lack of relevant content in local languages. Other considerations, such as inconsistent electricity provision and a lack of security, are also inhibiting factors.<sup>10</sup> In rural and peri-urban areas, there remains a particular disadvantage being suffered as a result of persons in these areas being largely reliant on the major MNOs for connectivity. MMA urges the Commission to revisit its recommendation that the Independent Communications Authority of South Africa (ICASA) consider models and regulatory changes to allow community networks to access licensed spectrum not used by mobile operators in rural areas, as this will increase competition in rural and peri-urban areas and likely lead to more sustainable solutions.
13. Further in this regard, according to the newly-released 2021 Social Report, published by the United Nations, new approaches made possible through improved access and internet connectivity can raise the standard of living for approximately 3.4 billion people living in rural areas worldwide, without them having to migrate to cities.<sup>11</sup> Statistically, the global picture reflects that some 67% of the populations of low-income countries and 60% of lower-middle-income countries are rural; about 80% of those living below the international poverty line reside in rural areas; and about 20% of rural people live in extreme poverty (a rate that is four times higher than for the urban population) and have less access to education, health and other services.<sup>12</sup> While we do not have the exact figures for South Africa, we would submit that this global picture is broadly reflective of the domestic context as well. It is therefore imperative that rural populations are prioritised in any strategies concerning access to the internet.
14. Lastly, we note that the findings and recommendations of the DSMI cannot exist in a vacuum if they are to be effective. Rather, a period of sustained investment and coherent policy determinations regarding broadband infrastructure and roll-out is required. According to A4AI:<sup>13</sup>

“Effective national broadband plans are critical to steer a country’s broadband development and bring down costs. These plans make public spending more effective, encourage private sector investment, and provide greater accountability for broadband development. While most of the countries we studied have some kind of plan, the quality of these varies widely – from comprehensive strategies with clear targets and implementation targets, to a scattering of documents that add up to very little.

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<sup>10</sup> SAP, ‘Connecting the rural population’, 3 September 2019, accessible [here](#).

<sup>11</sup> United Nations Department of Economic and Social Affairs, ‘Improved connectivity, not urban migration, is the best way to help people in world’s rural areas develop, says UN’, 2021, accessible [here](#).

<sup>12</sup> Id.

<sup>13</sup> A4AI, above n 5.

It's clear the difference that effective plans can make. Take Rwanda, a landlocked, low-income country that has seen tremendous turmoil in past decades. Overcoming great challenges, the country has brought down the cost of 1GB data to a fifth of the 2015 cost, from 20% to just 3.5% of average income.

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Meanwhile, other governments, such as South Africa and Brazil – which are well placed to be digital leaders – have become laggards by failing to invest in effective policies and planning. The cost of data in Brazil is higher than in neighbouring Argentina, Peru and Colombia. And in South Africa, costs have fallen by just 12% over 5 years, far more slowly than in Africa as a whole.”

15. It is therefore critical for the relevant public authorities to adopt an effective broadband plan to reduce the cost of connectivity further in order to make it affordable for everyone, taking into consideration the need for an inclusive approach with clear targets, measurable deliverables and appropriate funding for the implementation of the plan.

## **PART II: ZERO-RATING OF PUBLIC BENEFIT ORGANISATIONS**

### ***Question 2.1: Are you aware of any PBO websites and content that have been zero-rated by the MNOs after 1 April 2020?***

16. MMA is aware of three broad categories of PBO websites that have been zero-rated:
  - 16.1. Educational resources, although this was to some extent precipitated by a court application instituted by the DG Murray Trust (DGMT).<sup>14</sup>
  - 16.2. Job portals for unemployed persons seeking work opportunities.
  - 16.3. Websites containing information relating to COVID-19, as mandated by the regulations published in terms of the Disaster Management Act 57 of 2002.
17. However, MMA stresses the fact that the concept of PBOs is much broader than this. In MMA's own experience, we sought to have our Real411 platform zero-rated, which is a publicly-accessible reporting mechanism for members of the public to raise concerns of digital harms, namely disinformation, hate speech, incitement to violence and harassment.<sup>15</sup> Despite MMA clearly qualifying as a PBO, and the Real411 platform manifestly being a website in the public interest, MMA was unsuccessful in having this platform zero-rated without any reasons being provided.

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<sup>14</sup> DGMT, 'MTN complies with zero-rating of approved PBO websites', 22 July 2020, accessible [here](#).

<sup>15</sup> Accessible at <https://www.real411.org/>.

**Question 2.2: How did you know about the zero-rated services offered by MNOs?**

18. MMA was only aware of the zero-rated services offered by MNOs as a result of us tracking the developments from the DSMI due to our involvement therein. In our view, there has been little work done by the MNOs to raise broad awareness to PBOs about the offer of zero-rating or the criteria to be applied. The consequence of this lack of communication is two-fold: first, qualifying organisations may not have applied because of being unaware of their eligibility or feeling uncertain by a cumbersome registration process; and second, members of the public may not have visited zero-rated websites because they either did not understand the concept of zero-rating or did not know that they could browse such sites without depleting their data. Both of these consequences directly impede the effectiveness of the zero-rating initiative.

**Question 2.3: Have you observed any increase in consumer access to the internet resulting from the zero-rating of PBOs?**

19. MMA does not make any submissions in this regard.

**Question 2.4: How do consumers benefit from zero-rated websites and/or content of PBOs in so far as affordability of data and access to data is concerned?**

20. According to the Centre for Democracy and Technology (CDT), a recent study of broadband availability and adoption in rural Africa identifies restrictions on the locality of access, a lack of locally relevant content, unfamiliarity with new concepts, shortage of trained personnel, high cost of internet access and limited connection capacity with respect to internet structure and content as among the major obstacles.<sup>16</sup> CDT note that from a broadband perspective, zero-rating's chief potential benefit lies in helping overcome these obstacles:<sup>17</sup>

“For potential broadband adopters, zero-rating may lower costs and increase relevance of broadband access, as proponents contend. Moreover, as more people in a given market get online, the increase in the value of the network and other factors, such as lower cost and creation of relevant, local content in an accessible language may further improve adoption rates. This, in turn, may incentivise network operators to make further investments in infrastructure that leads to increased deployment, access, and adoption.”

21. However, zero-rating must also be balanced against the incumbent risks, including the potential violation of the principle of net neutrality and the possibility that users of zero-rated websites do not venture beyond those websites. In research undertaken by Mozilla, it was revealed that zero-rating does not necessarily serve as an on-ramp to the internet, with people using zero-rated services typically being those who also have full access to the

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<sup>16</sup> CDT, 'Zero-rating: A framework for assessing benefits and harms', January 2016 at p 11, accessible [here](#).

<sup>17</sup> Id.

internet and are making use of zero-rating as one of various cost-saving strategies.<sup>18</sup> While zero-rating is certainly of benefit in reducing the cost of access to the internet, this is not a complete answer, as it does not address the other necessary elements of meaningful access to the internet that include affordability of devices, media and information literacy and relevant local content.

22. When assessing the effectiveness and appropriateness of the current zero-rating framework in South Africa, regard should be had to the following factors proposed by the CDT:<sup>19</sup>

22.1. Exclusive or affiliate-only arrangements should not be undertaken.

22.2. Sponsored data arrangements should be disfavoured.

22.3. Eligibility to participate in zero-rating arrangements should not depend on degrading security or sacrificing user privacy.

22.4. Both the edge provider-facing and user-facing terms of zero-rating arrangements should be transparent.

22.5. Zero-rating as a broadband adoption strategy should be accompanied by both technical assistance for edge providers and digital training and education for users.

22.6. Regulators should clarify the terms and process by which they will assess zero-rating services.

23. MMA wishes to highlight three of these considerations in particular:<sup>20</sup>

23.1. With regard to privacy and data security, zero-rating and other data arrangements should not require users to trade away data security for data cap relief. Ease of administration should not trump network security and user privacy. With the coming into force of the Protection of Personal Information Act 4 of 2013 (POPIA), it is hoped that MNOs will be more vigilant over what they seek users to consent to in exchange for offering free access to certain platforms or content.

23.2. With regard to technical assistance and training, these elements are central to zero-rating's potential role in expanding broadband adoption and use. As explained by the CDT, training should be geared towards local content creation and supported by ongoing study and effort to improve digital training outcomes.

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<sup>18</sup> Mozilla, 'Mozilla releases research results: Zero-rating is not serving as an on-ramp to the internet', 1 August 2017, accessible [here](#).

<sup>19</sup> CDT, above n 16 at pp 12-22.

<sup>20</sup> Id at p 23.

- 23.3. With regard to transparency, zero-rating arrangements must be transparent. The offers should make it easy for potential customers to understand what they get for free and how that might be different from what they could get otherwise. The method by which data usage is tracked, monitored or recorded should be disclosed so as to allow customers to make informed decisions about which entities will gain access to what information as a result of a customer's use of unmetered offerings. Finally, users should be entitled to know whom, if anyone, pays for the traffic exempted from data caps or usage charges.

***Question 2.5: Are there any limitations in the current form in which websites and/or content of PBOs is zero-rated by MNOs?***

24. MMA makes several submissions in this regard:

- 24.1. The current application of the zero-rating of PBO websites and/or content should be expanded to all PBOs in the country that have a PBO number and are acting in the public interest. This would likely see an increased understanding and acceptance of which organizational websites can be browsed for free without incurring data charges.
- 24.2. The application process for registering as a PBO with the MNOs should not be an unduly onerous one, taking into consideration the limited funds and resources with which most PBOs operate. The MNOs should lend support to the PBOs in this regard by simplifying the process, setting clear criteria and facilitating the registration of PBOs through a simple and easy-to-use registration portal.
- 24.3. There should be increased awareness-raising about the meaning and import of zero-rating, both among PBOs and with the public more broadly. This should be done by the MNOs, supported by the Commission and ICASA, to ensure that all PBOs can make use of this opportunity if they are interested in having their website zero-rated.
- 24.4. PBO websites that are zero-rated should not be undertaken in a manner that diminishes the quality of that website. In our view, it is inimical to the aims of this initiative for persons who rely on zero-rated websites to have an inferior experience of the internet simply because of their lack of resources.
- 24.5. MNOs should also be cognisant of the fact that PBOs communicate with their constituencies in different ways, including through apps, SMSes and WhatsApp. As such, MNOs should also contemplate expanding their service offering to include these different platforms as well.
- 24.6. It is imperative that there is transparency in the zero-rating arrangements that are reached, particularly in respect of any trade-offs that users might experience as a result of making use of a zero-rated website.

- 24.7. Lastly, MMA reiterates its submission for the urgent need for media and information literacy, so as to ensure that users of zero-rated websites are aware that this does not represent the internet as a whole.

***Question 2.6: Are there any initiatives that MNOs can incorporate in their current plan to increase access to and awareness of these services?***

25. As highlighted above, there needs to be better communication regarding the zero-rating of websites and/or content. This should include open and clear lists of websites that have been zero-rated with a summary of their relevant content; an explanation of what zero-rating means in simple terms; and active outreach measures undertaken to ensure that the uptake of zero-rated websites and/or content receive more prominence.
26. It bears reiterating, however, that zero-rating should not be seen as a stand-alone strategy. This needs to be accompanied by other measures to achieve meaningful access to the internet, including media and information literacy, so as to achieve a more holistic outcome and connect the unconnected. Taken in isolation, zero-rating is in itself unlikely to achieve a large-scale uptake of the internet for those who have not enjoyed connectivity to date.

**PART III: PRO-POOR DISCOUNTS AND FREE COMMUNICATION**

***Question 3.1: Are you aware of any lifeline packages implemented by MNOs after 1 April 2020?***

27. MMA is not aware of any lifeline packages implemented by MNOs after 1 April 2020.

***Question 3.2: How were you made aware of the lifeline packages offered by the MNOs?***

28. Not applicable.

***Question 3.3: How does a consumer know that they are offered a lifeline package product and how can they access such?***

29. As indicated above, MMA is not aware of any lifeline packages implemented by MNOs, and therefore is similarly unaware of how these can be accessed.

***Question 3.4: Provide challenges that consumers have encountered whilst using lifeline packages offered by MNOs.***

30. In our view, the Commission's recommendation was clear: MNOs must provide all prepaid subscribers with a lifeline package of daily free data to ensure that all persons have data access. The actions of the MNOs in offering discounts, free SMSes and "Please-call-me" bundles are not in keeping with the spirit and purport of this recommendation, and should not be seen as an acceptable equivalent. Indeed, if the purpose behind this recommendation was to achieve universal access to the internet and online services, these "complementary products and services" fall short of meeting the required threshold.

31. MMA makes several further submissions in this regard:
  - 31.1. MMA is not persuaded that these services have been meaningfully or effectively communicated to the public. Users may therefore not be aware of the benefits for which they qualify.
  - 31.2. There is a lack of transparency regarding how the MNOs have decided on the specific measures to be implemented and the terms under which they are being offered.
  - 31.3. The lifeline package of daily free data should be extended to all persons in South Africa, not just prepaid subscribers. MMA submits that this is based on a false assumption that only prepaid subscribers are in financial need, whereas there may be persons who opt for a contract offering on the basis of that being the only way in which they can afford a device with appropriate functionality.
32. This recommendation of the Commission was an integral part of the outcome of DSMI, and one that brought with it much promise and hope. However, it does not appear that the desired outcomes have been borne out in practice, with MNOs appearing to shirk their responsibilities in terms thereof by offering inferior services in purported compliance with this recommendation. This needs further attention by the Commission, and a firm stance taken to ensure that all persons in South Africa receive a lifeline of free data to be able to access the internet.

***Question 3.5: Are lifeline packages differentiated by consumer segments?***

33. MMA makes no submissions in this regard.

***Question 3.6: How do consumers benefit from lifeline packages in so far as affordability of data and access to data is concerned?***

34. It is clear from the DSMI that South Africa has been beleaguered by exorbitantly high data costs for a number of years, which has significantly hampered the uptake and use of the internet, as well as the social and economic benefits that can be enjoyed as a result thereof. The lifeline of data – if properly implemented – would enable all persons in South Africa to enjoy some measure of access to the internet, provided that this were also coupled with the full range of other supporting factors, such as affordable devices and media and information literacy. There are two further considerations in this regard: first, an appropriate allocation must be made to enable sufficient browsing of the internet to be enjoyed; and second, the lifeline packages should be free of conditionalities or restrictions on what persons can search for online (within the prescripts of the law), as the internet should be about learning, self-development and enjoyment in whatever forms the affected persons see fit.

**Question 3.7: Are there any initiatives that MNOs can incorporate in their current plan to increase access to and awareness of these packages?**

35. Much more work needs to be done to raise awareness about the packages available, as there appears to have been little communication in this regard. It is imperative that all MNOs offer a free lifeline package to all users on their networks, and that inferior substitutes are not countenanced by the Commission.
36. MMA and others have previously argued that a tranche of free basic internet should be provided as a basic municipal service to qualifying persons or households in terms of the Local Government: Municipal Systems Act 32 of 2000.<sup>21</sup> This is in recognition of the fact that for indigent persons living in poverty, access to the internet remains largely out of their reach. MMA has drawn on B-Connected as an example, this being an initiative adopted in the Nelson Mandela Bay Municipality, in terms of which there are three tiers of free internet provision:<sup>22</sup>
  - 36.1. Free basic, in terms of which persons who qualify for free basic water and electricity services from the municipality also receive free basic internet, in the amount of 250 megabytes per month.
  - 36.2. Up-to-date municipal account, in terms of which persons with a municipal account that is up-to-date receive a free data bundle, in the amount of 1 gigabyte per month.
  - 36.3. Up-to-date account arrangement, in terms of which persons who keep up-to-date in paying their municipal accounts as arranged with the accounts department receive a limited free data bundle, in the amount of 500 megabytes per month.
37. Persons who receive a data bundle in the stipulated amount can connect from any device that is wi-fi enabled. They can enjoy free access to the internet from anywhere, including in their homes, up to the stipulated amount, whereafter they are given the opportunity to purchase additional data at a reduced rate. While the free data bundles expire at the end of each month, they are transferable and multiple devices can be connected on the same day.
38. While the overarching aim is to have every person in South Africa receive a lifeline package of free data on a monthly basis, this strategy could similarly be employed by the MNOs and the Commission, in consultation with the relevant municipalities, to prioritise those persons who are most in need of access to the internet.

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<sup>21</sup> MMA et al, 'Universal access to the internet and free public access in South Africa: A seven-point implementation plan', September 2019 at p 41, accessible [here](#).

<sup>22</sup> Id.

#### **PART IV: PRICE TRANSPARENCY**

##### ***Question 4.1: Are you aware of price transparency initiatives from the MNOs?***

39. MMA has only seen limited price transparency initiatives from the MNOs, primarily through the press briefings held with the Commission and certain communications from the MNOs themselves. However, there is an overarching lack of transparency in this regard, as MNOs appear to retain the view that price transparency would divulge sensitive commercial information. This leaves consumers largely in the dark with regard to understanding how the determinations are made, which is inimical to the right of access to information as set out in section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) and the broader public interest.
40. MMA submits that the Commission should lead by example in this regard by publishing the agreements reached with the MNOs to enable the public to understand and vindicate their entitlements. While this may, to the extent that it is strictly necessary, be published in a redacted form, MMA submits that this would greatly advance the cause being espoused by the Commission.

##### ***Question 4.2: Do these initiatives equip consumers to be better aware of their historical usage patterns and the effective price per megabyte of bundles that they consumed previously?***

41. In MMA's view, users are not provided with the information in a sufficiently accessible or understandable manner. Many of the provisions are written in legalese, typically in English, and do not foster a broad-based understanding of what is being conveyed. This needs to be remedied as a matter of urgency, as it does not appear that there is currently a meaningful level of access to information or transparency.

##### ***Question 4.3: As a result of these initiatives, are consumers better aware of the effective price per megabyte that they pay for each bundle prior to the purchase of a particular bundle?***

42. MMA can only draw on anecdotal evidence of personal experiences in this regard, but in our view, consumers are not made sufficiently aware of the effective price per megabyte that they pay. While this information may be contained in the terms and conditions of the MNOs, this is not readily accessible or easy to find, and MMA is concerned that MNOs may obfuscate their responsibilities in this regard.

##### ***Question 4.4: How do consumers benefit from price transparency in the form of informing consumers of their historical data usage and the effective price per megabyte for different bundles and previously consumed bundles?***

43. This information can empower users to make informed decisions about their data usage at a given time, and ensure that data bundles do not expire or exceed the amount that the user has budgeted. Furthermore, it can assist users to select their MNO service provider based on the one that achieves the greatest affordability and transparency, taking into consideration all other relevant factors.

***Question 4.5: Are there any other initiatives that MNOs can incorporate in their current plan to increase price transparency?***

44. MMA submits that more needs to be done to provide consumers with a simple, clear and understandable explanation of the information that the Commission requires MNOs to provide. Consumers are entitled to this information in order to be able to make informed determinations. The culture of secrecy that persists amongst MNOs is impermissible in an open and democratic marketplace, and should not be allowed to persist.
45. MMA reiterates its submission that the agreements reached with MNOs should also be made public so that consumers are aware of what the respective MNOs have committed to, and to hold them to account accordingly.

**PART V: OTHER AREAS FOR THE COMMISSION TO LOOK INTO TO IMPROVE ACCESS AND USAGE**

46. MMA highlights the following additional areas that require further exploration:
  - 46.1. There needs to be media and information literacy skills available to all persons in South Africa if universal, meaningful access to the internet is to be achieved. While this has been referred to throughout this submission, MMA is concerned that this was not an element that was addressed in the DSMI. This is a critical aspect in improving access and usage – not just to enable people to get online, but to ensure that they are safe and aware while doing so, including by being able to find relevant content, discern what constitutes mis- and disinformation, and meaningfully engage on topics of their choosing. This should be included by the Department of Basic Education in the school curriculum, but should also be concentrated on other vulnerable and marginalised groups, such as the elderly and persons with disabilities.
  - 46.2. The other elements of meaningful access to the internet need to be addressed as well. This includes lowering the cost of devices, making locally-relevant content available, and ensuring that the quality of service is appropriate for the nature of internet usage.
  - 46.3. With regard to zero-rating of websites in the public interest, we submit that, in addition to expanding the current application to PBOs more broadly, there are two additional categories of websites that should be added: first, government websites that contain relevant information for the public; and second, news websites, including that of the public broadcaster. With regard to the latter, we make this submission in recognition of the critical role that the news media plays in a democracy. Notably, the COVID-19 pandemic demonstrates not only the importance of access, but of the public being able to receive credible information.

- 46.4. Other forms of public access initiatives should also be encouraged, such as the roll-out of wi-fi hotspots and free access at public facilities, such as libraries and community centres. MNOs should be urged to support such initiatives across the country, but particularly in rural and peri-urban areas.
- 46.5. There is a stark lack of coordination in respect of the internet landscape. This has been the case in South Africa for a number of years, and does not appear to be improving. It is therefore imperative that role-players like ICASA and the Department of Communications and Digital Technologies address this shortcoming as a matter of urgency.
- 46.6. South Africa's broadband plan – currently in the form of South Africa Connect – needs to be revised in line with the current digital landscape. This needs to include effective and measurable targets, a clear delineation of roles and responsibilities, and consequences for the failure to meet the targets set out therein.
47. It is only by adopting a holistic approach to internet access and connectivity that we can ensure that no person is left on the wrong side of the digital divide.

## **CONCLUSION**

48. MMA reiterates its appreciation for the opportunity to provide this submission, and remains willing and available to engage with the Commission on the DSMI going forward. Please do not hesitate to contact us if we can provide any further information.

**Media Monitoring Africa  
5 July 2021**