



Communications
Commission
of Kenya

**GUIDELINES FOR THE PREVENTION
OF TRANSMISSION OF UNDESIRABLE BULK POLITICAL
CONTENT/MESSAGES VIA ELECTRONIC
COMMUNICATIONS NETWORKS**

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1 INTRODUCTION

1.1 Background

CCK was established under the KICA, to license and regulate telecommunications, radio communications, postal and broadcasting services in Kenya.

Under Sections 23 and 25 of the KICA, CCK is mandated to protect the interest of all users of telecommunications services in Kenya with respect to prices and quality and variety and the granting of licenses with conditions including specification of services (Section 25 (3) (a).

Based upon its mandate to protect consumer interests, CCK in consultation with the NCIC, the IEBC, the RPP, MNOs, CSPs and other relevant stakeholders now issues these Guidelines to prevent the transmission of undesirable content via bulk messages.

1.2 Application of the Guidelines

These Guidelines are issued pursuant to Section 23 and 25 of the KICA and Regulations 21 of the Kenya Information and Communications (Consumer protection) Regulations, 2010 and will apply to licensees, including CSP's and MNOs.

1.3 Effective Date of the Guidelines

The Guidelines will be effective from the issue date.

1.4 Amendments to the Guidelines

These Guidelines may be amended from time to time by the CCK in consultation with NCIC, the IEBC, the RPP, MNOs, CSPs and other relevant stakeholders **PROVIDED THAT** CCK shall convene a stakeholders' consultation to discuss any proposed amendments to these Guidelines prior to their coming into force.

2 DEFINITIONS AND ABBREVIATIONS

2.1 Definitions

In these Guidelines, unless otherwise stated the following definitions apply:

- 2.1.1 “Bulk content” means content that is transmitted on a one-to-many configuration via SMS, MMS and any other similar medium that is capable of providing bulk Messaging service;
- 2.1.2 “Constitution” means the Constitution of Kenya 2010;
- 2.1.3 “Customer” means a subscriber of the MNO network;
- 2.1.4 “Political Party” means an association contemplated in Part 3 of Chapter Seven of the Constitution;
- 2.1.5 “Election” means the act of selecting by vote, of a person or persons from among a number of candidates to fill an office or to a membership of any political party and includes a presidential, parliamentary or county election;
- 2.1.6 “Political Messages” means the transmission of political content by Political Parties and other individuals to the general public by SMS or MMS or any other similar medium that is capable of transmitting bulk;
- 2.1.7 “Political Aspirant” means a candidate for an elective post as contained in the Elections Act;
- 2.1.8 “Hate Message” means a message designed to degrade, intimidate or incite to violence or prejudicial action against a person or group of people based on their race, ethnicity, nationality, religion, political affiliation, language ability or appearance;
- 2.1.9 “Content Service Provider” means a person authorised by the Communications Commission of Kenya to provide content services;
- 2.1.10 “Mobile Network Operator” means a person authorised by the Communications Commission of Kenya to build and commercially operate Mobile Telecommunications/Electronic Communications Systems;
- 2.1.11 “Undesirable Content/Message” means such content/message as contemplated under Condition 1.1 of the Content Service Provider (CSP) license issued under the KICA.

