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## GENERAL NOTICE

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### NOTICE 129 OF 2011

### NATIONAL CONSUMER COMMISSION

I, Mamodupi Mohlala, Commissioner of the National Consumer Commission, hereby publish Expression of Interest (EOI) in pursuance to the provisions of section 11 (3) of the Consumer Protection Act, 2008 (Act No 68 of 2008).

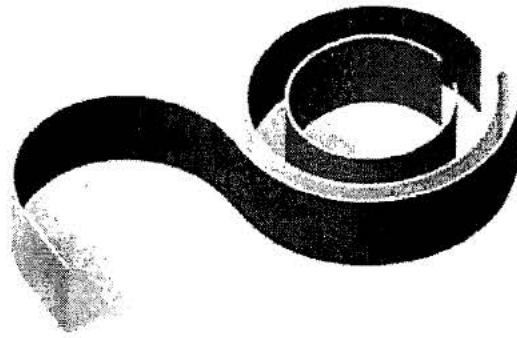
Interested persons may submit their written proposals in writing for the establishment of the registry in which any person may register a pre-emptive block against any communication that is intended for the purposes of direct marketing of goods or services.

The deadline for submission of the EOI is **23 March 2011**, quoting the following reference number (**NCC/EOI/0001**) to: The National Commissioner, National Consumer Commission c/o Ms Prudence Moilwa P O Box 30251 Sunnyside, Pretoria, 0132 or per fax to (012) 394 2544 or email to [pmoilwa@thedti.gov.za](mailto:pmoilwa@thedti.gov.za)



Ms. M MOHLALA

COMMISSIONER: NATIONAL CONSUMER COMMISSION



## NATIONAL CONSUMER COMMISSION

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### **REQUEST FOR EXPRESSION OF INTEREST (EOI)**

Request for expression of interest issued by the National Consumer Commission in respect of the establishment of a registry in which any person may register a pre-emptive block for the purposes of restricting unwanted direct marketing.

#### **1.1 Purpose of the EOI**

The National Consumer Commission, (the NCC) an entity created in terms of Section 85 of the Consumer Protection Act 2008 (Act 68 of 2008) is in the process of identifying a Service Provider for the operation of an Opt-Out Register required by Section 11 of the Act .

The Act also provide that the Commission may establish ,or recognize as authoritative, a registry in which any person register a pre-emptive block, either generally or for specific purposes against any communication that is primarily for the purpose of direct marketing.

## **2.1 Background and Overview**

The National Consumer Commission is a juristic person established as an organ of state within the public administration but as an institution outside the public service in terms of the provisions of Section 85 of the Consumer Protection Act, 2008 (Act No 68 of 2008)

The Consumer Protection Act, 2008 mandates the Commission to establish a register which is reasonable and has effective means to receive, compile and utilize information relating to direct marketing.

The registry must cover and be accessible to all consumers within the Republic of South Africa and must promote the realization of each consumer's right to privacy.

The Commission has identified a need to call for expression of interest from any interested person or entity to assist it in establishing a recognized register as contemplated above.

## **3 Information Required**

### **3.1 Contact Details**

- Name of person submitting EOI
- Company name
- Position in company
- Contact details
- Postal address

- Telephone
- Fax
- Cell phone
- Email

**3.2 Company's profile and experience in development and maintenance of registry or data base**

- Names and locations of current operations
- Market segment(s)
- Number of years in operation
- Relevant projects

**3.3 Those with vested interest, kindly respond to the following:**

- How do you plan to give effect to the provisions of Section 11 read with Regulation 3 of the Act?
- Describe the skills and expertise required for the development and maintenance of the pre-emptive/opt out register and how this will be sourced.
- Financial implications of the project and how will these costs be generated or recovered?
- What are the potential risks associated with operation of an opt-register, how will you mitigate these risks?
- If the outsourcing of the register was on a fixed term how long will a reasonable duration of such a fixed terms contract be.

#### 4. Enquiries

All queries and issues regarding this EOI should be directed to;

Ms.Prudence Moilwa

Telephone number 012 394 1544

Fax number 012 394 2544

Email address [pmoilwa@thedti.gov.za](mailto:pmoilwa@thedti.gov.za)

#### 5. Closing dates

The closing date for submission of the Response to the EOI is: **23 March 2011**

#### 6. Disclaimer

- (i) No representation or guarantee, express or implied, is or will be given by the NCC, or any of its employees with respect to the information or opinions contained in any document.
- (ii) Any interested parties in responding to this expression of interest expressly waive any claim/s it has or may have in respect of such representations or warranties, howsoever arising.
- (iii) The NCC reserves the right in its sole and absolute discretion, to decide on whether or not to proceed further with this process in the light of expression of interest received and policy considerations.

- (iv) The information in the expression of interest will be used solely for the NCC to complete its feasibility study and to decide whether to operate the register or recognise a register operated by a third party.
  - (v) The Commission reserves the right to amend, modify or withdraw this EOI process at any time without prior notice and without liability to compensate or reimburse any party or person.
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