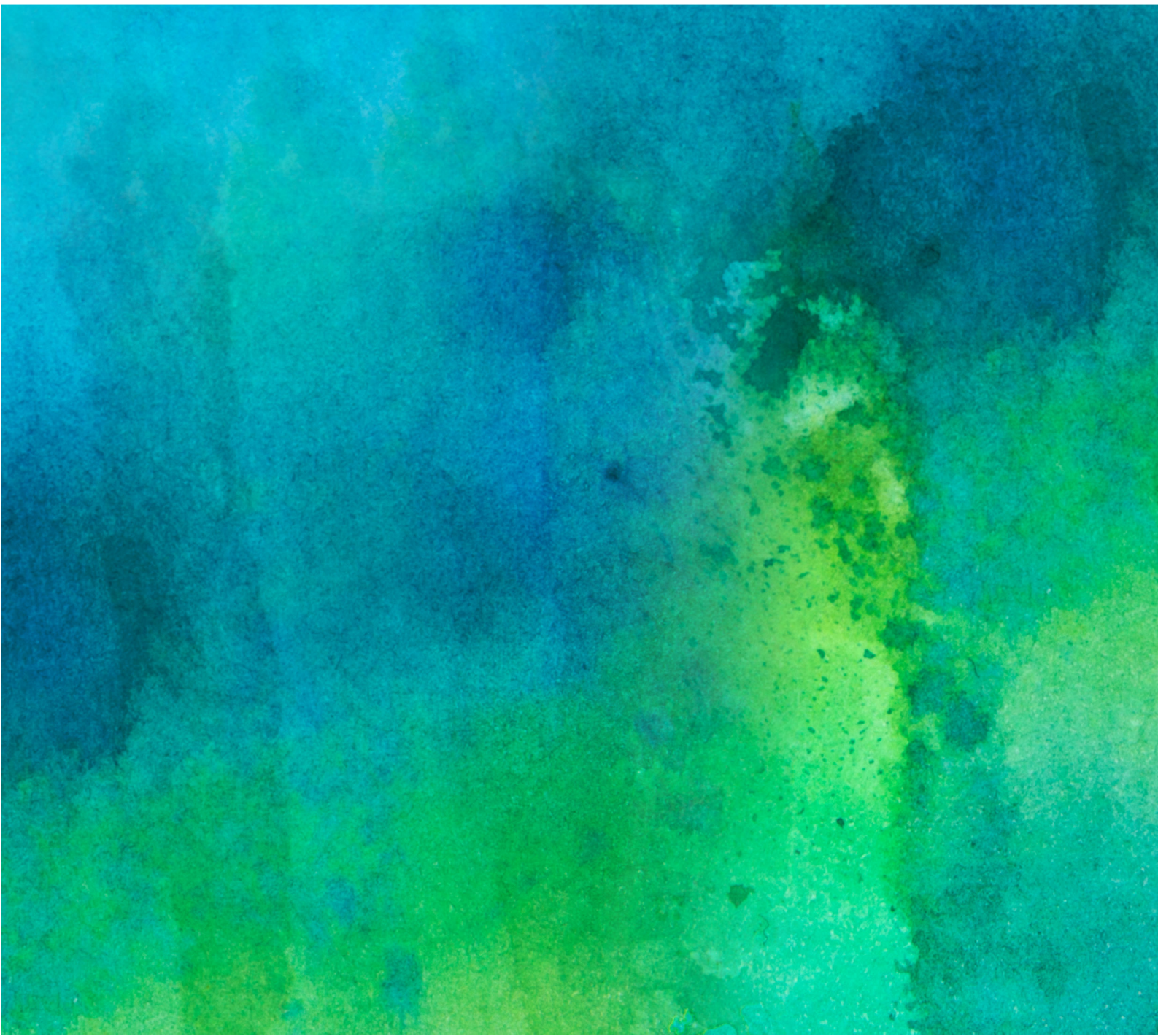


# **Call for Inputs on PSA Guidance on the retention of data**

February 2019

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## ABOUT INFOMEDIA

Infomedia is trusted by brands and carriers globally to provide a secure platform to process transactions, using Direct Carrier Billing (DCB) following a 20 year history of providing technology and services supporting premium rate services to the telecommunications market in the UK and abroad. Our platform connects carriers and content providers globally with a reach of over 500m customers. Our frictionless experience powered over 60m transactions in 2017 alone.

Our mission at Infomedia is to provide the People, Process and Platform to drive maturity of the global DCB ecosystem.

**Our Processes** – We believe that DCB can only thrive as an industry if there is customer trust and all participants in the value chain act with integrity. We highly vet all of brands to ensure we only deliver premium content to the carrier and end user.

**Our Platform** – Our platform has been built from the ground up to securely integrate billing systems between carriers and merchants to maximise revenues and better monetise mobile content.

**Our People** – Our team of UK-based engineers, designers, analysts and marketers have been working with carriers and brands to monetise content for more than 20 years giving us first hand insights and expertise.

## OUR INPUTS

This response to the Payment Services Authority call for inputs in relation to PSA guidance on the retention of data draws on Infomedia's experience in both the UK and overseas markets, feedback from our content partners and with a view to the ongoing development of the DCB industry in line with our values and standards.

If you have any questions about this response please contact Iain Lill, Head of Legal & Regulatory Affairs: [iain.lill@infomedia.co.uk](mailto:iain.lill@infomedia.co.uk)

## QUESTION 1

***Do you agree with the non-exhaustive data sets listed within Annex A? If there is anything that you consider should be added to, or removed from, the list please explain why.***

We agree with the items listed, however Infomedia would like to note a concern in relation to a lack of clarity in terms of controller/processor data retention requirements.

Infomedia regularly complete audit assessments of data held to ensure that under the Data Minimisation Principle the personal and non-personal data held is adequate, relevant and limited in its purpose. We have identified the minimum amount of personal and non-personal data we need to fulfil our purpose as a data processor, facilitating payments for our Partners. We would not hold or have any reason to hold some of the data listed. Depending on the precise use cases and customer experiences we deliver, a large proportion of the data listed would be held only by our Clients as the Data Controller; it is important that this is recognised in the drafting. Additionally, it would not be consistent with the principles of data minimisation to require aggregators to demand and hold data from their partners purely against the chance of a regulatory request.

## Question 2

***Do you agree that two years is appropriate period for all relevant data to be retained as standard, to enable sufficient time for (i) commencement and progression of PSA enquires and determination of appropriate action and (ii) resolution of complaints and/or concerns by network operators.***

### **Retention Period – 2 Years**

Infomedia have a record retention schedule which was developed to ensure our compliance with GDPR (Personal Data) and assists in our data governance with legal and regulatory requirements (non-personal and anonymised data). The GDPR of course does not set specific limits on data retention; the requirement is to ensure retention is no longer than necessary for the task performed. Infomedia are responsible for establishing standard retention periods for different categories as being in the best position to determine what is reasonably appropriate for our purposes, whilst also taking into account the policies of our Partners (in their role as Data Controllers). When doing this we would consider;

- Periods of retention required by law
- The period of time during which actions may be brought in the courts, and which records might be needed as evidence, factoring in whether the likelihood of this makes the retention period justifiable
- The current and future use and relevance of the information
- The costs, risks and liabilities associated with retaining it

We are therefore indifferent in terms of the retention period; however, where we hold the data listed within Annex A we can confirm it is kept for a minimum of 2 years in all cases before our data purging process begins based on our internal assessment. We would strongly suggest adding a caveat referencing that other legal retention periods (such as the statutes of limitations, company law and so forth) do exist and it is important for individual organisations to review data schedules against these as well as considering the PSA's regulatory requirements.

### **Purge timer – From the point of collection.**

In the case of personal data our purge timer beings at the point a relationship ends, this is a standard retention practice where a relationship exists, this enable us to evidence the existence of an ongoing relationship. For this reason we are not in agreement with your purge timer.

## Question 3

***Do you agree that three years is an appropriate period for all Relevant DDRAC Data to be retained as standard, so as to enable sufficient time for (i) commencement and progression of PSA enquires relating to DDRAC and determination of appropriate action and (ii) resolution of concerns by level 1 providers and network operators.***

In most instances we would agree with retention periods, however we would caveat this response by advising that Infomedia operate an on-going “know your client” diligence programme where we periodically review and purge any “know your client” personal data that is no longer relevant to the Partner we are contracted with. This is required to ensure our compliance with the GDPR Data Minimisation Principle and Accountability Principle. We also need to consider that individuals have the right to rectification so information could change during the retention period.

## Question 4



***Do you agree that all Relevant Data and Relevant DDRAC Data should be retained throughout the lifespan of an investigation?***

Infomedia understand the rational behind needing all data to be retained at the commencement of an investigation, however we must look at a realistic and pragmatic approach to electronically stored data. All relevant data is held in various electronic storage locations with the appropriate purge date stamp, therefore we (similar to most other service providers) would need to move or flag any relevant data at the commencement of an investigation to ensure it is not purged in accordance with system triggered dates. From our limited past experience in responding to requests for information this has the potential to be a challenging process where it is often unclear what the precise scope of an investigation shall be, in particular where the instructions is;

*“Any other information that may be relevant to the provision or operation of phone-paid services by network operators and their contracted parties and/or of evidential value to a PSA enquiry or investigation”*

The documentation should set boundaries of reasonableness around the point from which an investigation is determined.

**Question 5**

***Do you agree with our assessment in relation to the GDPR considerations? Is there anything else in terms of GDPR that we should take into account?***

No Comment

**Question 6**

***Having consider the proposals in this consultation do you agree with the proposed guidance in Annex A of the document.***

As previously advised, we do have concerns over the following points,

- Lack of clarity in terms of controller/processor data retention requirements.
- Purge timer – From the point of collection.
- Retaining “know your client” personal data when it is no longer relevant.
- Logistics of retaining all data for the lifespan of an investigation.

For further details please see above answers.