

# Consultation response form

## Consultation on draft Code 15

Please complete this form in full and return by email to [consultations@psaauthority.org.uk](mailto:consultations@psaauthority.org.uk) or by post to Barbara Limon, Phone-paid Services Authority, 40 Bank Street, London, E14 5NR.

|                      |                                     |
|----------------------|-------------------------------------|
| Full name            | <div></div>                         |
| Contact phone number | <div></div>                         |
| Representing         | Organisation                        |
| Organisation name    | GLOBAL MEDIA GROUP SERVICES LIMITED |
| Email address        | <div></div>                         |

If you wish to send your response with your company logo, please paste it here:

We plan to publish the outcome of this consultation and to make available all responses received. If you want all or part of your submission to remain confidential, please clearly identify where this applies along with your reasons for doing so.

Personal data, such as your name and contact details, that you give/have given to the PSA is used, stored and otherwise processed, so that the PSA can obtain opinions of members of the public and representatives of organisations or companies about the PSA's subscriptions review and publish the findings.

Further information about the personal data you give to the PSA, including who to complain to, can be found at [psaauthority.org.uk/privacy-policy](https://psaauthority.org.uk/privacy-policy).

## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how the PSA handles your personal information and your corresponding rights, please see our [privacy policy](#).

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| <p>Your details:<br/>We will keep your contact number and email address confidential. Is there anything else you want to keep confidential?</p>                      | <p>Delete as appropriate:</p> <p>your name</p>                        |
| <p>Your response: Please indicate how much of your response you want to keep confidential.</p>   | <p>Delete as appropriate:</p> <p>Part of the response</p> <div></div> |
| <p>For confidential responses, can the PSA refer to the contents of your response in any statement or other publication? Your identity will remain confidential.</p> | <p>Yes</p>  |

## Your response

Please enter your response to each of the consultation questions in the appropriate box below.

| Consultation questions | Your response |
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| Proposed regulatory approach  |   |
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| Q1 Do you agree with our proposed regulatory approach relating to regulatory standards and requirements? Please provide an explanation as to why you agree or disagree. | No response.  |
| Q2 Do you agree with our proposed regulatory approach relating to service-specific requirements? Please provide an explanation as to why you agree or disagree.         | <p>Confidential? No</p> <p>No.</p> <p>In regards 3.13.3, states that all valid responses should be included in the draw and given equal consideration, however this doesn't account for delayed entries due to network latencies etc. We would suggest a minor edit here to state 'if they have been charged' at the end of the paragraph.</p> <p>In regards 13.3.4 – Where does this fit with 3.2.12 (receipting) and are the two exclusive or separate? There needs to be some more clarity here.</p> <p>In regards 3.13.5, informing a customer if their entry is invalid, our experience is that this can actually increase consumer harm and anxiety as it causes confusion and anger (if for example their entry is invalid due to network issues, bars in place etc). Our policy is simple that if they don't receive a confirmation then they haven't been charged. This works well for us, is easily understood by consumers and our customer service team who can advise them, and is evidenced by the tiny percentage of queries to our customer service team about this. Such evidence also shows why this requirement is unnecessary.</p> <p>Queries to Global's Customer Service Department asking 'Has my entry been counted/valid':</p> <p>March 2021: 0.0005% of entries</p> |

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|   | <p>April 2021: 0.001% of entries<br/>May 2021: 0.0004% of entries</p> <p>Additionally, the implementation of this requirement could have an impact on our 'required level of skill, knowledge or judgement' as required by the UK Gambling Commission to run Prize Draws.</p>   |
| Q3 Do you agree with our proposed regulatory approach relating to Guidance? Please provide an explanation as to why you agree or disagree.                  | <p>Confidential? No</p> <p>No. Any guidance MUST be released and consulted upon before the code is implemented if it is to be part of it. It feels like this could be a way of 'stealth tactics' to change regulation with little input.</p>  |
| Q4 Are there any areas where you consider that Guidance would assist with compliance with the standards and requirements?                                   | No response.  |
| Q5 Do you agree with our proposed regulatory approach relating to compliance support? Please provide an explanation as to why you agree or disagree.        | No response.  |
| Q6 Do you agree with our proposed regulatory approach relating to Best Practice information? Please provide an explanation as to why you agree or disagree. | <p>Confidential? No</p> <p>No. It is hard to understand what the difference is between Guidance and Best Practice, particularly without seeing these in advance of code publication. It feels like this could be a way of 'stealth tactics' to change regulation with little input.</p> <p>Additionally, 'Best Practice' could feel subjective and may set consumer expectations higher than reality, causing undue confusion and therefore consumer harm. i.e consumers not fully understanding the difference between</p> |

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|  | best practice and coded regulation and thus what their rights etc are.   |
| Q7 Are there any areas where you consider that Best Practice information would be helpful?   | No response.   |
| Q8 Do you agree with our proposed regulatory approach relating to supervision and verification? Please provide an explanation as to why you agree or disagree.   | No response.   |
| Q9 Do you agree with our proposed regulatory approach relating to Code compliance: engagement and enforcement? Please provide an explanation as to why you agree or disagree.  | No response.   |
| Q10 Do you agree with our proposal to tailor our approach to regulation, including introducing Bespoke and General permissions as part of the draft Code? Please provide an explanation as to why you agree or disagree. | Confidential? No<br><br>No. Having different rules and regulations for different parties based merely on who that organisation is could become very confusing for both industry and consumers as there is no definitive permission. I.e. <i>I have this experience with this provider, but that experience with another provider. Which is correct and what are my rights?</i> |
| Q11 Do you have any comments about the existing permissions and exemptions under Code 14 and/or our proposed approach to ensuring certainty and clarity on their status under Code 15?                                   | No response.   |
| Q12 Do you agree with our proposed regulatory approach to prior permissions? Please provide an   | No response.   |

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| explanation as to why you agree or disagree.  |  |
| <b>Standards and requirements</b>   |  |
| Q13 Do you agree with our proposed Integrity standard and requirements? Please provide an explanation as to why you agree or disagree.  | No response.   |
| Q14 Do you agree with our assessment against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.   |
| Q15 Do you agree with our proposal to introduce a new transparency standard? Please provide an explanation as to why you agree or disagree?   | <p><b>Confidential? Part of response</b></p> <p>[REDACTED]</p> <p>No. The proposals around receipting (3.2.12 – 3.2.15) are not clear at all. Firstly, it is unclear against 3.13.4 whether a confirmation message is sufficient as a receipt or whether either/both is required. Secondly, the information you are setting out to be included in a 'receipt' will not fit into a single 160 character SMS. This will result in severe traffic issues with the networks trying to deliver multiple volumes of Mobile Terminating messages, consumer confusion/annoyance (constant phone beeping/buzzing) and overall a poorer service. Additionally, some of the information you are suggesting be included will not make sense to consumers (e.g. The name of the service as registered with the PSA). In our case, Global Media Group Services is not a consumer brand at all, whereas Heart (this is how our shortcode is registered) would be clearly understood.</p> <p>Furthermore, we anticipate that with this additional requirement and therefore the lack</p> |

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|  | <p>of opportunity to offer promotional messaging due to space available, <b>we believe this could result in a revenue drop of between 15-28% - a hugely significant amount.</b> [REDACTED]</p> <p>As long as there is some kind of confirmation and acknowledgement of charge, why does it have to be so overly descriptive as to potentially cause confusion to consumers? There are many digital services where receipts are not given and as long as the charge is clearly given pre-purchase and then easy to find and match up to the bill post-purchase, we don't believe this needs to be as prescriptive as it is currently in the draft code.</p> <p>Additionally, it seems unbalanced and unfair to expect this of only certain providers and not others i.e. Why does this not apply to Voice Services?</p> |
| Q16 Do you agree with our assessment of the transparency standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.   |
| Q17 Do you agree with our proposal to introduce a new fairness standard? Please provide an explanation as to why you agree or disagree?  | <p>Confidential? No</p> <p>No. Re: Multi-Factor Authentication (3.3.8b.ii) saying that a PIN loop system must not autopopulate, this functionality is now standard for Apple software. Are you suggesting therefore that Premium Rate Services requiring MFA may not run on Apple Devices?</p> <p>Additionally, we don't believe that 3.3.11 is proportionate, fair or necessary and that the PSA's response to this so far has been narrow-</p>   |

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|  | <p>minded, short-sighted and unevidenced. There has been no hard evidence to back up the fact that users should re-consent each 12 months and no real effort to reach out to genuine consumers to evidence this. No other digital subscription service currently operates like this and unless this is mandated in law by UK Government, there is no reason why Phone-Paid services should attempt to pre-empt something that may not happen. A change like this could have disastrous implications, especially on the UK charity sector, for whom regular giving is a crucial source of income and has generated 0 complaints according to the PSA's own data!</p>   |
| <p>Q18 Do you agree with our assessment against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?</p> | <p>No response.</p>   |
| <p>Q19 Do you agree with our proposal to introduce a new customer care standard? Please provide an explanation as to why you agree or disagree?</p>  | <p>Confidential? No</p> <p>No. Regarding 3.4.5 and 3.4.14 sets out timelines for resolving customer contacts/refunds, but makes no provision for the fact that a customer needs to provide necessary information within a timely manner to in order to facilitate this '30/14 working days' limit.</p> <p>We would also like to see a tighter definition of the term 'complaint' and how a 'complaint' needs to be submitted before it is deemed necessary to resolve it. I.e. is a mention on social media a complaint? We don't currently have the functionality or resource to trawl our social media pages which get thousands of messages each day (sometimes each hour) to search for such things and given the PSA's own data recognises that there are no</p> |



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|   | complaints for broadcast services, this requirement seems unclear and potentially disproportionate.   |
| Q20 Do you agree with our assessment of the proposed new customer care standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view         | No response.  |
| Q21 Do you agree with our proposal to introduce a new vulnerable consumers standard? Please provide an explanation as to why you agree or disagree?   | <p>Confidential? No</p> <p>In principle, we agree that it is important to protect vulnerable customers, however we believe there is far too much 'greyness' in the proposed code around what constitutes a 'vulnerable person', how they are identified and how measures are put in place in an industry where mostly the only information we receive on customers is an 11-digit mobile number. We would like to see a lot more clarity around what the PSA proposes on this and any potential guidance/best practice in advance of final publication of the code.</p> |
| Q22 Do you agree with our assessment of the proposed new vulnerable consumers standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.  |
| Q23 Do you agree with our proposal to introduce a new consumer privacy standard? Please provide an explanation as to why you agree or disagree?   | <p>Confidential? No</p> <p>We would like to see more information here, especially with regards to PSA requests for information. Do merchants need to get specific confirmation from their customers to share their details with the PSA? Does this need to</p>  |

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|   | <p>be included in all merchant privacy policies that we may share their details with the PSA?</p> <p>Also, there seems to be a lot of repetition in 3.6.2 around general GDPR and DP laws. Ultimately, when it comes to customer data, merchants answer to the IPO and not the PSA and this should be clear as some of this guidance seems potentially contradictory, particularly around the length of time merchants may be required to retain customer data in order to comply with a potential investigation.</p> |
| Q24 Do you agree with our assessment of the proposed new consumer privacy standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?               | No response.  |
| Q25 Do you agree with our proposal to introduce a new prevention of harm and offence standard? Please provide an explanation as to why you agree or disagree?   | No response.  |
| Q26 Do you agree with our assessment of the proposed new prevention of harm and offence standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.  |
| Q27 Do you agree with our proposal to introduce a new organisation and service information standard? Please   | <p>Confidential? No</p> <p>In principal we are fine with this, however it needs to be acknowledged that the existing registration system is still not yet fit for</p>   |

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| provide an explanation as to why you agree or disagree?   | <p>purpose (we have recently had to request deletion of a provider we haven't used for 4 years). This standard needs to be aligned with a condition that the PSA will provide a robust, consistent, effective and secure system for registration and that any issues with that system won't be held against providers.</p> <p>Regards 3.8.3, often these services are not served within the registered organisation, so what is the protocol for a 'registered person' within the organisation where that service is out-sourced?</p> |
| Q28 Do you agree with our assessment of the proposed new organisation and service information standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.  |
| Q29 Do you agree with our proposal to introduce a new DDRAC standard? Please provide an explanation as to why you agree or disagree?  | No response.  |
| Q30 Do you agree with our assessment of the proposed new DDRAC standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?                                | No response.  |
| Q31 Do you agree with our proposal to introduce a new systems standard? Please provide an explanation as to why you agree or disagree?  | No response.  |

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| Q32 Do you agree with our assessment of the proposed new systems standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?     | No response.  |
| <b>Supervision</b>   |   |
| Q33 Do you agree with our proposed general approach to supervision? Please provide an explanation as to why you agree or disagree.   | <p>Confidential? No</p> <p>In general, we are supportive of this, although we believe that whereas in cases of engagement, 'supervision' is necessary, in all other cases where the PSA is not engaged in action against a provider, 'collaboration' is a better form to undertake this kind of intelligence and understanding of market players.</p> |
| Q34 Do you agree with our proposed compliance monitoring methods? Please provide an explanation as to why you agree or disagree.   | No response.  |
| Q35 Do you agree with our proposals on reporting and notification requirements? Please provide an explanation as to why you agree or disagree.   | No response.  |
| Q36 Do you agree with our assessment of our proposed new supervisory function against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.  |

| <b>Engagement and enforcement</b>  |   |
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| Q37 Do you agree with our proposed approach on engagement and enforcement? Please provide an explanation as to why you agree or disagree.  | <p>Confidential? No</p> <p>In amongst setting requirements on providers to respond to engagement enquiry letters (5.2), the PSA must also set out the requirements on themselves to maintain contact with the engaged provider throughout the course of the engagement and to let the provider know once it has concluded its 'engagement'.</p> |
| Q38 Do you agree with our proposed changes to settlement? Please provide an explanation as to why you agree or disagree.   | No response.  |
| Q39 Do you agree with our proposals to strengthen the existing interim measures regime? Please provide an explanation as to why you agree or disagree.   | No response.  |
| Q40 Do you agree with our proposals to introduce a new "single decision maker" as an alternative to the full Tribunal for more straightforward cases? Please provide an explanation as to why you agree or disagree. | No response.  |
| Q41 Do you agree with our proposal to reduce the range of circumstances in which a provider can request an oral hearing? Please provide an explanation as to why you agree or disagree.                              | No response.  |
| Q42 Do you agree with our proposal to expand the test for prohibiting a relevant individual from the industry? Please provide an   | No response.  |

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| explanation as to why you agree or disagree  |  |
| Q43 Do you agree with our proposal to strengthen and expand our information gathering powers (including for the purpose of supervision/engagement and enforcement)? Please provide an explanation as to why you agree or disagree.   | No response.   |
| Q44 Do you agree with our provisional assessment of our proposals relating to: (i) engagement and enforcement proposals; and (ii) additional powers, responsibilities and obligations – against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view? | No response.   |
| <b>Other general Code considerations</b>   |  |
| Q45 Do you agree with our proposals on general funding arrangements? Do you have any further information or evidence which would inform our assessment of our proposals on general funding arrangements?   | <p>Confidential? No</p> <p>We believe the PSA has become bloated and over-funded for the service it needs to provide. There are serious questions for the PSA to answer insofar as whether it provides 'good value' to both industry and consumers. Increasing costs (and lowering outpayments for providers as a result) is not sustainable and the PSA needs to evaluate what it needs to provide in terms of regulation and how it can do so in a robust but cost-effective manner.</p> <p>We would suggest a recommendation to Ofcom for a top-down review of how Phone-paid services are regulated in the UK and whether, using the research conducted by aimm on other similar territories, there may be</p> |

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|   | a better, more efficient and cost-effective way of regulation.   |
| Q46 Do you agree with our proposals on amending our current terminology to better reflect the current phone-paid services value chain? Please provide an explanation as to why you agree or disagree?   | No response.   |
| Q47 Do you agree with our proposal to retain the rules of the current Notice of specific service charges and durations of calls within Annex 1 of Code 15? Please provide an explanation as to why you agree or disagree.                           | No response.   |
| Q48 Do you agree with our proposal to include a broad amendment power in Code 15 to facilitate more efficient amendments to single or small numbers of specific Code provisions? Please provide an explanation as to why you agree or disagree.     | No response.   |
| <b>Impact assessment</b>  |  |
| Q49 Are there other impacts which we have not considered in relation to our proposal to move from a regulatory approach based on outcomes to one based on standards? If so, please provide appropriate evidence of the likely impact of the change. | <p>Confidential? No</p> <p>This new code seems to be the opposite of 'simplification' and is probably the most complex code we have every had. We would question whether this is actually in the consumer's interests and whether it is clear, understandable to the average 'man on the street', or whether it is overly complex and exposes holes for picking?</p> |
| Q50 Are there other impacts which we have not considered in relation to our proposal to focus on  | No response.   |

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| prevention of harm rather than cure?<br>If so, please provide appropriate evidence of the likely impact of the change.   |   |
| Q51 Are there other impacts which we have not considered in relation to our proposal to move to a new Code which is simpler and easier to comply with? If so, please provide appropriate evidence of the likely impact of the change.    | Confidential? No<br><br>This new code seems to be the opposite of 'simplification' and is probably the most complex code we have every had. We would question whether this is actually in the consumer's interests and whether it is clear, understandable to the average 'man on the street', or whether it is overly complex and exposes holes for picking? |
| Q52 Are there other impacts which we have not considered in relation to our proposed changes to our investigations and sanctions policies and procedures? If so, please provide appropriate evidence of the likely impact of the change. | No response.  |
| <b>Equality impact assessment</b>  |   |
| Q53 Do you agree with our provisional assessment on the impact of our proposals in relation to equality? Do you have any further information or evidence which would inform our view?  | No response.  |
| <b>Next Steps</b>  |   |
| Q54 Do you agree with our proposal to set out transitional arrangements that allow the new Code procedures to apply from the commencement date to all investigations and/or complaints or monitoring which commenced under Code 14?      | No response.  |



### **Submit your response**

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