

Hi there folks,

Many thanks for the opportunity to comment on the *Consultation on Service-Specific Requirements for Competition and Voting services under the 15th Code of Practice* document. [REDACTED] very much appreciates the opportunity to input into this particular area of the new code. As previous, for reasons of space, I hope you don't mind that I have responded via email, rather than via your form. This allows me a little extra space to comment in a bit of detail.

[REDACTED] notes and welcomes the PSA's proposal to amend the wording in section 3.13.3 (below):

Q 1. Do you agree that the proposed amendment to Requirement 3.13.3 clearly sets out what providers must do in respect of valid entries to competitions? If not, please give your reasons.

"All valid responses for entry into a competition or vote that are **sent** in by consumers within the timeframe set out in the promotional material must be entered and afforded sufficient time to be given full and equal consideration, except where such responses are received by the provider outside of the timeframe set out in the promotional material and the time that they were sent cannot reasonably be ascertained."

As industry colleagues may have already pointed out, due to technical reasons entirely outside of the sphere of influence of [REDACTED] it is impossible to guarantee that all messages sent in by the consumer within the timeframe set out in the promotional material can be guaranteed to be received and counted. As such, [REDACTED] proposes the below amendment of the word "sent" to the word "received". As the PSA are aware a multitude of issues could affect the timeliness of an MO entry (subsequent to being sent) leaving a consumer's handset before it can be counted/entered and charged by the aggregator partner. So amending this word would help to remove the unwarranted liability on [REDACTED] for events entirely outside of its control.

Furthermore, it is [REDACTED] understanding that it is still not technically possible to automate the inclusion of entries that were *sent in time*, but *received late* to a service, due to such multitudinous variables. Potential ways to circumvent this may include reopening lines after being formally 'closed' (a troublesome additional task that would also contravene our own terms and conditions). Other alternative ways around this could include subsequent manual collation of sent (but late received) entries which, again, would be fraught with difficulties and risk the integrity of any competition via the introduction of human error.

We would also be concerned that no indication has been made for the length of time late entries should be allowed to be received (and we are not aware that a specific timescale could be deduced by any technical means), which could also lead to confusion and delays in the subsequent picking of, and provisioning of prizes to winners.

Therefore, following discussions with industry colleagues in the PSB space, it is [REDACTED] belief that Section 3.13.3 could be remedied very quickly, with a change of wording which works specifically for the technology in use, and which is fair and consistent across the board for those that operate such promotions:

Channel 5 proposed amendment:

"All valid responses for entry into a competition or vote that are **received** by the Provider within the timeframe set out in the promotional material must be entered and afforded sufficient time to be given full and equal consideration"

Q 2. Do you agree that the proposed amendment to Requirement 3.13.5 clearly sets out when an entry to a competition must be considered invalid and what providers must do to inform consumers? If not, please give your reasons.

Interestingly, [REDACTED] notes that the PSA make use of the word "received" in the proposed amendment to Section 3.13.5 ("*Competition and voting entries that are **received**....*") and hopes this assists its argument for the amendment to Question 1. Either way, [REDACTED] already operates an 'invalid entry' receipt to consumer of such SMS entries. These invalids are already informed that their entries have not been entered and not charged. For 09 entries, unbilled free network messages mirror this situation.

Q 3. Do you agree that the proposed deletion of Requirements 3.13.11, 3.13.12, **3.13.13 and 3.13.15 remove unnecessary duplication? If not, please give your reasons.**

3.13.13 Calls that have already commenced at the time of a closure announcement must be completed, considered valid and counted. Invalid votes or entries may only be charged where:

(a) the risk of being charged for invalid votes or entries has been clearly communicated to the audience;

(b) consumers whose votes or entries are invalid are clearly informed that their vote or entry is invalid and whether a charge has been applied; and

(c) the receipt of invalid votes or entries after lines have been announced as closed is not due to technical failure.

We are broadly in support of this, however, we urge caution with regards the deletion of 3.13.13. There is a small risk (arguably more with high profile televotes than competitions) that does exist here. As you may be aware competition and vote lines are often opened quickly for technical testing prior to 'go live'. On rare occasions (I have seen this personally) a consumer will call or text in at that time, despite there being no solicitation to do so. At that point, as the service is technically and operationally active the entry or vote would be charged, even though their vote would be invalid. For that reason [REDACTED] feels that it would be sensible and prudent to keep section 3.13.13 in the code.

Q 4. Do you agree that the amended Requirements 3.13.3 and 3.13.5 are sufficiently clear that a guidance note is not required? If not please give your reasons.

We think they are broadly clear, on the basis our specific concerns and requests for amendment have been taken on board.

Q 5. Do you agree that the proposed revised Requirements in section 3.13 could be implemented by the industry by 2 May 2022? If not, please propose an alternative date setting out your reasons.

We would hope that 2nd May 2022 is a possible implementation time.

I hope the above is of some use and we really hope that some common ground can be reached here. As previous, please do not refer to myself or [REDACTED] in any particular matter, although I would be happy for any of the above to be referenced anonymously in any future communication.

Best regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]