

Consultation response form

Consultation on Service-Specific Requirements for Competition and Voting Services

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

Full name	Louisa Harris
Contact phone number	[REDACTED]
Representing	Organisation
Organisation name	Fonix Mobile plc
Email address	[REDACTED]

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 psauthority.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](#).

<p>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential?</p>	Nothing
<p>Your response: Please indicate how much of your response you want to keep confidential.</p>	None
<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>	NA

Your response

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

Consultation questions	Your response
<p>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.</p>	<p>Confidential? No</p> <p>As discussed previously with the PSA, Fonix believes using the word "Received" rather than "Sent" will remove any ambiguity around the validity of competition entries.</p> <p>The PSA have already accepted the industry response that there is no way to determine the timestamp of a "sent" entry and that providers can only operate on the basis of when a message is "received". However, the inclusion of the statement <i>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.</i> is cause for concern.</p> <p>As has previously been stated, accepting entries after the close time of a competition and once winner picking has commenced</p>

	<p>would jeopardise the integrity of the process.</p> <p>The clearly defined terms and conditions already state that messages received after the campaign close will not be counted and will not be charged. To give any suggestion that users could be entered post campaign close and for an unspecified period is impossible to manage.</p> <p>The only way to facilitate this would be to re-open closed competitions and manually import entries, this could ultimately lead to consumers who might text in outside of the specified campaign times being able to enter and be unfairly included in the draw. There is also a significant risk of manipulating entry data that human error could occur and invalidate entire competitions.</p> <p>Fonix suggests that the wording be amended to the below to ensure fairness for all consumers and greater clarity in line with the existing terms and conditions of broadcast competitions.</p> <p><i>“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.”</i></p>
<p>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.</p>	<p>Confidential? No</p> <p>Fonix would appreciate clarification on the requirement to notify users that their entry has not been counted. As discussed with the PSA informally it was stated that this could be covered in terms and conditions rather than an SMS to the user confirming the entry has not been counted and will not be charged.</p> <p>Some providers are concerned that for short turnaround competitions notifying late</p>

	<p>entrants they have not been included in the draw may lead to an increase in customer complaints. Providers believe that it is clearly stated in the terms and conditions that the user will receive a confirmation SMS if they have been successfully entered into the draw.</p> <p>Clarification that including the information in the terms and conditions would be considered sufficient would be appreciated.</p>
<p>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.</p>	<p>Confidential? No</p> <p>Fonix understands the move to delete this requirement. However, would request that the PSA cater for the real risk that when lines / campaigns are opened for testing that a user may enter even if the vote/competition is not promoted. This is a very minimal risk but should be caveated in the guidance.</p>
<p>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.</p>	<p>Confidential? No</p> <p>Yes agreed</p>
<p>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.</p>	<p>Confidential? No</p> <p>Yes agreed</p>

Submit your response

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