

# Consultation response form

## Consultation on Service-specific requirements for Competition and Voting Services under the 15<sup>th</sup> Code of Practice

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Consultation questions	Your response
<p><b>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.</b></p>	<p>Confidential? No</p> <p>No. As we have made clear through various conversations with the PSA, the only real, workable option here for Industry is to use the word 'received'; as ultimately that is the way that the technology used industry-wide works. Operators are unable to see when a message has been sent and thus, the only true way to ensure fairness is for operators to include all valid messages/entries received during the timeframe set out in the promotional material. (even if they were sent before the promotional window was opened but only received during the window).</p> <p>Whilst essentially we understand and agree with what the PSA are trying to do here in ensuring that all entries sent within the promotional timeframe are accepted, this simply isn't physically possible and thus, we believe that for operators to accept and process any entries 'received' during that window is the best and fairest way to proceed and ensure all players in the value chain are clearly</p>

	<p>informed and easily able to understand how it works.</p> <p>Following discussions with the PSA it was agreed that the 'future-proofing' wording "<i>... and that the time they were sent cannot be reasonably ascertained</i>" would be removed. As such, we have not responded to this specific wording in this response.</p> <p>We would also point out that other, similar channels such as the National Lottery base their terms on when an entry is received, rather than sent and there is no reason why Premium Rate Services should be any different.</p> <p>A suggestion for alternative wording here would be: All valid responses into a competition or vote that are received by the merchant within the timeframe set out in the promotional material must be entered and afforded sufficient time to be given full and equal consideration.</p>
<p><b>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.</b></p>	<p>Confidential? No</p> <p>No. During conversations with the PSA, it was stated that merchants could communicate to consumers through their terms and conditions that entries that are invalid will not be entered and not be charged, but the drafting in the code doesn't make this abundantly clear and so causes us concern. With the short entry windows that are common in radio competitions, we believe that in actively texting/responding to consumers who post invalid entries will serve to increase consumer harm.</p> <p>As documented in our original response to the Code 15 consultation, we shared data from our Customer Support team which showed negligible queries from consumers asking 'Has my entry been counted/valid':</p> <p>March 2021: 0.0005% of entries  April 2021: 0.001% of entries  May 2021: 0.0004% of entries</p> <p>It is our belief that by actively messaging consumers telling them their entry is invalid and hasn't been entered or charged, consumers will fail to understand the reasons behind this (usually network latency, a bar on premium texts, the fact they didn't listen to the instructions carefully, etc)</p>

	<p>which will serve to increase their frustrations and increase the levels of queries (and complaints) we and the PSA receive. Ultimately, consumers enter our competitions because they want to, and if, for whatever reason beyond our control, their entry isn't included (and not charged) we believe that actively drawing this to their attention would cause more harm.</p> <p>Our current policy is simple and made clear within our Terms and Conditions that if they don't receive a confirmation message, then they haven't been entered or 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 above. <b>As such, there is currently no harm in how this works.</b></p> <p>A suggestion for alternative wording here would be:</p> <p>Competition and voting entries that are received by the merchant provider (or a third party on its behalf) outside of the times outlined in the promotion must be considered invalid. Consumers must be informed either in advance of, or after submitting their entry, that any invalid entry into the competition or vote will not be entered. The consumer must not be charged for an invalid entry. Where a consumer has not been informed that an invalid entry will not be entered or where a charge has been incurred, the cost of entry will be refunded.</p> <p>Whilst a change in the code drafting would be our preference, we would be satisfied if this was clarified within official guidance notes, etc – but ultimately we feel that this needs to be <b>clarified in writing somewhere.</b></p>
<p><b>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.</b></p>	<p>No response.</p>
<p><b>Q 4. Do you agree that the amended Requirements 3.13.3 and 3.13.5 are sufficiently clear that a guidance</b></p>	<p>Confidential? No</p> <p>No. As above (Question 2) the implementation of how a 'consumer must be informed' is not clear.</p>

<p><b>note is not required? If not please give your reasons.</b></p>	<p>Ideally, it would be our preference for this to be reflected in the code drafting (see 'suggested alternative wording' in my response to Q2 above), however, a if this is deemed not possible then we would be satisfied with guidance note to ensure clarity here.</p>
<p><b>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.</b></p>	<p>Confidential? No</p> <p>If the responses in this and other broadcaster/industry responses are taken into account then we believe that we (and other industry players) would be able to implement this by 2 May 2022.</p>