

Online adult premium rate services

Notice of Special conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of online adult premium rate services (PRS) that Special conditions apply. Level 2 providers are required to comply with the Phone-paid Services Authority Code of Practice, and the Special conditions set out below, which are imposed under paragraph 3.11.1 of the Code.

Under paragraph 3.11.3 of the Code, “a breach of any special condition in respect of a high risk service imposed under paragraph 3.11.1 shall be a breach of the Code”.

Online adult PRS are defined as follows:

Premium rate sexual entertainment services, whether provided on single or subscription fee structures, which are accessed online, including but not limited to relevant live streaming services that are paid for via the consumers phone account.

‘Sexual entertainment service’ has the meaning set out in the Condition issued by Ofcom under section 120 of the Communications Act 2003 effective from time to time¹.

‘Online’ refers to those **products or** services consumed on personal computers or mobile devices (such as smartphones, tablets, etc.) **and are provided or** accessed **via a Wi-Fi connection or** directly through **an internet gateway, mobile internet (2G, 3G, 4G, etc).** If the consumer is given the choice to consume the digital products or services online or to download them for off-line use, the service must still comply with these Special conditions.

Important note

Those services that fall within the definition of a subscription service must comply with the relevant actions and/or thresholds set under paragraph 3.12 of the Code. Please ensure services meet these obligations at all times. The current notice issued under paragraph 3.12.6 of the Code is found on our website:

- <http://psauthority.org.uk/-/media/Files/PSA/For-Businesses/Your-phone-paid-service/Code-of-Practice/NoticeofSpecifiedServiceChargesandDurationofCalls.ashx?la=en>

¹The definition set out in the current PRS Condition is: “Sexual Entertainment Service” means an entertainment service of a clearly sexual nature, or any service for which the associated promotional material is of a clearly sexual nature, or indicates directly, or implies, that the service is of a sexual nature

Special conditions

Imposed under Annex 2, Paragraph 1.1(b), and (n):

(b) requirements as to the mechanism and processes used to deliver services to, and to enable exit from services by, consumers;

(k) information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

(n) requirements for caller agreement before a high risk service proceeds before the caller is charged.

Point of purchase

ONLA 1 The point of purchase must be separated from service interaction, including its promotion, in a clear and effective way to allow the consumer to consider their purchase. At the point of purchase, PRS providers must:

- (a) clearly signpost the point of purchase by making it distinctive from other aspects of the service (such as by design and colour scheme) and take all reasonable steps to make that distinction abundantly clear, avoiding any confusion between service promotion and the point of purchase;
- (b) ensure that consumers, when committing to a purchase, explicitly acknowledge that the purchase implies an obligation to pay;
- (c) ensure that consumers are made aware, in a clear and prominent manner and directly before the consumer commits to a purchase, of the cost of the service, and the frequency of charges; and
- (d) indicate that the PRS payment will be added to the consumers phone account.

Consent to charge – ‘double opt-in’

ONLA 2 At the point of each purchase and prior to delivering the PRS charge, including an initial charge of a subscription service, providers are required to obtain consent to charge from the consumer in the form of a positive, recorded and auditable response where the costs and name of the premium rate service have been presented clearly to the consumer.

PRS providers must establish such consent via one of the following means of consumer interaction:

- (a) use of a secure PIN loop system to confirm each transaction initiated and confirmed by the Level 1 provider² through interaction with the consumer,

² This function may be undertaken by a Network operator where it contracts directly with a Level 2 provider, in the absence of a Level 1 provider.

whether the transaction is a one-off purchase or the initial agreement to enter a subscription; or,

- (b) use of a password system, the password being selected and controlled by the consumer, to confirm each transaction, whether the transaction is a one-off purchase or the initial agreement to enter a subscription; or,
- (c) use of a secure, consumer controlled, mobile originating short message service (MO SMS) system for consumers to notify the Mobile Network operator and Level 1 provider(s) of confirmation of the charge request.

Promotional material

ONLA 3 Payment options, where relevant, should clearly indicate PRS payment places charges on the users phone account (mobile or otherwise).

Receipts

ONLA 4 Each time the consumer incurs a charge to access content whether this involves a single charge or a recurring charge, a receipt must be sent to them in either SMS or email formats as soon as is reasonably practicable. This receipt must detail the name of the service, the cost of using the service or products purchased, and the name and contact details of the provider.

Opt-out processes

~~**ONLA 5** PRS providers must establish effective opt-out processes for subscription services by using one of the following protocol, dependent on billing mechanism used by the PRS provider:~~

- ~~(a) Operator billing platforms must have in place the following arrangements:
 - ~~(i) Dedicated shortcode(s) are to be available for STOP and STOP ALL requests, to be controlled by the Level 1 providers (otherwise known as Accredited Payment Intermediaries);~~
 - ~~(ii) Receipts and billing period reminders must be free of charge for the consumer and labelled with the dedicated zero-rated shortcode enabling consumers to reply to the message to send STOP if desirable;~~
 - ~~(iii) The opt-out process must be free of charge for the consumer;~~~~
- ~~(b) Premium SMS platforms must have in place the following arrangements:
 - ~~(i) Shortcode(s) used for charging consumers must also receive STOP and STOP ALL requests;~~
 - ~~(ii) Reminders must be free of charge for the consumer and labelled with the same zero-rated shortcode enabling consumers to reply to the message to send STOP, if the consumer chooses to do so;~~
 - ~~(iii) The opt-out process must be free of charge for the consumer.~~~~

~~ONLA 6~~ — Where embedded links within PRS messages are used to form part of any opt-out process, the Level 2 provider (or relevant intermediary operating a centralised opt-out process) must:

- ~~(a) Establish a dedicated webpage to deal with only:
 - ~~(i) — method of exit;~~
 - ~~(ii) — data protection; and,~~
 - ~~(iii) — privacy requirements;~~~~
- ~~(b) Provide a link to the dedicated webpage in receipts & billing period reminders — such links must not be provided less than once per month in frequency.~~

Imposed under Annex 2, Paragraphs 1.1(f) and (g):

(f) steps to be taken to ensure that a high risk service is not used by or promoted in such a way as to make it particularly attractive to persons under the age of 18 years old or younger;

(g) the denying of access by users under the age of 18 years old to a high risk service or by all users where the relevant handset is not verified as being owned by someone aged 18 years old or over.

ONLA 5 Promotions for online adult PRS must not appear in media targeted at persons under the age of 18.

ONLA 6 Promotions for online adult PRS must be in context with the publication or other media in which they appear. Services should be in context with the advertising material promoting them. The content of a service should not be contrary to the reasonable expectations of those responding to the promotion.

ONLA 7 That online adult PRS are promoted clearly as being adult services, and not for under-18s.

ONLA 8 That services are not promoted in places where they are likely to be particularly attractive to children, or which are easily accessible to them.

ONLA 9 All providers of services must take steps to verify the age of consumers before they can access the service itself. This includes, but is not necessarily limited to, use of an age verification question and **age verification filters operators trained to identify any other indication that a caller to prevent access to users who** may be under 18, **or under 16 as applicable.**

Imposed under Annex 2, Paragraph 1.1(m) and (x):

(m) the provision of defined information to the Phone-paid Services Authority and the intervals at which it is to be given and the manner to which it is provided; [and]

(x) providers of higher risk services to notify the Phone-paid Services Authority at commencement of such services and provide any related information required by the Phone-paid Services Authority within a specified time period.

ONLA 10 PRS providers operating these services are to notify the Phone-paid Services Authority within 48 hours of launching the service, if not done so before. On notification, PRS providers must provide information relating to:

- (a) brand identification;
- (b) PRS numbers used for the service, including the dedicated number chosen for STOP and STOP ALL requests;
- (c) customer care services details;
- (d) identity of all Level 1 providers involved in the provision of the PRS, including those managing the method of exit.