



Mr David Levitt
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Via email: dlevitt@phonepayplus.org.uk

15 May 2015

Dear Mr Levitt,

Consultation on Guidance associated with the 13th Code of Practice and proposals for new Special Conditions: A PhonepayPlus Consultation

Thank you for the opportunity to become involved in this consultation. Following are the BBC's comments:

- *What further changes to current guidance or additional guidance do you consider in future? (Q2)*

We have the following comments on the Guidance Notes:

Document	Section	Current Language	BBC Comment
Annex B1 – Due Diligence; Risk Assessment, and control on clients	4.2	"Internal mechanisms to encourage 'whistle-blowing' by staff".	Replace the word "encourage" with "enable" to reflect that companies may have a whistle-blowing procedure that should be followed and that such policy facilitates but does not require whistle-blowing.
Annex B2 – Promoting Premium Rate Services	2.3	"How to get help where necessary"	The BBC is of the view that this information can be covered in a reference to Terms and Conditions and FAQs and need not be detailed as part of the promotion itself so as to minimise the length of any promotional message.
	3.2	"50p/min"	The BBC does not see what is unclear about this statement and recommends it is deleted as an example.

Document	Section	Current Language	BBC Comment
Annex B2 – Promoting Premium Rate Services	3.6	<p>Cost Type: Standard per minute PRS or single drop charge during a Broadcast event</p> <p>Example: Calls cost [x]p from a BT landline. Calls from other networks may vary and from mobiles will cost considerably more (this wording is currently agreed by major broadcasters)</p>	From 1 July 2015, this wording will become redundant due to the unbundled tariff changes. The BBC suggests this wording is deleted.
	6.2	“consumers should not have to scroll down (or up)”	This paragraph should be updated to take account for the version of websites optimised for mobile and tablet devices and which may have insufficient display room to comply with such a requirement.
	6.15	References to Twitter.	<p>The BBC recommends that references to Twitter should be broadened to all social media (with Twitter merely one example).</p> <p>It should also be clear that such obligation does not extend to personal social media accounts of employees or on-air talent where a broadcaster does not have access to and direct control of that account.</p>

- Do you agree with our assessment of this service type and the proposed set of Special conditions for Broadcast PRS? If not, why? (Q11)

We have the following comments on the Special Conditions:

Document	Section	Current Language	BBC Comment
Annex C1 – Broadcast PRS	BPRS1 and BPRS5	Entire clauses	The drafting is unclear as to how the overlap between BPRS1 and BPRS5 is to be resolved. The BBC suggests they are redrafted as a single Special condition.
	BPRS3	References to red button interactive calls.	The BBC no longer uses red button technology in this way and suggests this special condition is deleted or clarified that it refers to voting by red button and not broadcast content (or calls to action) available via the red button service.
	BPRS6	Entire clause.	The BBC advises that this special condition should be deleted in its entirety as broadcast content itself shall either advise: <ul style="list-style-type: none"> (a) exact opening and closing times (eg if votes or entries are over a longer period); or (b) that references to services opening and closing within the broadcast period are only applicable if the programme is being watched live (and not via PVR, on delay, on catch up or in other on demand services).
	BPRS10	Entire clause	This Special condition is in addition to Ofcom's rights, meaning both Ofcom and PhonepayPlus could visit premises separately, which could be onerous on providers. The BBC suggests that there be a requirement that PhonepayPlus coordinate any such visits with Ofcom or that such visits should not occur within 6 months of an Ofcom visit unless reasonably necessary.

Document	Section	Current Language	BBC Comment
Annex C1 – Broadcast PRS	Generally	Reference to Level 2 Providers	We note that the version of the special conditions published for consultation do not include standard language making it clear that broadcasters will only be responsible for the level 2 provider obligations and only to the extent of those aspects of the promotion that it (or its employees directly involved) control. The level 1 provider shall remain responsible for those elements within its control. We think this clarification should be reinstated.

- Do you agree with our assessment of this service type and the proposed set of Special conditions for Recurring Donation services? If not, why? (Q23)

We have the following comments on the Special Conditions:

Document	Section	Current Language	BBC Comment
Annex C11 – Recurring Donation Services	RDS1	“associated Special Conditions relating to the SKIP function”	The BBC is concerned this is potentially ambiguous and suggests that such special conditions are specifically cross referenced.
	Generally		The interaction of the STOP and SKIP functionalities is not immediately clear. The BBC suggests guidance is issued, perhaps in the form of a flow chart, showing how these functions interact.

We look forward to the outcome of this initiative and future industry discussions about its implementation.

Yours sincerely,



Andrew Ailwood
Senior Lawyer
BBC Digital