

B! PhonepayPlus Consultation Response

Guidance and new Special conditions associated with the 13th
edition of the Code of Practice

Date: 15.05.15

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This information provided is pursuant to the PhonepayPlus public consultation issued on 31 March 2015 inviting members of the industry to respond to a number of questions with regards to the above mentioned topic by no later than 15 May 2015.

Should you have any questions in relation the points set out herein, please do not hesitate to contact:

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CONSULTATION QUESTIONS

GUIDANCE

Q.1: Do you agree or disagree with the initial determinations set out in the above table (pages 10-12)? Please provide reasons for your response.

B!: Agree. Although the majority of listed determinations are not currently applicable to B!, they appear to have been adequately considered and appropriately made.

Q.2: What further changes to current guidance or additional guidance do you consider necessary in future? Please provide supporting evidence for your response.

B!: Current guidance should take into account the possible implications within the industry of allowing cross-selling within reminder messages which is discussed in more detail at Q4. Also, consideration should be given to managing affiliates in a fairer and more direct way whereby Level 2 Providers who have carried out effective due diligence are not held accountable for their actions – please see Q7 for more information.

Q.3: Do you consider the proposed alterations to guidance on DDRAC to be helpful and effective for improving compliance standards and developing appropriate procedures to meet Code obligations? Please provide some evidence in support of your response.

B!: Yes as there is a clear explanation as to what PhonepayPlus views as good due diligence and the measures that Service Providers should be taking. The examples given as part of the guidance are helpful in clearly outlining the 4 relevant stages to be considered.

Q.4: Do you consider the proposed alterations to guidance on promotions to be helpful and effective for improving compliance standards and managing advertising campaigns in keeping with the Code? Please provide some evidence in support of your response.

B!: No not fully. B! would like to have a clearer understanding of PhonepayPlus' definition of 'marketing' and 'promoting'.

For marketing it is necessary for a customer to opt-in however B! would like to know whether an opt-in is also required for promoting. In addition to this we would like to clarify if sending messages outside of the reminder period would then become acceptable if opt-ins for promotion are not necessary.

In relation to cross-promotional activity, firstly it is not clear whether this would be categorised as marketing or promoting. Secondly, B! believes that there should be no access to promotion in reminder messages. B! is concerned that cross-selling will dilute the contents of the reminder message due to the promotional side of it which could be bad for the industry as the customer may not notice the most important part of the message.

Q.5: Do you consider the proposed alterations to guidance on complaint handling to be helpful and effective for improving compliance standards and developing appropriate procedures to meet the relevant outcome in the Code? Please provide some evidence in support of your response.

B!: The complaint handling guidance emphasises the need to deal with issues quickly, easily and fairly. It also clarifies that if it is quick and easy to make a complaint, and gain appropriate redress, it is likely to be compliant with the Code whether or not there is a non-PRS number.

Q.6: Do you consider the proposed alterations to guidance on lower cost services to be helpful and effective for improving compliance standards and understanding our approach to regulating these services? Please provide some evidence in support of your response.

B!: N/A

Q.7: Do you consider the proposed alterations to guidance on definitions to be helpful, in particular providing an insight into the occasions when PhonepayPlus will make a determination under paragraph 5.3.8(c)? Please provide some evidence in support of your response.

B!: From the definitions outlined by PhonepayPlus, it is clear that Level 2 Providers are responsible for Affiliate behaviour at all times, even where all due diligence has been effectively carried out and clear instructions/restrictions (as necessary) have been outlined but defied. Whilst B! fully accepts that it is responsible for any affiliate it should choose to contract with, B! would like to know whether consideration has been given to creating a procedure for affiliates to be held accountable as oppose to the Level 2 Provider being sanctioned for the affiliates behaviour at all times.

Q.8: Do you consider the proposed alterations to guidance on establishing consent to be helpful and effective for improving compliance standards and developing appropriate procedures to meet Code obligations relating to PRS charges and privacy? Please provide some evidence in support of your response.

B!: Yes as it clearly explains how customers could feel their privacy has been invaded in the instance that certain procedures are not complied with for example, contacting a customer again once they have already requested not to be contacted. It also emphasises the importance of having robust evidence and verification of charge to support any statement that the customer has opted in.

Q.9: Do you consider the proposed alterations to guidance on virtual chat services to be helpful and effective for improving compliance standards and developing appropriate mechanisms to meet Code obligations? Please provide some evidence in support of your response.

B!:N/A

Q10: Do you agree or disagree with our assessment of prior permission regimes and the proposed options relating to the transposition of provisions into the Special conditions framework under paragraph 3.11 of the 13th Code? Please provide evidence in support of your response, as appropriate.

B!: N/A

SPECIAL CONDITIONS

Q.11: Do you agree with our assessment of this service type and the proposed set of Special conditions for Broadcast PRS? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.12: Do you agree with the proposed amalgamation of prior permission regimes and the proposed new structure for imposing Special conditions relating to live services? If not, why?

B!: N/A

Q.13: Do you agree with the proposed Special conditions for live services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.14: Do you agree with our proposal to abolish the previous prior permission regimes and create new Special conditions encompassing all HRPRS as set out in the proposed notice? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.15: Do you agree with our assessment of this service type and the proposed set of Special conditions for ICSS? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.16: Do you agree with our proposal to continue to apply all special conditions to all ICSS, including those operating on lower cost number ranges? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.17: Do you agree with the proposed amalgamation of counselling advice services within the broader scope of professional services, and the Special conditions proposed in relation to this category of services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.18: Do you agree with our assessment of this service type and the proposed set of Special conditions for Pay per view services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.19: Do you agree with our assessment of this service type and the proposed set of Special conditions for Call TV Quiz services? If not, why? Please provide evidence in support of your response.

B!:N/A

Q.20: Do you agree with our assessment of this service type and the proposed set of Special conditions for Remote Gambling services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.21: Do you agree with our assessment of this service type and the proposed set of Special conditions for Subscription services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.22: In light of the changes to the Code, do you agree with our proposal to introduce a separate set of Special conditions for subscription services where it is a Recurring Donation service? If not, why not?

B!: We believe that having the 'SKIP' option for customers to use is a positive addition for Recurring Donation Services and therefore would support the proposal to introduce a separate set of Special Conditions in relation to this. There will be differences in relation to Donation services as they serve a unique purpose and so this should be reflected in the guidance relating to them.

Q.23: Do you agree with our assessment of this service type and the proposed set of Special conditions for Recurring Donation service? If not, why? Please provide evidence in support of your response.

B!: N/A

Q.24: Do you agree with our assessment of this service type and the proposed set of Special conditions for Voice-based, Text charged services? If not, why? Please provide evidence in support of your response.

B!: N/A

Q25: Do you agree with our assessment of the impact which proposed changes to Guidance, and Special conditions Notices, will have? If not, why? Please provide any evidence in support of your response.

B!: High charges should not just be allowed without a provision added where price points are justified based on the full premium rate service package (i.e. customer service, customer touch points, due diligence, content etc) as otherwise it becomes easier for people to take advantage of the industry.

Q26: Do you have a view as to whether any increased outpayment withhold period for Higher Rate PRS should be 45 or 60 days, or a different length? Please provide any evidence in support of your response.

B!: N/A

Buongiorno UK Ltd looks forward to the outcome of this Consultation and if there is any need for clarification of any of the points made above, please do not hesitate to contact us.