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To S Bhat

## **Response to the draft 11<sup>th</sup> Edition of the ICSTIS**

### **Section 1**

#### **Q7**

Yes they are. This probably backs the argument that lower cost PRS to be exempt as abuse has so far not been purported to be on these ranges.

### **Section 2**

#### **Q2**

Should push for more disclosure of underlying SPs.

For this to work effectively there needs to be set timescales/SLAs for response from the network operators.

Identity of relevant individuals should not be given without permission as this may contravene the data protection act.

### **Section 2**

#### **Q4**

If ICSTIS are going to get details on the numbers ported – this needs to be made available to the service providers, so that we can ensure all our active databases of subscribers can be updated as soon as the number is ported.

#### **Q6**

Need to consider further reprimands. Fines and barring are inappropriate for NO. Reasonable compensation should be ok.

### **Section 3**

#### **Q1**

We support the idea of help notes and feel that they will prove very useful.

#### **Q2**

Service providers would appreciate a regular conference run for users to explain the code and its implications in simple terms.

#### **Q3**

Run an open forum/discussion panel – conference calls on a regular basis that users can take part in. Look at how technology can be used to bring disparate groups together to disseminate/update on information.

**Q4**

There does need to be an obligation on a company to provide customer care number. But there does seem to be some confusion as it states on page 21-27 that SP or IP numbers has to appear on promotional material. But in 327 and 5.6 doesn't state it has to be a telephone number that is advertised, even if in place. So need to add that it should be a telephone number.

**Q5**

Yes, do consider that this would be very useful to clarify requirements. Alerts are useful in order to ensure we are constantly checking our services are not falling into any problem areas.

**Section 4****Q1**

Definitely useful, and more emphasis should be put on the IP's to take responsibility for their services.

**Section 5****Q1**

No problem with word change and it seems good to bring in line with other regulators. It may also prove easier to uphold harm, offence and fairness as opposed to decency and honesty.

**Q2**

It's ok to regulate the UK based services – but how do we stop the international sites that can be accessed. I.e. how can we bring these regulations across the borders and how will ICSTIS begin to enforce this.

There should be a general specification for age verification written by the NO's so the service providers can implement age verification for themselves rather than being forced to use network operators services which can on occasion fail, without the knowledge of the SP.

**Q3**

From a mobile perspective, its down to the customer experience – at the moment that is not good. There needs to be one uniform method – not four or more different methods. What would be even better is one age verification that then goes across all NO's so the client doesn't have to keep going through loops.

**Q4**

This is definitely an area that requires further investigation – apart from credit card and electoral roll, there don't seem to be many options at present.

**Q5**

Can't see how ICSTIS would police this. Problems over what's legal in one country and what is legal in another. And walled gardens don't work as people want freedom of choice.

**Q7**

Absolutely yes

**Q8**

Needs to have a standard message format, standard wording, standard font and very clear requirements. Yes should be prescriptive in line with legal NO requirements.

**Q9**

If the cost of ringing in or taking part in a service is going to go over £2.00 then it should be spoken as well. Otherwise existing is good enough.

**Q10**

This should be in line with requirements from other regulators as to whether it's prescriptive or suggested only.

**Q11**

As long as it is accepted there that will be a charge for say postage and packing. This would appear to be a very complex area when we are dealing with intangible services rather than a can of baked beans. It appears to be an area that could easily be exploited by unscrupulous service provider.

**Q12**

Services specifically targeted at children – Use the definition in the OFCOM guidelines which cover the where they define people under the age of 15 years. Do we consider the site on its content or where it is advertised. It should be contextually aware where it is advertised ie. Kids mag only downloads up to £3 but can subscribe to the service and download more if advertised in older magazine target audience.

**Q13**

Should stay at £3

**Q14**

Opt in for higher maximum so it is clear what the services are and who is running them – with amended regulations that allow the service to be immediately shut down if it is found to be in breach.

**Section 6****Q1**

OFTEL do not require prior permission for live services, so why implement at all? Existing sanctions seem to be adequate.

**Q2**

Register to provide live. It should be adequate for SP's to register with ICSTIS that they do provide live services. ICSTIS does not need to know what the services are or what numbers are being used.

**Q3**

No

**Q4**

Yes

**Section 7****Q3**

All chat and adult dating services should be on an adult short-code, supported by the over 18 message this should stop any issues.

**Q4**

At the moment this only pertains to chat so to continue it out across dating and contact services would appear to make sense.

**Q5**

Would appear to clarify the issue and make the regulations easier to future proof.

**Q6**

Could lift the £20.00 cut off – but should be supported every £20 spend with a warning on how long you have been on the service and the cost implications.

The 10 minutes does not work if you are only paying £0.10 per minute as they can be on for 200 minutes until they are cut.

If you are going to access a download we consider that there should still be on a permission only basis with clear guidelines to stop the ability to scam.

**Section 8****Q1**

The IP's should be made to pay an up front payment which ICSTIS hold as well as clear ICSTIS providing guidelines on checks that all SP's need to clear in order to provide services to Ips.

**Q2**

NO unless ICSTIS are prepared to fund compensation claims for IP's for wrongful termination of service. This could work if ICSTIS were forced to review the claim within a 24 hour period and then re-instate service immediately if there are no problems found.

**Q3**

No to an increase in fact if anything it should be reduced.

**Q4**

Right to rename this to refund rather than redress. There is also the issue that the SP does not get the full cost. Ie – the consumer pays £1.50 for the service, we get £1.00 from the NO. But if the SP has to pay the full £1.50 refund – SP is effectively fined.

**Q5**

Yes fine.

**Q6**

Yes fine

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