

**Analyze Survey Results - Individual Results**

Survey: Code of Practice consultation

Respondent Information		Custom Fields
Respondent Type:	Accessed Survey On Web	
Email:	No Email Available	
Began Survey On:	07/12/2010	
Time Began:	06:49:55 AM	
Time Spent:	03:10:26 (HH:MM:SS)	
Points:	No Points Questions used in this survey.	

- 1 Do you agree with PhonepayPlus' proposed definitions for the different parties involved in phone-paid services? If not, why not?

Disagree

Other comments: These are not "parties". These are \*roles\* or activities which may be played / executed by 1, 2, 3 (or more) different parties. Network operators have sometimes played all three roles themselves. More often, they have subcontracted the Level 1 & 2 roles.

- 2 Do you agree with PhonepayPlus' proposals to reform our existing Guidance, and to convert Section 7 of the 11th Code into Guidance wherever possible? If not, why not?

Agree

Other Comments: Partially. The industry has, hitherto, devoted a lot of energy to attempting to find loopholes in detailed prescriptive and proscriptive rules. General guidance along the lines of "PRS must not be dishonest or misleading" (similar, in principle, to the ASA approach) may prevent this. On the other hand, there is very little evidence that "loophole finding" has been a significant obstacle to regulation of PRS in practice. The main problem has always been, and remains, the absence of meaningful deterrence when it comes to fraud and theft committed under the rubric of "premium rate services".

- 3 Do you agree with the proposed outcomes and rules? If not, please highlight any with which you disagree, and explain your reasons, providing evidence where possible.

Disagree

Other comments: I agree that premium rate service must comply with the law. The problem is the PhonepayPlus doesn't - and disguises this fact by re-defining the word "legality". As far as PhonepayPlus is concerned, "illegal" means "illegal under the 2003 Communications Act as that act is interpreted by PhonepayPlus". The only activity that PhonepayPlus will concede is covered by that act is the sending of unsolicited (normally free though sometimes charged) \*promotional\* SMS. As far as PhonepayPlus is concerned stealing money from people by sending unsolicited reverse charge SMS "services" or by hacking people's phone lines to artificially inflate traffic; or defrauding people with "free" offers and with bogus competitions is not "illegal" at all. The effective decriminalization of various forms of fraud and theft under PhonepayPlus's stewardship has been at the root of most of the problems seen over the years. All cases of fraud and theft should be pursued through the criminal justice system. PhonepayPlus should concentrate on mis-selling rather than fraud and theft. I also disagree with the statement on complaint handling. In my view, the networks should be made fully responsible for stopping "services" and providing refunds when the consumer goes (as PRS victims almost always do initially) to them with a complaint. The networks should not be permitted to pass PRS victims along the "value chain" and force them to ring a series of 087 numbers in search of the guilty party. If Argos deliver and erect a shed in my garden that I didn't order, I can go to Argos and get them to remove it and cancel my bill. Argos can't simply claim that the manufacturer of the shed told them to do it and that I need to speak to them. Moreover, Argos can't simply help themselves to funds from my bank account because they know my address. It should be just the same in the premium rate industry.

- 4 Do you agree that the follow spending caps and thresholds, set out at Rule [2.3.12a](#), are appropriate?

All [sexual entertainment](#) services must be ended by the company providing the service when a maximum of £30 per call has been spent.

Disagree

Other Comments: "Subscription services" should simply be outlawed. They are too open to abuse and are almost always abused. If I wish to buy a ringtone I should be able to buy it at the price advertised without being tricked into a "subscription". If I want another ringtone and I have not been tricked, I might well go back to the same company and buy another one. These are the sorts of business practices PhonepayPlus should be encouraging rather than facilitating mis-selling (and often outright fraud) with vulnerable groups like children as the victims.

- 5 Do you agree that the follow spending caps and thresholds, set out at Rule [2.3.12b](#), are appropriate?

Services aimed at, or which should have been expected to be particularly attractive to children, must be ended by the company providing the service when a maximum of £3, or in the case of a subscription service a maximum of £3 per month, has been spent.

Disagree

Other Comments: "Subscription services" should simply be outlawed. See previous comments.

- 6 A new Rule, 2.3.12c, says providers of Virtual chat services must remind customers every time they have spent £10, stating that they have spent £10, rather than just repeating the cost of the service, and obtaining reaffirmation of the customer's original decision to use the service before continuing. This must be separate from the customer's interaction with the service itself, i.e., not within the text of a chat message.

Disagree

Other Comments: "Virtual chat" "services" should be outlawed. This is blatant exploitation of vulnerable and inadequate people.

- 7 Do you agree that the follow spending caps and thresholds, set out at Rule 2.3.12d, are appropriate?

Other subscription service customers must be reminded what they are paying every month or every time they have spent £20.

Disagree

Other Comments: "Subscription services" should simply be outlawed. See comments at #4.

- 8 Do you agree with the proposals around due diligence, risk assessment, and control (pares 3.1.1a, 3.1.7, and 3.3.1)? If not, why not

Agree

Other Comments: Partially. There has always been a requirement for network operators to exercise due diligence. The problem has been that they never did. Merely extending this requirement to level 1 & 2 providers will make no difference whatsoever unless this requirement is enforced.

- 9 Do you agree that 087 services should be exempt from the requirement to register? If not, why not?

Disagree

Other Comments: 087 services should not be exempt from the requirement to register, otherwise dishonest firms will simply switch to using these numbers. I realize that such moves will limit the scale of profits that can be made, but if 087 numbers provide a safe haven from regulation, rest assured, this fact will be exploited.

- 10 Do you have a view on whether breaches from the 11th edition of the Code should be matched across to the proposed registration database, and/or how this could be best achieved? If so, please provide it, along with any supporting evidence.

In my view, there should be a link from any firm listed in the new registration database to all its previous adjudications. Where a firm has changed its name or identity but is still operated by the same people, links to the previous identities of those firms should be explicit and traceable within the database. Many dishonest PRS firms have a history of changing identity in order to cover their tracks. Such practices should be circumvented under the new regime.

- 11 Do you agree with the proposed requirement for all parties who are defined as Networks, Level 1 or Level 2 providers to register with PhoneyPayPlus, and the rules of the registration scheme in terms of sharing that information? If not, why not?

Agree

Other Comments: Partially. Certainly, all parties who are defined as Networks, Level 1 or Level 2 providers should have to register with PhoneyPayPlus. The registration information: company name, company number, directors, real UK address (not a virtual or offshore address), complete breach history should be available to the public and to all other parties.

- 12 Do you have a view on whether open investigations against Level 2 providers should be flagged to other parties registered with PhoneyPayPlus? If so, please provide it, along with any evidence or reasoning.

All investigations should be made public immediately so that the public are assisted in protecting themselves and in negotiating with their network providers. It is indefensible for PhoneyPayPlus to simply supply the details for a company in response to a number search from a PRS victim and not highlight the fact that the company in question is under investigation - thus, potentially, giving a false sense of security to whoever has looked up the number.

- 13 What do you consider to be an appropriate fee for registration? Do you agree that the Registration Scheme should be funded by fees, or should its cost be incorporated into the general industry levy that funds PRS regulation?

No opinion

- 14 Do you agree with the proposed requirement that Level 2 providers register all their services with PhoneyPayPlus? If not, why not?

Agree

Other Comments: Of course. The days of offshore tax haven registration for content providers should have ended years ago. In fact it should never have been allowed in the first place.

- 15 Do you agree with the proposed investigation procedures? If not, why not?

Agree

Other Comments: Though the proof of the pudding will be in the eating.

- 16 Do you agree with the proposals around sanctions and refunds? If not, why not?

Disagree

Additional Comments: By far the most urgent measure required is the same as it has always been: the clear and explicit right for all phone users (and especially the parents/guardians of minors) to be allowed to choose to opt out of [B][I]all [/I][B]PRS - including 09 numbers, short codes, and [B][I]especially [/I][B]reverse charge SMS. I realize that PhonepayPlus take the view that the 2003 Communications Act prevents them and Ofcom mandating the networks to take this measure, but A) I simply don't believe Ofcom and PhonepayPlus are telling the truth here (PhonepayPlus have consistently interpreted this act in favour of the scammers rather than in favour of the scam victims). B) If it is really the case that 2003 Communications Act prevents PP+ and Ofcom taking action to protect the public, then this act should be overhauled and PP+ and Ofcom should be calling publicly for this act to be overhauled. They are not doing so. As far as sanctions and refunds ... The penalties for firms that act dishonestly to steal money from or defraud phone users should be increased dramatically so that these penalties can no longer be regarded as an "occupational hazard". The dishonest firms should be put out of business for good and the thieves and fraudsters should be imprisoned.

17 Please provide us with the following information

Your name: Dr Michael Ward

Name of your organisation if applicable: I contribute to <http://www.the-scream.co.uk/forums/f30.html>?

18 PhonepayPlus publishes all responses to its consultations unless respondents request confidentiality. Are you content for your response to be published?

Yes

19 We are interested to know which of our stakeholder groups you fit into:

Member of the public

20 We would also be interested to know where you heard about our new Code consultation online survey:

[www.the-scream.co.uk](http://www.the-scream.co.uk)