

## GENERAL GUIDANCE NOTE

### Method of exit from a service

#### EXECUTIVE SUMMARY

##### Quick summary on the method of exit from a service:

- Consumers must be able to simply exit a service.
- Once consumers have chosen to exit a service, no further charges must be incurred.
- Consumer should be able to opt out of multiple services easily.
- Use of 'STOP' command and 'STOP ALL'.
- Virtual chat and subscription services are subject to specific rules – only method of exit rules are covered below.
- MMS opt-out.

#### 1. Introduction

1.1. The purpose of this General Guidance Note ('the Guidance') is to assist Level 1 and Level 2 providers ('providers') by clarifying PhonepayPlus' expectations by way of the following:

- Clearly explaining how consumers can stop a service, and;
- Offering guidance on various methods of exit not covered in the Code.

#### 2. The role of General Guidance

2.1. General Guidance does **not** form part of the Code of Practice; neither is it binding on PhonepayPlus' Code Compliance Panel ('the Tribunal'). However, we intend it to help providers understand how compliance with the Code might be achieved.

#### 3. Definition of a method of exit from a service

3.1. The definition of method of exit from a service is set out at paragraph 2.3.11 of the Code, which states the following:

*2.3.11 Where the means of termination is not controlled by the consumer there must be a simple method of permanent exit from the service, which the consumer must be clearly informed about prior to incurring any charge. The method of exit must take effect immediately upon the consumer using it and there must be no further charge to the consumer after exit except where those charges have been legitimately incurred prior to exit.*

3.2. For avoidance of doubt, it is not necessary to supply a method of exit from premium rate services which are one-off purchases (i.e. where the service will not charge more than once without further confirmation from a consumer).

#### 4. Use of the 'STOP' command

4.1. The most common and easily implemented system for consumers to exit a service is through the use of the 'STOP' command. This command should be recognised through both the capitals variation of 'STOP' and the lower-case variation of 'stop'.

4.2. With regard to how the 'STOP' command should work in practice, consumers should be able to text 'STOP' to the shortcode the service was initially requested from, or from which it is receiving

## GENERAL GUIDANCE NOTE

### Method of exit from a service

(chargeable) messages, in order to stop the service. For example, if a consumer enters a service on 89XXX, they should not be required to text 'STOP' to 79XXX (a different shortcode), as this is likely to confuse consumers.

- 4.3. While there is a good understanding that texting 'STOP' to a service will result in the service stopping, there will be occasions where a consumer may not be aware of the 'STOP' command. Under such circumstances, consumers may text 'please stop', 'stop texting me' or other variations containing 'stop'. Where it is clear that a consumer wishes to stop the service, they must be removed from the service.
- 4.4. Some providers use 'STOP' and a keyword (for example, 'STOP tones'). While there is no problem with using this method, 'STOP' on its own must also work.
- 4.5. While this document recognises that there are certain forms of technology that make a 'STOP' command difficult or impossible to put into effect (e.g. MMS-based texting, voice shortcodes), PhonepayPlus recommends in the strongest possible terms that providers continue to use the 'STOP' command as a method of exit, where it is technically possible and practical (i.e. it does not add extra cost to the consumer) to do so.
- 4.6. Where it is technically possible and practical for a service to be exited through use of the 'STOP' command, providers are strongly advised to seek advice from PhonepayPlus before using any other means for method of exit from a service. Providers are advised that a PhonepayPlus Tribunal is extremely likely to take the view that the method of exit is not simple where the method of exit is through a different mechanic than that used to deliver the service. For example, it would not be appropriate to require consumers to use the web, or a telephone call, to exit a text-based service. Exceptions to this advice are set out below.
- 4.7. Providers of text marketing or other forms of electronic marketing should note that this document does not reference opting out from marketing. Providers should refer to the General Guidance Note on 'Privacy and consent to charge' for further information.

### **5. Instances where a consumer is subscribed to more than one service operating on the same shortcode**

- 5.1. From time to time, a consumer will concurrently be subscribed to more than one premium rate service using the same access shortcode. The consumer will have opted into the services by texting keywords, which allow the provider to differentiate between the services on a single shortcode (known commonly as 'shared' shortcodes).
- 5.2. While it is rare that consumers will be subscribed to multiple services on the same shortcode, where consumer comes to exit one service, it is important providers can operate with certainty in complying with the PhonepayPlus Code of Practice. The principle issue is, where a consumer wishes to only exit one of the multiple services to which they are subscribed, they typically cease receiving any chargeable messages from the shortcode, as the shortcode cannot immediately differentiate between services where a 'STOP' command is sent.
- 5.3. Where a consumer is subscribed to more than one service on a single shortcode, PhonepayPlus advises that the following actions would be acceptable, where the consumer sends a single 'STOP' command:

## GENERAL GUIDANCE NOTE

### Method of exit from a service

- To unsubscribe the consumer from all services they are subscribed to on that shortcode.
- To send the consumer a text which clearly states that they are subscribed to multiple services, and invites them to indicate which service they wish to exit by replying using a follow-up keyword which is clearly specified for each of the services the consumer is subscribed to. The consumer should also be informed that they can unsubscribe from all services by using the words 'STOP ALL'. As soon as the consumer texts a reply using one of the specified keywords, they should be unsubscribed from the corresponding service. If the consumer makes no recognised reply, then they should be unsubscribed from all services on that shortcode.

#### 6. MMS and voice shortcodes

- 6.1. As referred to earlier in this document, PhonepayPlus recognises that there are certain forms of technology that make a 'STOP' command difficult or impossible to put into effect.
- 6.2. The two most recognisable examples at the moment are voice shortcodes, which do not respond to a 'STOP' command as they are configured for voice-based (or IVR) services, and MMS shortcodes. MMS shortcodes do respond to 'STOP' commands, however, MMS messages are very data-rich, and the cost of replying to an MMS message can often be considerably higher than the standard cost of sending a text. PhonepayPlus believes this would disadvantage a consumer wishing to exit a service.
- 6.3. For these reasons, PhonepayPlus is highly unlikely to raise an investigation into a service using a voice or MMS shortcode on the grounds that the 'STOP' command does not work, provided consumer are given another clear, phone-based method of opting out of the service, which takes effect with no further charge once the consumer has exited. An example would be to provide a fixed-line phone number that a consumer could call to exit the service.

#### 7. Important additional information – use of Emergency procedure

- 7.1. In cases where the advertised method of exit is not working, or where there is no clearly advertised method of exit, PhonepayPlus treats this as a serious issue and it will likely result in an Emergency procedure.