

SERVICE-SPECIFIC GUIDANCE NOTE

Public information services

EXECUTIVE SUMMARY

Quick summary on the use of public information services:

- Consumers should be fully informed of other freely available sources of information.
- Services should not mislead consumers or take advantage of vulnerable groups or those in vulnerable circumstances.
- Services should not be unreasonably prolonged or delayed.
- Qualifications of operators should be clearly stated to consumers, either before, or upon entering, the service.

1. Introduction

- 1.1. The purpose of this Service-Specific Guidance Note ('the Guidance') is to assist registered parties/providers ('providers') by clarifying PhonepayPlus' expectations around the use of public information services.
- 1.2. For the purpose of this Guidance, public information services are defined by PhonepayPlus as those premium rate services that offer information or advice which is also, or mainly, available from another, free source provided by a government department, other publicly-funded body or registered charity.

2. The role of Service-Specific Guidance

- 2.1. Service-Specific 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.
- 2.2. Providers are not obliged to follow this Guidance but, in the event of an investigation, a Tribunal will adjudge whether the alternative actions that providers took delivered compliance with the Code. We recommend that those looking to radically depart from this Guidance contact our Compliance Advice Team in reasonable time ahead of launching the service.

3. Services should not be misleading

- 3.1. Consumers should be provided with relevant information to make an informed decision before entering into a service. If the same information being offered by a premium rate service is available elsewhere, free of charge, by a government department or other publicly funded body, then the consumer should be made aware of this information in a clear and prominent way.
- 3.2. Promotional material should not imply any affiliation with the relevant government department or other publicly funded body, unless this is the case. Where there is no such affiliation, promotional material should state this.
- 3.3. If the free-of-charge information is available from one source, a direct link to this source should be available to consumers. If the totality of the free-of-charge information is only

SERVICE-SPECIFIC GUIDANCE NOTE

Public information services

available from multiple sources, then all sources should be stated and direct links to all sources should be provided.

- 3.4. The PhonepayPlus Tribunal has previously found services to be misleading under paragraph 5.4.1(a) of the 11th edition of the Code of Practice (paragraph 2.3.2 of the new Code) where the service has not drawn the consumer's attention to the alternative sources available.
 - 3.5. While other available sources should be prominent, this does not prevent providers from also highlighting any benefits or extras offered by a paid-for service, provided such added-value is not exaggerated.
 - 3.6. Public information services should not be promoted on websites with the suffix '.org', unless the promoter is a not-for-profit company limited by guarantee, or a registered charity. Providers who do so are likely to be found in breach of misleading consumers under paragraph 2.3.2 of the Code of Practice.
 - 3.7. Providers should avoid making their promotions appear above other free sources of information on search engines, such as Google or Bing. In doing this, consumers can be more inclined to click on the first link that appears, rather than a public website which provides the same information. While this would not amount to a breach of the Code of Practice, it has been upheld as an aggravating factor when set against the fact that the same, or similar, information is available elsewhere from a free, publicly-funded source.
 - 3.8. While we have no specific provision in the PhonepayPlus Code of Practice, we have taken steps to work with organisations, such as Google and Directgov, to raise awareness of non-compliant promotions for public information services.
- 4. Services should not take advantage of vulnerable groups or those in vulnerable circumstances**
- 4.1. Some public information services are aimed specifically at consumers who could be vulnerable; for example, those services that offer advice on means-tested benefits may be giving advice to individuals experiencing financial hardship or services may particularly appeal to those that are unemployed etc. Public information services should not promote to vulnerable persons or those who may be in vulnerable circumstances. Those services that do are likely to be found in breach of paragraph 2.3.10 of the Code of Practice.

5. Services should not be unreasonably prolonged or delayed

- 5.1. Where services are providing information to the consumer, this information should be given promptly. For example, where a service is offering to provide contact details for other free sources of information, these should be given to the consumer as soon as practicable.
- 5.2. For further information on what constitutes unreasonable delay, please see the 'Avoidance of undue delay' General Guidance Note.

SERVICE-SPECIFIC GUIDANCE NOTE

Public information services

6. Consumers to be made aware of operator qualifications

- 6.1. The consumer should be made aware of any relevant qualifications that operators within the service hold. If operators do not hold any relevant qualifications, this should be made clear to the consumer, either before, or upon entering into, the service. Where operators are unqualified, the consumer should be made aware of the source of the information and the advice being given.
- 6.2. It is likely that a failure to fully inform the consumer regarding levels of qualification could be held by the Tribunal as a breach of paragraph 2.3.2.
- 6.3. Those providing advice should also see Service-Specific Guidance on 'Advice services'.

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