

Dear Mr Collins

The draft version of the new "GENERAL GUIDANCE NOTE Privacy and consent to charge" clause and the proposed requirement that opt-in be independently *verifiable* represents a very welcome and long overdue retreat on PhonepayPlus's part. This is something I have been arguing for in every single PP+ consultation I have contributed to since 2006 and is clearly an essential component of any plan to clean up the premium rate industry.

The draft version of the new "SERVICE-SPECIFIC GUIDANCE NOTE Subscription services" clause should of course be amended to mandate prior registration for *all* "subscription services" or (even better) be amended to outlaw this type of "service" altogether in favour of one-off transactions only. (I note that some firms outside premium rate world are beginning to copy the business model used so successfully over many years by the firms you regulate - see for example <http://www.guardian.co.uk/money/2010/feb/13/shopper-discounts-and-rewards>. At least out in the non-premium rate world, victims of subscription fraud and mis-selling are a little better protected.)

Otherwise my only comments are the usual ones:

By far the most urgent measure required in the new code 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 *all* PRS - including 09 numbers, short codes, and *especially* reverse charge SMS. If it is really the case that 2003 Communications Act prevents PP+ and Ofcom taking this action to protect the public (as PhonepayPlus have claimed) then this act should be overhauled and PP+ and Ofcom should be calling publicly for this act to be overhauled.

The penalties for firms that act dishonestly or steal money from or defraud phone users should be increased dramatically so that these penalties can no longer be regarded as "occupational hazards". The dishonest firms should be put out of business for good and the thieves and fraudsters (cf those who engage in mere mis-selling who should be dealt with by robust penalties from PP+) should be subjected to the full rigour of the *criminal* law. Again, if the 2003 Communications Act prevents this, the act should be changed.

I hope, just as PhonepayPlus have finally seen reason with respect to verifiability for "opt-ins", PhonepayPlus will, in time, see reason in these remaining areas

Yours sincerely

Mike Ward