

Broadcast PRS

Notice of Special Conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of broadcast premium rate services ("Broadcast PRS") that Special conditions apply. Level 2 providers are required to comply with the PhonepayPlus Code of Practice, and the Special conditions set out below, which are imposed under paragraph 3.11.1 of the Code.

Under paragraph 3.11.3 of the Code, *"a breach of any special condition in respect of a high risk service imposed under paragraph 3.11.1 shall be a breach of the Code"*.

Broadcast PRS is defined as follows:

"Premium rate services that are promoted on television (other than by commercial advertising), however transmitted, and which provide a facility for interaction or the provision of information, whether in the form of votes, entries, bids or otherwise howsoever."

For the further avoidance of doubt providers of the following service types are exempt from this Notice:

- Quiz TV
- Live Services
- Pay per Play

Special conditions

Imposed under Annex 2, Paragraph 1.1(c): requirements to ensure there is an adequate technical quality to the provision of the high risk service

BPRS1 All valid responses sent by viewers must be available in sufficient time to be fully considered and reflected in any outcome of an event. In circumstances where the consumer has been clearly informed of the time period in which responses will be valid, any responses received outside this time will be considered invalid and will not need to be considered in the outcome of an event.

BPRS2 Calls and SMS entries which are received before lines have been announced as opened, or after an announcement that lines are closed has been made, should be considered invalid and not be counted, except that calls which have already commenced at the time of a closure announcement must be allowed to be completed and counted. It is acceptable for such invalid entries to be charged, provided that:

- a) The risk of being charged for invalid entries is clearly communicated to the viewer;
- b) Consumers whose votes/entries are invalid should be clearly informed that their entry is invalid and whether a charge has applied;

- c) Invalid entries have not been received after lines have been announced as closed as the result of technical failure.

Technical failure, as referred to above, is defined for the purposes of this Notice as any failure in the technology used by a Network operator, provider or other party involved in the delivery of a vote/entry as part of a Broadcast PRS event, which causes that vote/entry to be delayed where it would otherwise have arrived within the time period when lines were open.

- BPRS3** Red button interactive calls made prior to the time announced for line closure must repeat the relevant competition entry/vote count process.
- BPRS4** Where a provider has made arrangements for the handling of excess peak traffic by third parties, these arrangements must ensure that all valid responses so handled are treated equally with those received by the provider.

Imposed under Annex 2, Paragraph 1.1(b): requirements as to the mechanism and processes used to deliver services to, and to enable exit from services by, consumers;

- BPRS5** Sufficient time must be allowed between the closure of each access platform used and the relevant competition entry/vote counting process, for valid responses to be considered and reflected in the outcome of the event. Where multiple entry platforms are used and different closure times apply, this must be clearly communicated to consumers during any call to action.
- BPRS6** Phone lines must not remain open when programmes are repeated, except where votes or entries would still be considered valid.
- BPRS7** There must be no amendments to operational systems or procedures relating to the service without senior management authorisation. The procedures must identify senior management positions within its organisation with the power to authorise such changes.

Imposed under Annex 2, Paragraph 1.1(a): requirements as to contractual arrangements and the management of roles across a chain of providers in relation to a high risk service

- BPRS8** Contractual arrangements between providers and any parties with which they contract in respect of the provision of the relevant Broadcast PRS must clearly and coherently identify which party is responsible for the performance or management of each activity associated with the service.

Imposed under Annex 2, Paragraph 1.1(o): membership of professional bodies, training and supervision to have been and be undertaken and qualifications, licences and insurance required to be held by relevant providers or relevant individuals engaged in the provision of the high risk services and the evidence of such that may need to be provided to PhonepayPlus.

BPRS9 All staff, whether internal or employed by contractual partners, must have suitable training including having the PhonepayPlus Code of Practice drawn to their attention.

Imposed under Annex 2, Paragraphs 1.1(b) and (r):

(b) requirements as to the mechanism and processes used to deliver services to, and to enable exit from services by, consumers;

(r) PhonepayPlus' access to premises in order to monitor the compliance of a high risk service with the Code and any relevant special conditions.

BPRS10 Procedures must exist for the back-up of all operational systems and to deal with predictable problems inherent in providing Broadcast PRS. Subject to reasonable notice from PhonepayPlus, providers must make provision for PhonepayPlus staff, and/or its agents, to visit their premises from which they provide any relevant service and have access to any documents or records relevant to the provision of the service.