

Information, Connection and Signposting Services

Notice of Special Conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of, Information, Connection and/or Signposting Services (ICSS) 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”*.

ICSS is defined as follows:

“Premium rate services, excluding full national directory enquiry services¹, that provide connection to specific organisations, businesses and/or services located or provided in the UK; and/or which provide information, advice, and/or assistance relating to such specific organisations, businesses and/or services.”

For the avoidance of doubt, this definition does not apply to Directory enquiry (DQ) services as defined in PhonepayPlus [“Guidance on Directory Enquiry Services”](#), which currently operate on the 118 number range.

The definition creates two distinct categories of ICSS; services that provide connection to organisations sought by consumers and those that provide information, advice and assistance on organisations. For ease of reference we refer to these categories as Type 1 and Type 2 and further describe them as follows:

- Type 1 – ‘Call connection’ services. Type 1 services offer connection to a small number of organisations, rather than the full range that a national Directory Enquiry (DQ) service provides. In some cases Type 1 services may, in addition to connection, offer the number the consumer is seeking.
- Type 2 – ‘Signposting’ and ‘Helpline’ or advice or assistance services (which may or may not include the consumer providing account details relating to an unrelated online account they hold, so that the ICSS provider can interact with the account on their behalf). Type 2 services usually offer consumers the number of one or a small number of organisations (but not onward connection to that

¹ This is defined in the Oftel Statement dated 1 March 2002, and has been adopted (to the extent set out) as follows: *“A Directory Enquiry Service which provides information on allocations of numbers to subscribers from the United Kingdom numbering scheme to callers located in the United Kingdom. A National Directory Enquiry Service shall be considered a “full” National Directory Enquiry Service for the time being if it provides information on the geographic numbers of all business and residential listings and on other numbers used for comparable purposes to geographical numbers (e.g. 08 numbers used for main switchboards etc), where the subject of the listing has not withheld their permission for its inclusion.”*

number), operator-led assistance, or provide generic, pre-recorded advice via an Interactive Voice Response (IVR) system.

For the further avoidance of doubt, the following providers of ICSS are exempt from this Notice:

- Any provider who has an established, written agreement with a public or commercial organisation to operate an information, advice, or assistance service on their behalf. Such agreement must be provided to PhonepayPlus upon request.

Special conditions

Imposed under Annex 2, Paragraph 1.1(c) and (k):

(c) requirements to ensure there is an adequate technical quality to the provision of the high risk service

(k) information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts)

ICSS 1 Web-based promotions should not use internet marketing or optimisation techniques (such as metadescrptions or metatags) which mislead a consumer into believing (a) that their service is the actual service the consumer is seeking; or (b) that they are providing advice or information that is not already available from a public or commercial organisation (unless they genuinely are providing advice or information that is not available in this way). In addition, web-based promotions should contain metadescrptions which make the nature of the service clear and do not mislead the consumer into believing that they are the helpline or information the consumer is seeking. The Search Engine Marketing (SEM) should therefore display a phrase which accurately describes the true nature of the service operated and promoted using the website to which the SEM links, such as “Premium rate connection service” or “Call connection service” at the beginning of the result displayed for a Type 1 ICSS; and for example “Premium rate assistance service” or “Information assistance service” for a Type 2 ICSS. Such a phrase must be positioned to ensure it is clearly on-screen when the consumer views the search engine results. For the avoidance of doubt alternative phrases may be used where they meet the above SEM description requirement.

Imposed under Annex 2, Paragraph 1.1(k): information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts)

ICSS 2 Services must not promote using websites with addresses which mislead a consumer into believing the website is associated with the organisation they are seeking.

ICSS 3 Promotional material must clearly and prominently state (where this is factually the case) that the information (including the number), advice or assistance

provided by the PRS is available direct from the relevant public or commercial organisation at no or lower cost. The presentation of this information should be in a manner which is clear, prominent and proximate to the premium rate number advertised, and should include a link to the homepage of the website containing the actual number the consumer is looking for where such a website exists.

- ICSS 4** Promotional material must be distinct in appearance from that of the organisation being sought.

- ICSS 5** Promotions must not use descriptions, colour or typeface which is, or may be, perceived to imitate the organisation the consumer is looking for. Promotions must not imply that advice and/or information is unique to an ICSS when the same advice and/or information are available from a public or commercial organisation.

- ICSS 6** Where an ICSS provides an IVR containing the number of the service the consumer is actually looking for, then promotional material must clearly instruct consumers to have a pen and paper ready, or some other means of recording the number, before they call.

- ICSS 7** For Type 2 ICSS, where the consumer is connected to an IVR containing information which is freely available on the web, the consumer must be informed of this, and the address of the relevant website, at the start of the call.

- ICSS 8** Where the consumer has been provided with the number they are seeking, and then has the option of being connected to it directly, they must be informed clearly of the cost per minute of doing so and be given the opportunity to refuse.

- ICSS 9** Where the consumer is requested to supply secure personal and/or confidential details, then they must be clearly informed that their details are being provided to a third party, and not the organisation they wished to contact. In addition, where such secure data will be used to log into a consumer's online account in order to undertake any action on their behalf, then consumers must be clearly informed of this and that they could perform these actions themselves at no cost. They should also be advised that information about how this data will be stored, retained, or further used is available on the ICSS providers' website. Providers should ensure that such information is fully and clearly provided on the website relevant to the number the consumer has called.

Imposed under Annex 2, Paragraphs 1.1(k) and (n):

(k) information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

(n) requirements for caller agreement before a high risk service proceeds before the caller is charged.

ICSS 10 Providers of ICSS who intend to collect confidential data/information (e.g. login passwords, PIN numbers etc) should also clearly inform consumers as to their intended use of such information, and make clear that by providing such information the consumer may be breaching the terms and conditions of the organisation they have a protected account with, and that the ICSS provider may then have unrestricted access to the consumer's account including, where applicable, payment details. Consumer consent should then be obtained before any confidential information is used. Providers should thereafter not use the information for any other purpose or on any other occasion without further consumer consent being given. As soon as the purpose for collecting the confidential information has been achieved the information should be destroyed immediately and permanently.

Imposed under Annex 2, Paragraphs 1.1(k) and (m):

(k) information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

(m) the provision of defined information to PhonepayPlus and the intervals at which it is to be given and the manner to which it is provided.

ICSS 11 Providers of ICSS who intend to collect personal and/or confidential data and/or information should only collect information which is necessary to facilitate provision of the service, and should provide evidence that any data or information they have collected is necessary for service provision upon request by PhonepayPlus.

Imposed under Annex 2, Paragraph 1.1(n): requirements for caller agreement before a high risk service proceeds before the caller is charged

ICSS 12 Consumers must receive an alert at the start of the call before onward connection stating the following (in any order):

- (i) the price per minute;
- (ii) that the ICSS provider is not [insert the end organisation's name] or that the ICSS provider is [insert ICSS provider name]; and
- (iii) the name of the end-organisation consumers will be connected to or given the option of connecting to.

Caller agreement may be given by pressing a specified key or otherwise responding to the alert, or by remaining on the line to access the service.

Imposed under Annex 2, Paragraph 1.1(p): compliance with requirements of relevant regulators and professional bodies

ICSS 13 Providers of ICSS who intend to collect personal data and are Data Controllers as defined within the Data Protection Act 1998 must ensure that they have complied with the requirement to notify the Information Commissioner's Office (ICO) and provide it with full details of the types of data that they will be processing. Providers must ensure that they comply with the requirements of the

Data Protection Act 1998 in relation to the processing of consumers' personal data at all times.

Imposed under Annex 2, Paragraphs 1.1(x) and (m):

(x) providers of higher risk services to notify PhonepayPlus at commencement of such services and provide any related information required by PhonepayPlus within a specified time period;

(m) the provision of defined information to PhonepayPlus and the intervals at which it is to be given and the manner to which it is provided

ICSS 14 ICSS providers must notify PhonepayPlus, within 48 hours of making the service accessible to the public, of all applicable telephone number(s) or access code(s) used for the operation of the service and their specific designated purpose. Where these change or new numbers are added, all such telephone number(s) or access code(s) must also be notified to PhonepayPlus within 48 hours of their being put into public use.

For example, this information may include a premium rate number (PRN) beginning 09*, a voice shortcode, and details of the company or organisation or service to which the number connects:

- PRN 09xxxx120321 - VSC 65xx0 - offers connection to 'XL TV Co Ltd'