

DRAFT

ICSTIS Guideline No. XX

Premium Rate Directory Enquiry Services

(Version 1: XX July 2002)

Introduction

ICSTIS Guidelines are intended to advise the premium rate services industry on how the Committee interprets or applies provisions in the **Ninth Edition** of the ICSTIS Code of Practice. Service providers seeking clarity about the application of any Code provision to a particular service are strongly advised to contact the Secretariat **before** starting to operate the service.

A current list of all of the latest versions of ICSTIS Guidelines appears in the *ICSTIS Monthly Report* and on the ICSTIS website. Copies of Guidelines are available, free of charge, from the Secretariat.

What is a Directory Enquiry Service?

There are two types of Directory Enquiry Service ("DQ service") recognised by Of tel for the purpose of allocating 118XXX dialling codes. Of tel defines these services as follows:

1. *International Directory Enquiry Service*
This is a Directory Enquiry Service which provides information to UK subscribers on allocations of numbers from the numbering scheme(s) of at least one, probably several major non-UK countries, covering the same range of numbers as commonly available Directory Enquiry Services in that country.
2. *National Directory Enquiry Service*
This is a Directory Enquiry Service which provides information on allocations of numbers to subscribers from the UK numbering scheme to callers located in the UK. 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 (starting 01 or 02) 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.

For a service to be considered a DQ service, its main purpose **must** be to provide a 'white pages' (business and personal numbers) service. A classified directory service is only considered to be **ancillary** to the primary purpose of a DQ service for the purposes of the regulations. For example, if a service only provides information relating to a particular geographic location or a specific topic, that service will not be considered to be a DQ service.

A national or international DQ service **must** provide a telephone number (where available) in response to a request where sufficient information to identify the end-user of that telephone number (e.g. name and address) has been given. The caller may be connected to the number requested as an ancillary service, but, as a minimum, **must** be offered the number requested. All other information provided, such as e-mail addresses and mobile telephone numbers, are, for the time being, considered ancillary to the main service.

Responsibility For Services

Paragraph 2.1 of the Code of Practice states that:

"Service providers are responsible for ensuring that the content and promotion of all of their premium rate services (whether produced by themselves or by their information providers) comply with all relevant provisions of this Code."

The definition of a service provider is contained within Paragraph 1.4.7 of the Code of Practice, which states that:

“A ‘service provider’ is an individual, organisation or company that contracts with network operators for facilities enabling the provision of premium rate services.”

In the case of a straightforward 'white pages' service where no revenue share exists between the service provider and any person or organisation for whom the service provider may provide telephone numbers to callers, the Committee does not consider it appropriate or proportionate to hold the service provider responsible for the content of the service to which the caller is directed.

If, however, the DQ service provider offers call completion (i.e. connection of the caller to the number requested) and the call completes to a person or organisation with which the DQ service provider has a revenue share agreement, ICSTIS considers the service provider to be responsible for the content of the service. The Committee views such an arrangement as a typical service provider/information provider scenario.

Designated Codes and Number Ranges

Paragraph 2.2.2 of the Code of Practice states that:

“Where certain codes or number ranges have been designated by either OfTel or a network operator for the provision of particular service categories, services within these categories must use those codes or number ranges. OfTel's designations will have precedence over any issued by a network operator.”

Only those services which meet OfTel's definition of an international or national DQ service will be allocated a six-digit 118XXX dialling code. It is acknowledged that service providers are permitted to provide services which in whole or in part meet these definitions using full-length premium rate numbers (or that network operators may wish to use Type C¹ short codes). However, DQ service providers and network operators are strongly encouraged by OfTel to use the six-digit 118XXX range of codes wherever possible for services provided in accordance with OfTel's definitions.

Prior Permission

The majority of premium rate services do not require prior permission from ICSTIS before they can operate. However, under paragraph 2.3.1 of the Code of Practice, some types of service need to be assessed by the Committee and given prior permission before they commence operating.

All DQ services, whether on the designated 118XXX dialling code **or otherwise**, will require prior written permission from ICSTIS before they can operate.

Together with a completed written application, the DQ service provider will need to submit:

- A copy of the promotional material for the DQ service.
- Provision of evidence of the allocation of the 118XXX number by OfTel where such a number will be used.
- A copy of the data protection certificate, together with confirmation that ICSTIS will be disclosed as a data user.

Typical examples of specific conditions which the Committee may impose on such services include:

- That the service provider must subscribe to the BT OSIS database or an equivalent database which provides updates to licensees at least as frequently as BT's OSIS database.
- That call completion will not be permitted to those types of premium rate service which currently need to pay into the ICSTIS Compensation Scheme and lodge a bond, such as live one-to-one chat, tarot or multi-party chatline services.

¹ Type C short codes are set aside for independent use by network operators, either to provide particular services exclusively to their directly connected end-users or for internal network operations.

- That call completion will not be permitted to sexual entertainment services (live or recorded).
- That pricing information must be repeated prior to the caller being transferred to the person or organisation (unless paragraph 3.4.4 of the Code applies).

Please note that if the service provider intends to have revenue share arrangements in place with content providers for ancillary services that would normally require prior permission, a separate application for those services will need to be made. Examples of such services would include consumer credit services and/or live conversation services such as counselling, medical or legal advice lines.

The regulation of DQ services by ICSTIS will apply equally to any transitional services which operate after the date for liberalisation. Those DQ services already operating on other prefixes (e.g. 192) may continue to operate without the need for prior permission provided that the companies concerned continue to offer the same services post liberalisation. If a service provider changes any aspect of their service, such as introducing call completion or introducing additional services such as competitions, such additional services may not be provided until ICSTIS has granted prior written permission.

Pricing Information

Paragraph 4.4.1 of the Code of Practice states that:

“All providers of Live Services must ensure that on connection each caller receives a brief introductory message giving details of all of the call costs and the name of the service provider providing the Live Service.”

Most DQ services are live services and pricing would therefore normally need to be given on connection. However, the Committee has considered this provision carefully and, in accordance with paragraph 3.4.4 which states that:

“Direct-dialled services which cost 50 pence or less and are terminated by forced release are exempt from all ICSTIS requirements concerning pricing information.”

has decided that a DQ service (whether live or not) that complies with paragraph 3.4.4 will be exempt from providing pricing requirements on connection.

In accordance with paragraph 3.4.1 of the Code of Practice, all promotional material must state clearly the likely cost for calls to each service (unless paragraph 3.4.4 overrides this requirement by nature of the price of the service). The ‘likely’ charge for calls to each service is considered to be the charge applicable at any point in time and that which a significant proportion of callers are likely to be charged. The Committee will accept the following wording on price differentials in promotional material (please note that this is not a complete list and is subject to change, and should be read in conjunction with *Guideline No. 1 – Pricing Information*):

- Calls cost £X per minute; calls from mobiles and some networks may be higher.
- Calls cost £X per minute; calls from mobiles and some other networks may cost more.
- Calls cost £X per minute from BT landlines.

Notwithstanding the above, where a DQ service provider offers a call completion service to callers, the Committee, in order to ensure callers are not misled, will expect callers to be reminded of call costs on the call being transferred. Service providers should ensure that callers are not transferred to a ringing tone or an engaged tone.

Address Information

Paragraph 3.5 of the Code of Practice states that:

“For any promotion the identity and contact details of either the service provider or information provider, where not otherwise obvious, must be clearly stated so that customers can contact them directly.

The identity means the name of the company, partnership or sole trader and the contact details must consist of one of the following:

- a a full postal address including postcode, or*
- b a PO Box number including postcode (PO Box numbers cannot be used in the case of employment, employment information and business opportunity services), or*
- c a telephone helpline number (to be charged at no more than UK national rate).”*

The above information is mandatory for promotions for DQ services, regardless of whether the promotion is advertised in print media, the Internet, television or via promotions sent by text message. The Committee will expect it to be clear how callers should contact the DQ service provider in the case of complaints. This may be by means of the 118XXX number, in which case there must be procedures in place to refund callers for the price of complaints calls.

Data Protection

All DQ service providers should ensure that they process any personal data in accordance with the requirements of the Data Protection Act 1998, the Telecommunications (Data Protection and Privacy) Regulations 1999² and any other relevant legislation. Further information on these requirements can be obtained from the Office of the Information Commissioner and their website: www.dataprotection.gov.uk. In particular, service providers must ensure compliance with paragraph 2.4.3 of the Code of Practice, which states that:

“Services which involve the collection of personal information, such as names, addresses and telephone numbers (which includes the collection of Calling Line Identification (CLI) or caller display information), must make clear to callers the purpose for which the information is required. The service must also identify the data controller (if different from the service provider or information provider) and any different use to which the personal information might be put, and give the caller an opportunity to prevent such usage.”

Call Completion To Premium Rate Services

The Committee permits the completion of calls to services (such as competitions and information services) offered in addition to the primary purpose of the DQ service. In all cases of call completion, the Committee will expect the following to apply:

- All relevant provisions set out in Section 5 of the Code of Practice should apply to the particular service type. For example, competition services must comply with paragraphs 5.2 - 5.2.9 of the ICSTIS Code of Practice.
- No services which require a payment into the ICSTIS Compensation Scheme and the lodging of a bond can be offered on call completion. Nor can calls be completed to live or recorded sexual entertainment services.
- Pricing information must be repeated prior to callers being transferred to the person or organisation (unless paragraph 3.4.4 of the Code applies).

² These Regulations will be superseded by new Regulations implementing a new Telecoms Data Protection Directive in 2003.

Provisions Relating Specifically to Live Services:

1. Employment and Training

Paragraph 4.3.2 of the Code of Practice states that:

“No such operator shall be under the age of 18. ICSTIS may, however, vary this requirement for individual services.”

In relation to DQ service providers, the Committee feels that a general exemption from the above Code provision is justified taking into account that services of a sexual nature cannot be operated on DQ services.

2. Promotional Material

Paragraph 4.5b of the Code of Practice states that:

“Unless ICSTIS has granted permission to do so, no promotion may be directed at persons under 18 years of age or encourage such persons to call the service.”

This provision is designed to protect young people from calling services which may generally be inappropriate for them. While ICSTIS accepts that young people may call DQ services, it sees no reason why young people should be overtly encouraged to do so and this provision will therefore equally apply to DQ service providers.

3. The Conduct of Live Services

Paragraph 4.6.2 of the Code of Practice states that:

“Unless ICSTIS grants permission to do otherwise:

- a Service providers must ensure that operators use reasonable endeavours to prevent persons under 18 years of age from taking part in any Live Service.*
- b If an operator has reasonable grounds, upon questioning a caller, to suspect that the caller is under 18, the service provider must end the call.”*

Given the nature of DQ services, the Committee feels that a general exemption from the above paragraph of the Code of Practice is warranted.

How To Contact ICSTIS

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