

Electoral Commission's Response to PhonePayPlus Information Connection and/or Signposting Services consultation

Background

The Commission was alerted by a local council to the website electoralroll.uk.com, offering a paid-for register to vote service. The service charged £30-a-time to complete customers' electoral registration applications and also used a £1.53 a minute premium rate number to take customer questions. We also received a complaint from a member of the public about the website.

We are firmly against this purported service, as registering to vote is straightforward, free of charge, with no associated costs to complete and return a form to an individual's Electoral Registration Office.

We took a number of steps to address the issue to ensure that voters were not caught out paying for a free service. We contacted Electoral Roll UK, asking them to immediately stop offering the service and cease any advertising relating to it. We issued an alert to Electoral Registration Officers in local councils across the country to draw their attention to the issue, in case they received any related queries, and to inform them of the action we were taking in relation to Electoral Roll UK.

We also contacted a number of regulatory authorities to establish whether there were any legal and regulatory issues that needed to be investigated. We contacted the Office of Fair Trading (OFT), Action Fraud and Phone Pay Plus. With the register to vote deadline for the May 2013 local elections approaching, we also contacted Google to ask them to remove all advertising for electoralroll.uk.com. Further to that, we issued a press release to local and national press to highlight the issue, a total of 12 newspapers and websites ran the story.

Action Fraud collated the information about the website on to their internet scam database. Google suspended search results for electoralroll.uk.com for a period, ahead of the register to vote deadline and Phone Pay Plus suspended the premium rate helpline number whilst they investigated Electoral Roll UK.

We are also aware of a similar company, Opt Out UK which offers to remove a person's details from the edited version of the electoral register in order to

prevent them receiving junk mail, nuisance calls and unsolicited text messages. We have not investigated Opt Out UK further and it may be that they provide a service of some value to their customers, as the company claims to protect consumer privacy and opts customers out of other sources such as marketing and PPI databases. The proposals from PhonePayPlus are nonetheless potentially relevant and would help make sure that the service is of real value to customers.

Electoral Commission's Response

We have responded to this consultation as a result of the issues raised by Electoral Roll UK's activities and have only responded to the questions that we consider applicable.

1. Prior permissions

The Commission agrees with the conclusion to apply a prior permission regime to Information Connection and Signposting Services (ICSS). We believe that the conditions outlined in both the 2012 and the current consultation, such as the provision of clear pricing information on ICSS promotions and restricting the use of SEM will help to reduce the risk of consumer harm or confusion. We take the view that companies such as Electoral Roll UK provide a misleading service which offers no value to customers.

2. SEM conditions and promotion of ICSS

We also agree with the specific conditions on Search Engine Marketing (SEM) for ICSS's. Such conditions would have restricted Electoral Roll UK's ability to conduct web based promotions on search engines which we consider misled customers into believing that their service was the actual service needed to register to vote. In addition, Electoral Roll UK's use of SEM meant that their website gained greater prominence in search engine results than the Electoral Commission's voter registration website www.aboutmyvote.co.uk. Finally, we believe that Electoral Roll UK contravened Google's AdWords policy as they charged for providing items that were already free and for government forms that were available for free on our website.

3. Conditions once a consumer has dialled an ICSS

We agree with the conditions proposed by PhonePayPlus once a consumer has dialled an ICSS. An alert when a consumer dials an ICSS which indicates the price per minute of the premium rate number and at the very minimum, the name and website of the end organisation that the consumer intends to reach will better inform consumers. As evidenced with Electoral Roll UK, their helpline charged £1.53 a minute when customers could have called their local Electoral Registration Office normal low rates in order to obtain a registration form.

Equally, the Electoral Commission provides a Freephone helpline 0800 3 280 280 where customers can receive information and voter registration forms.

4. Personal/confidential data

The Commission agrees that providers of ICSS who intend to collect personal data must only collect information necessary to facilitate provision of the service. We believe that they must also satisfy PhonePayPlus that they have notified the ICO. Companies such as Electoral Roll UK collect the names, addresses and dates of birth where a person is under 18. Their websites also offer customers the opportunities to create user accounts by submitting login details and passwords. Greater transparency is needed from such companies as to what the information will be used for and how that data will be held securely or destroyed.

Conclusion

The Electoral Commission supports PhonePayPlus' efforts in imposing a prior permission regime to Information Connection and Signposting Services and companies such as Electoral Roll UK. We believe that the lack of such a regime is harmful to consumers and also to organisations to which such companies imply association, such as ourselves and other public sector organisations that provide services to members of the public for free. We want to make sure that no one uses this or any other service that charges for something that is straightforward and free.

We believe that had the new regime been in place, Electoral Roll UK would not have been in compliance.