

David Levitt
Regulatory Development Executive
PhonepayPlus
Clove Building
4 Maguire Street
London SE1 2NQ

PhonepayPlus's ('PPP's) Further Assessment of Information, Connection and/or Signposting Services ('ICSS')¹

Telefónica UK Limited ('Telefónica') welcomes this further opportunity to contribute to PPP's review of ICSS, which should be read in conjunction with our response to the initial 2012 consultation².

We were pleased to read the Jigsaw ICSS Research³ the results of which evidence our concerns of the harm and risks to our customers to which we first alerted PPP in 2010. We hope that this research now provides PPP with the necessary evidence and assurances to proceed swiftly with implementation of robust regulatory controls for these kinds of services.

We continue to be supportive of PPP's ambition to curb harmful ICSS services and with PPP's proposed approach for doing so. The prior permission regime is, we feel, a proportionate response to the issue, subject to PPP ensuring that the regime is properly and effectively supported with robust monitoring and enforcement to ensure compliance with the new conditions.

In our response to the 2012 consultation we raised the following concerns:

1. The proposed definition of DQ services could create confusion and an opportunity for ICSS providers to exploit that confusion to evade the proposed prior permission regime.
2. Without evidence of an established need for charities to be exempt, there was the risk of regulatory exposure to service providers determined to avoid the prior

¹ PPP, 24 April 2013: http://www.phonepayplus.org.uk/For-Business/Consultations-and-Invitations-to-Tender/Previous-consultations/~media/Files/PhonepayPlus/Consultation%20PDFs/CD_ICSS_24_April_2013.pdf

² http://www.phonepayplus.org.uk/For-Business/Consultations-and-Invitations-to-Tender/Previous-consultations/~media/Files/PhonepayPlus/Consultation%20PDFs/ConDoc_ICSS_Res_Telefonica.pdf

³ Annex D of the 2013 Consultation

permission regime. We suggested that exemptions could, instead, be considered by application.

3. The specific wording used in search engine marketing should be sufficient to, not only identify the premium-rate element of the service, but also the core purpose of the business, so as to distinguish it from the service or organisation that the consumer is intending to contact.
4. Conditions of prior permission should be refined to ensure consistency with ICO guidelines, for example, by requiring privacy notices to be published on websites of ICSS providers who process personal data.
5. No exemptions or variations to the prior permission conditions are necessary for justified for each ICSS variants,
6. The extension of the harm arising from ICSS services to the 0844 number range and the opportunities for PPP to work with Ofcom to encourage a consistent regulatory approach across number ranges and raise awareness of the service model of which consumers should be cautious.
7. The potential for litigious service providers to obfuscate regulation by focussing on what constitutes ‘an established written agreement’ for the purposes of the proposed exemption from the prior permission regime,

We think that PPP’s the current Consultation largely addresses our concerns in points 1 to 5. We would, however, continue to encourage PPP to consider points 6 & 7, in particular the benefits of working with Ofcom to ensure a consistent regulatory approach across number ranges or, indeed, the risks of not having a consistent approach.

In conclusion, we consider that PPP has completed a thorough and comprehensive review of ICSS and largely addressed the risks and concerns we raised in our response to the 2012 consultation. As a result PPP should now be in a position strong position to expedite implementation of the proposed prior permission regime to minimise any continued consumer harm arising from these services.

Telefónica UK Limited
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