GENERAL GUIDANCE

Method of exit from a service

1. Developing a method of exit from a service

1.1. The PhonepayPlus Code of Practice (the "Code") requires that there is a clear method of exit from a service, as set out at paragraph 2.3.11 of the Code. This states the following:

> *2.3.11*
>
> *Where the means of termination is not controlled by the consumer there must be a simple method of permanent exit from the service, which the consumer must be clearly informed about prior to incurring any charge. The method of exit must take effect immediately upon the consumer using it and there must be no further charge to the consumer after exit except where those charges have been legitimately incurred prior to exit*

1.2. There may be many ways for a consumer to exit a service – these can be as simple as terminating a phone call by replacing a receiver or selecting a relevant on-screen button, to sending an SMS instruction, closing a webpage or uninstalling a mobile application. Whatever method is used, it must be clear, simple and free to perform – this enables the consumer to stay in control of their spending.

2. Use of the 'STOP' command

2.1 The most common, familiar and easily implemented system for consumers to exit a mobile-based service is through the use of the 'STOP' command. This command should be recognised through both the capitals variation of 'STOP' and the lowercase variation of 'stop', and any combination thereof.

2.2 With regard to how the 'STOP' command should work in practice, we consider it best practice that consumers should be able to text 'STOP' to the mobile shortcode the service was initially requested from, or from which it is receiving (chargeable) messages, in order to stop the service.

2.3 We accept that this may not always be possible – either for technical reasons, or because of the cost to a provider of doing so. However, where we discover that separate shortcodes for requesting a service and opting out from it are being used, then consideration will be given to a provider's motive for doing so. Any actions which are likely to confuse consumers may potentially fail to meet the fairness outcome, at section 2.3 of the Code.

2.4 For the avoidance of doubt, we would always expect the consumer to be able to text 'STOP' to the same shortcode from which they are being billed.

2.5 While there is a good understanding that texting 'STOP' to a service will result in the service stopping, there will be occasions where a consumer may not be aware of the

'STOP' command. In such circumstances, consumers may text 'please stop', 'stop texting me' or other variations containing the word 'stop'.

2.6 We accept it is not always possible to recognise these variations immediately when a consumer wishes to exit. However where a consumer has legitimately tried to cancel a service and failed (either because they have mis-typed 'STOP', or because they have texted some other variation), then once this becomes clear to the provider, best practice would be for consumers to be retrospectively refunded for any charges subsequent to their first clear attempt to opt out, and immediately removed from the service.

2.7 Where providers would like to use an alternative to 'STOP' in promotional material, then they are strongly advised to contact PhonepayPlus before beginning promotion or operation. In these circumstances, we would consider representations on a case-by-case basis. Providers should be aware that, even if PhonepayPlus advised that the use of a command other than 'STOP' was acceptable in promotions, the shortcode itself would still have to respond to the 'STOP' command in addition to any other exit words.

2.8 Providers of text marketing or other forms of electronic marketing should note that this document does not reference opting out from marketing. Providers should refer to the General Guidance Note on 'Privacy' for further information.

3. Instances where a consumer is subscribed to more than one service operating on the same shortcode

3.1. A consumer may be concurrently subscribed to more than one premium rate service using the same access shortcode. The consumer will have opted into the services by texting keywords, which allow the provider to differentiate between the services on a single shortcode (known commonly as 'shared' shortcodes).

3.2. Where a consumer is subscribed to more than one service on a single shortcode, PhonepayPlus advises that the following actions would be acceptable, where the consumer sends a single 'STOP' command:

- To unsubscribe the consumer from all services they are subscribed to on that shortcode.

- To send the consumer a text which clearly states that they are subscribed to multiple services, and informs them that they have been unsubscribed from the last service they opted into, and that they can unsubscribe from all services by replying with the words 'STOP ALL'. As soon as the consumer replies with 'STOP ALL', they should be unsubscribed from all services on that shortcode. An example of a text that informs consumers compliantly would be the following:

    You txted STOP. You're subscribed to [X] services on this code, and we stopped [insert name]. To stop other services, txt STOP again or STOP ALL.

4. MMS & Voice Shortcodes

4.1.   As referred to earlier in this document, PhonepayPlus recognises that there are certain forms of technology that make a 'STOP' command difficult, or impossible, to put into effect.

4.2.   Two recognisable examples at the moment are voice shortcodes, which do not respond to a 'STOP' command as they are configured for voice-based (or IVR) services, and MMS shortcodes. MMS shortcodes do respond to 'STOP' commands; however, MMS messages are very data-rich, and the cost of replying to an MMS message can often be considerably higher than the standard cost of sending a text. PhonepayPlus believes this would disadvantage a consumer wishing to exit a service.

4.3.   For these reasons, PhonepayPlus is unlikely to raise an investigation into a service using a voice or MMS shortcode on the grounds that the 'STOP' command does not work, provided consumers are given another clear, phone-based method of opting out of the service, which takes effect with no further charge once the consumer has exited. An example would be to provide a fixed-line phone number that a consumer could call to exit the service.

4.4.   Promotional material should be abundantly clear when explaining the simple and effective method of exit from these such services, unless otherwise obvious.

5. Apps

5.1.   Services which are consumed through an application installed on a mobile device also offer additional content which can be paid for within the app environment – this can be via operator billing, PSMS or another payment mechanism.

5.2.   As noted above, the STOP command is not always the most appropriate means of exit for certain service mechanics - for an app-based service, the same may be true.

5.3.   Any app using PRS billing must have a clear and unambiguous method of stopping any recurring payment, and a clear and simple method of removing the application from the device, if desired by the user. This information must be clearly detailed within the app, and must be easily accessible, simple to understand and to implement.

5.4.   In addition, PhonepayPlus suggests that app-based services which build upon an on-going customer relationship and associated account provide a means of tracking and reviewing cumulative spend. For further information in this area, please refer to the Guidance on 'Enabling consumer spend control'.

6. The SKIP command

6.1.   PhonepayPlus has implemented a set of Special conditions applicable to recurring charitable donation services. This includes the option to make the 'SKIP' command available to donors.

6.2.   For further information on using the SKIP command, please see the relevant Special conditions.

6.3.   For the avoidance of doubt, the SKIP command may only be used for charitable donation services provided by UK charities that are registered with the Charity Commission, the Northern Ireland and Scotland equivalents.

6.4.   Where the SKIP command is available to users, the STOP command must also be available and effective when used.