



## PRIOR PERMISSIONS NOTICE

**FOR THE ATTENTION OF ALL PROVIDERS INVOLVED IN OR INTENDING TO BE INVOLVED IN THE PROVISION OF,**

**INFORMATION, CONNECTION, AND/OR SIGNPOSTING SERVICES**

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 new rules apply. Level 2 providers are required to apply for a prior permission licence to operate such services. Services operating without a licence to operate ICSS will be considered to be in breach of the PhonepayPlus Code of Practice (12<sup>th</sup> Edition) (the “Code”).

For the avoidance of doubt, an ICSS is defined as follows:

*“Premium rate services, excluding full national directory enquiry services<sup>1</sup>, 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

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<sup>1</sup> This is defined in the Ofcom 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 of organisations (but not onward connection to that 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. In this case, the provider would not be required to seek permission in respect of services which were operated as part of such an agreement. Such agreement must be provided to PhonepayPlus upon request.

### **General Conditions**

- All provisions of the Code (as far as they are applicable) apply to the service.
- PhonepayPlus may impose such further conditions as it may deem necessary upon reasonable notice.
- This permissions certificate may be revoked without notice by PhonepayPlus if any condition is breached.
- PhonepayPlus may revoke this permission certificate for any other reason after giving reasonable notice.
- This permission is granted to the Level 2 provider and relates only to it (and, for the avoidance of doubt, does not relate to any subsidiary or associated company or any other company) and may not be assigned or otherwise transferred in any way.
- The Level 2 provider will notify PhonepayPlus of the applicable telephone number(s) or access code(s) when the service commences and, once notified, the telephone number(s) or access code(s) of the service may not be changed without the prior written consent of PhonepayPlus. If, for any reason, the service fails to commence within six months from the date of this permission certificate, or having commenced does not operate for any continuous period of six months, this permission certificate (in either case) will immediately cease to be in force.

### **Specific Conditions**

#### **Search Engine Marketing (SEM)**

- a) Web-based promotions should not use internet marketing or optimisations 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.

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

#### Promotions and Promotional material (including website landing pages for the service)

- a) Layout and presentation of information must comply with all Code obligations to clearly state the price and other key information immediately next to the PRS number and in a sufficiently prominent format.
- b) 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.
- c) Promotional material must be distinct in appearance from the organisation being sought.
- d) 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 is available from a public or commercial organisation.
- e) Where a service requires the consumer to provide secure personal and/or confidential details, such as online account numbers or passwords, then promotional material must clearly inform the consumer that their details are being provided to a third party, and not the organisation they actually wish 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 the consumer’s behalf, promotional material must clearly inform consumers of this, and that they could perform such actions themselves at no cost.

#### Alerts on connection

- a) 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.
- b) 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 of the end-organisation consumers will be connected to or given the option of connecting to.

- c) Where the consumer is connected to an IVR containing information, this information must not be unreasonably prolonged or delayed, and the consumer must be informed of the cost of the call in a message at the start of the call.
- d) 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.
- e) Where the consumer has been connected to an operator who will provide them with the number and/or information they are seeking, they must not be asked to supply details which are irrelevant to the provision of the information they seek.
- f) Where the consumer is asked 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.
- g) 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.
- h) ICSS must not provide any facility which makes it possible for the consumer to save a PRS number to their phone.

#### Collection of personal data from consumers

- a) Providers of ICSS who intend to collect personal data and are Data Controllers as defined within the Data Protection Act 1998 must satisfy PhonepayPlus 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.
- b) Providers of ICSS who intend to collect confidential data/information (e.g. login passwords, PIN numbers etc) that may not fall within the definition of personal data should 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.
- c) 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.

### **How to apply:**

In the first instance, the contracted provider should email the Executive ([priorpermissions@phonepayplus.org.uk](mailto:priorpermissions@phonepayplus.org.uk)). PhonepayPlus recommends that providers submit their applications as soon as possible. The application must:

- Contain a description of the service;
- Include examples of promotional material for each service;
- Explain how the conditions outlined in this document will be fulfilled, providing the details, statement and confirmation required in the 'Who should apply' section above.

Please note that evidence should be supplied where appropriate or requested.

### **In the event of an investigation:**

In the event of an investigation, PhonepayPlus will target the provider or providers responsible for the conditions of the prior permission certificate which have been breached and hold them liable under the Code. This may result in the withdrawal of permission from those providers and/or the imposition of sanctions against those providers, where a Tribunal finds that those breaches have occurred.

Upon request, providers will be required to provide evidence of contracts which establish their responsibility for fulfilment of the condition(s).

Providers are reminded that the granting of a prior permissions certificate to Level 2 providers by PhonepayPlus to operate ICSS does not serve as an obligation to any Network operator to provide connection or carriage for such services.