

Higher Rate PRS (HRPRS)

Notice of Special Conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of Higher Rate PRS (HRPRS) that Special conditions apply. Level 1 and 2 providers are required to comply with the PhonepayPlus Code of Practice, and the Special conditions set out below, which are imposed under paragraph 3.11.1 of the Code.

Under paragraph 3.11.3 of the Code, *“a breach of any special condition in respect of a high risk service imposed under paragraph 3.11.1 shall be a breach of the Code”*.

Higher Rate PRS is defined as follows:

“Any live or IVR-based PRS which is provided for entertainment purposes and costs over £1.53 per minute and/or carries a Service Charge of £1.53 or more upon connection”

For the further avoidance of doubt, the providers of Directory Enquiries and Voice-Based Text Charged Services are exempt from this Notice:

Special conditions

Imposed under Annex 2, Paragraphs 1.1 (i) and (j):

(i) required recording equipment of voice based high risk services and the use and standard of that equipment;

(j) the retention of such recordings and their provision with related information to PhonepayPlus.

HRPRS1: All live calls must be continuously recorded. It is mandatory to use recording equipment which is approved by PhonepayPlus for that purpose, and especially which identifies the calling line identity (CLI) of each caller, and the time, date and content of the service, and such equipment must be tamper proof. If recording should cease at any time then the services must be immediately disconnected, and recordings must be retained for at least one year and delivered to PhonepayPlus within three working days of any request.

Imposed under Annex 2, Paragraph 1.1 (k): information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

HRPRS2: After a call to the service is made but before it begins to charge, to provide an announcement detailing the name of the service and cost per minute and cost upon connection, as applicable.

Imposed under Annex 2, Paragraph 1.1 (t): the retention of revenue generated from a high risk service;

HRPRS3: The Level 1 provider must retain all revenue in respect of the service for at least 60 days before making any outpayment

Imposed under Annex 2, Paragraph 1.1 (r): PhonepayPlus' access to premises in order to monitor the compliance of a high risk service with the Code and any relevant special conditions;

HRPRS4: The Level 2 provider must permit representatives of PhonepayPlus to visit any premises at which any part of their operation in respect of the service is conducted, at any time subject to reasonable notice, to inspect equipment and data and to check that the Code is being complied with in all respects.

Imposed under Annex 2, Paragraph 1.1(u): the lodging with PhonepayPlus, prior to commencement of a high risk service, of a legally binding document ("a bond") by which a third party guarantees a relevant provider's payment of sums, as security for meeting compensation claims in relation to unauthorised use of the service;

HRPRS5: A bond must be lodged with PhonepayPlus prior to the commencement of any service.¹ This bond must be issued by a body approved by PhonepayPlus and guarantee the amount submitted. Providers must maintain the bond whilst the service is in operation and for at least one year after the service has ceased to operate. Where a consumer makes a claim for compensation the provider must investigate that claim and make any necessary payment in respect of it within one month.

Imposed under Annex 2, Paragraph 1.1(x): providers of higher risk services to notify PhonepayPlus at commencement of such services and provide any related information required by PhonepayPlus within a specified time period.

HRPRS6: Level 2 providers must inform PhonepayPlus that any relevant service is operational within 24 hours of it being operational, and must supply details of all registered parties who are involved in provision of the service, the respective responsibilities of each such party, all numbers on which the services are operational, and examples of all promotional material which is being used to promote the service.

¹ Providers of such services must contact PhonepayPlus to make arrangements for a bond of the correct amount.

Imposed under Annex 2, Paragraph 1.1(m): the provision of defined information to PhonepayPlus and the intervals that it is to be given and the manner to which it is provided

HRPRS7: Level 2 providers must inform PhonepayPlus of any changes to registered parties who are involved in provision of the service, the respective responsibilities of such party, any numbers on which the services are operational, and any promotional material which is being used to promote the service, and supply details of such changes within 48 hours of them taking effect.

Where a sexual entertainment service is being provided, the following will apply:

Imposed under Annex 2, Paragraph 1.1 (k): information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

HRPRS8: Save where the network operator has provided an alternative solution acceptable to PhonepayPlus, all sexual entertainment services must provide a message at the beginning of the service (but after charging has commenced) stating that the user must be over 18; must be the bill payer or have their permission to call the service; and that service details may appear on the phone bill.

HRPRS9: Promotions for sexual entertainment services must not imply the involvement of anyone under the age of 18; appear in media targeted at persons under the age of 18, or; be incompatible with the context of the media in which they appear or contrary to reasonable expectations of those responding to a promotion, or; be incompatible with the access control and rating arrangements for, and appropriate to, the medium through which they are accessible.