

Your response

MCP Insight Ltd is an anti-fraud and compliance services company, providing specialist support to the PRS Industry, on a global basis. In the UK we work with Mobile Operators and other value chain members.

MCP is a member of the UK trade organisation AIMM and has been part of several AIMM meetings to help contribute and build their response. We fully support their consultation submission to Ofcom, and add further emphasis where noted in Q10 regarding Consent to Charge.

Question	Your response
<p>Q1. Do you agree with our assessment that our proposals will not affect any specific groups of persons (including persons that share protected characteristics under the EIA 2010 or NIA 1998)? Please state your reasons and provide evidence to support your view.</p>	<p>Confidential? – Y / N</p> <p>Agreed</p>
<p>Q2. Do you agree with our assessment of the potential impact of our proposal on the Welsh language? Do you think our proposal could be formulated or revised to ensure, or increase, positive effects, or reduce/eliminate any negative effects, on opportunities to use the Welsh language and treating the Welsh language no less favourably than English?</p>	<p>Confidential? – Y / N</p> <p>Agreed</p>
<p>Q3. Do you have any comments about our proposed definitions in articles 3 to 8 of Part 1 of the draft PRS Order for key service concepts that are used throughout the Order?</p>	<p>Confidential? – Y / N</p> <p>See AIMM response – we fully support the clarity requested.</p>
<p>Q4. Do you have any comments about our proposed definition for PRS regulated providers and regulated activity in article 9 in Part 1 of the draft PRS Order?</p>	<p>Confidential? – Y / N</p> <p>Whilst we recognise the term ‘Merchant’ is a carry-over from Code 15, the term does not particularly support the use of charity donations. Perhaps a more inclusive term could be adopted to better capture the full spectrum of premium rate use cases. An example is the term ‘Provider’ or ‘Service Provider’.</p>
<p>Q5. Do you have any comments about our proposed approach to registration and</p>	<p>Confidential? – Y / N</p> <p>We agree with and support the comments and suggestions made by AIMM.</p>

<p>registration exemptions in Part 2 of the draft PRS Order?</p>	
<p>Q6. Do you have any comments on our proposed requirements relating to due diligence and risk assessment in Part 4 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q7. Do you have any comments about our proposed approach to security testing in Part 5 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q8. Do you have any comments about our proposed approach to misleading information and/or the promotion and marketing of PRS in Part 6, Chapters 1 and 2 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q9. Do you have any comments about our proposed approach to pre-contract information and express consent for imposing certain charges in Part 6, Chapter 3 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q10. Do you have any comments about our proposed approach to provision of CPRS in Part 6, Chapter 4 of the draft PRS Order?</p>	<p>Confidential? – Y / N We generally agree with the comments and suggestions made by AIMM.</p> <p>Under PSA Code 15, there was significant work undertaken by the regulator and Industry to address previous consumer issues around consent to charge. This included what is ‘valid’ consent to charge and what provides for robust and informed consumer consent; and what constituted a tamper-proof and independent billing record.</p> <p>The proposed Ofcom wording makes sense that contract responsibility is with the merchant party, but we strongly support the below suggestions by AIMM to expand the requirement with more detail, which would maintain the current level of consumer protection.</p> <p>1) Records of Consent Article 36.—(1) states: <i>A merchant who provides a controlled PRS to a consumer must make and keep in writing a record of the consumer’s consent to entering into a controlled PRS contract and for any charges imposed under such a contract.</i></p>

	<p>“The requirements for consent seem to be less robust than under Code 15 and as such cause Industry some concern. Whilst we agree that prescription regarding the exact ways of recording Consent could be a risk to a futureproof Order, we do suggest that the Records should represent a certain basic standard.</p> <p>We suggest the following wording inclusion in the Order could be useful:</p> <p>Records of Consent</p> <p><i>-Evidence must authenticate that the consent to be charged reconciles with what the consumer saw regarding pricing and other key information prior to that consent</i></p> <p><i>-The authentication of Consent to Charge should be <u>sufficiently independent of the merchant</u> and the merchant must not be able to interfere with the authentication process</i></p> <p><i>- Consent to Charge records should be clearly presented, independently and easily auditable, and demonstrably tamper proof</i></p> <p><i>- Robust consent can be audited in a way as to prove that the consent could not have been given in any other way than by the consumers specific actions”</i></p>
<p>Q11. Do you have any comments about our proposed requirements relating to vulnerable consumers in Part 6, Chapter 5 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q12. Do you have any comments about the proposed requirements relating to prevention of harm and offence in Part 6, Chapter 5 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q13. Do you have any comments about our proposed approach to competition and voting services in chapter 6 of Part 6 the draft PRS Order?</p>	<p>Confidential? – Y/ N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q14. Do you have any comments about our proposed requirements in respect of certain CPRS in chapter 7 of Part 6 our draft PRS Order?</p>	<p>Confidential? – Y/ N We agree with and support the comments and suggestions made by AIMM.</p>

<p>Q15. Do you have any comments about our proposed approach to the recovery of Ofcom’s expenditure in Part 3 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q16. Do you have any comments about our proposed approach to additional requirements on network operators in Part 7 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q17. Do you have any comments about our proposed requirements relating to information requirements in Part 8 of the draft PRS Order</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q18. Do you have any comments about our proposal to retain current PSA data retention periods for 2 years (for consumer data) and 3 years (for DDRAC data) in Part 9 of the draft PRS Order, with a preservation requirement following an investigation being opened?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q19. Do you have any comments about our proposed approach to enforcement in Part 10 of the draft PRS Order?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q20. Do you agree with our provisional assessment that our proposals are justifiable, non-discriminatory, proportionate and transparent? Please provide further information</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>
<p>Q21. Do you agree with our implementation period? Please state your reasons and provide evidence to support your view?</p>	<p>Confidential? – Y / N We agree with and support the comments and suggestions made by AIMM.</p>

Please complete this form in full and return to prsregulation@ofcom.org.uk.