

Your response

| Question | Your response |
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| <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? – N</p> <p>We agree with the assessment that the proposals will not affect any specific groups of persons (including persons that share protected characteristics under the EIA 2010 or NIA 1998). However, there is an opportunity to enhance consumer protection as stated in section 2.26 of the consultation.</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? – N</p> <p>We agree with assessment.</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? – N</p> <p>It is noted that the terms electronic communications service and electronic communications network are used in the proposed definitions in articles 3 to 8 of Part 1 of the draft PRS Order. However, sections 3(8)(c) and 5(1)(a), these terms have been preceded by the word <u>public</u>. This inconsistency may cause some confusion.</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? –N</p> <p>No Comments</p> |
| <p>Q5. Do you have any comments about our proposed approach to registration and registration exemptions in Part 2 of the draft PRS Order?</p> | <p>Confidential? – N</p> <p>No Comments</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? – N</p> <p>No Comments</p> |

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| <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? – N</p> <p>No Comments</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? – N</p> <p>Whilst the Part 6 Chapter 2 of draft PRS Order restricts the promotion and marketing to children it fails to make a requirement for a CPRS provider to age verify users.</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? – N</p> <p>In schedule 3 paragraph 2 (h) the pre contract information about a CPRS of indeterminate duration or a contract contain a subscription implies that fixed rate charges only occur monthly. This is not the case and could be expanded to included fixed rates that occur at a fixed period. For example £3.50 per week or £21.35 every three months</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? – N</p> <p>As with the previous question a potential loophole exists in Article 31 (3) (d) in the assumption that contracts charged at fixed rates only occur monthly.</p> <p>Article 38 (3) states between 9am and 5pm on working days but does not stipulate the time zone or what working days are. If the call answering is in India that is 5 hour ahead of the UK. In some countries the normal working week is Sunday to Thursday.</p> <p>Chapter 4 does not define a Complaint although this is defined within the General Conditions of Entitlement.</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? – N</p> <p>No comments</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? – N</p> <p>Article 41 (4) could also include “ other hate speech”</p> |
| <p>Q13. Do you have any comments about our proposed approach to competition and voting</p> | <p>Confidential? – N</p> |

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| <p>services in chapter 6 of Part 6 the draft PRS Order?</p> | <p>In paragraph 4.216 (c), whilst articles 44 and 47 of the draft PRS order do address the merchant charges, they fail to consider the service charges applied by the communication service provider. Thus, a customer may receive the access charge for the call or text message by their communication service provider. This means that consumers would be paying to access something they can no longer enter.</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? – N</p> <p>In article 50 (4) the requirement to keep age verification records does not stipulate how long for or that they must be kept securely. This should explicitly reference appropriate sections of The Data Protection Act 2018, to avoid any doubt about record keeping</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? –N</p> <p>It is noted that Ofcom propose the use of a General Demand for information to obtain annual to collect outpayment data. However, under the Ofcom Metering and Billing Direction 2017 information is provided to the Approval Bodies. An adjustment to the scope of the Direction could allow for this information on a timelier basis.</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? –N</p> <p>No Comment</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? – N</p> <p>No Comment</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? –N</p> <p>How do the data retention periods link to The Data Protection Act 2018 and how would the right to be erased be protected.</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? – N</p> <p>No comment</p> |
| <p>Q20. Do you agree with our provisional assessment that our proposals are justifiable, non-discriminatory, proportionate and</p> | <p>Confidential? – N</p> |

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| <p>transparent? Please provide further information</p> | <p>Whilst the draft PRS order updates and replaces the existing PRS regime it still fails to ensure compliance to the requirements of the order. As such we are concerned that consumers are not protected from harm. Whilst it is noted that PRS providers are required to register with Ofcom there is no requirement to demonstrate continued compliance to the draft PRS order. When considered alongside the Ofcom Metering and Billing Direction:2017 there appears to be a lack monitoring of PRS providers and their controls.</p> <p>It is noted that the characteristics of PRS have expanded from traditional voice calls and text messages, to direct to bill services. These services allow a consumer to apply charges directly to their communications service bill for things like subscription services, such as Netflix.</p> <p>PRS is an area that continually drives customer complaint. In section 2.6 of the consultation Ofcom identify the key areas of potential consumer harm. Whilst the draft PRS order defines the requirements it fails to proactively ensure that PRS Providers comply.</p> <p>We suggest that Ofcom consider greater scrutiny of PRS providers by either continual monitoring or periodic audits, by Ofcom approved bodies, of the systems and controls used by PRS providers to maintain compliance with the draft PRS order. There is an opportunity to link the PRS Order to aspects of General Conditions of Entitlement and the Ofcom Metering and Billing Direction:2017 so that the highest level of consumer protection is maintained.</p> |
| <p>Q21. Do you agree with our implementation period? Please state your reasons and provide evidence to support your view?</p> | <p>Confidential? – N</p> <p>No Comment</p> |

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