

## Consultation response form

### Your response

Question	Your response
<p><b>Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?</b></p>	<p><i>Is this response confidential? –N (delete as appropriate)</i></p> <p>MoneySavingExpert welcomes the opportunity to respond to Ofcom's proposed plan of work for 2023/24. On this occasion, we are responding to two key areas within our remit: roaming customer protections and Ofcom's role in implementing the Online Safety Bill.</p> <p><b><i>Mobile roaming customer protections</i></b></p> <p>We welcome the inclusion of roaming customer protections as a part of Ofcom's project work for 2023/24, but we would like to see more detailed milestones set out for this workstream (as is the case with other areas of Ofcom's focus). We are concerned that action here is too slow – urgent steps need to be taken to improve how roaming charges are communicated to consumers and to restore key protections that have now lapsed, ideally in time for summer 2023.</p> <p>MoneySavingExpert has identified some key issues affecting roaming consumers:</p> <ul style="list-style-type: none"> <li>• <b>Providers have different definitions of a 'day' of charges: with some using 24 hours, but others using 'up to 11.59pm'. If it's the latter, this means that someone could be charged for a full day but only receive five minutes of roaming. This inconsistent approach happens across different providers, but also across different products offered by the same provider.</b></li> </ul> <p>This risks confusion among consumers which could result in them returning from their time abroad to much higher bills than expected, especially as some providers do not communicate their policies explicitly to</p>

customers when they begin roaming. MSE first highlighted this issue in our August 2022 report, [the Roaming Risk](#).

- **Some providers who offer inclusive EU roaming as part of a standard contract are not explicitly communicating that this is subject to a fair use policy – or explaining those fair use policies to their customers. This can be at the point of sale, when some providers make *no* mention of a fair use policy, or once a customer begins roaming, when some firms do not clearly communicate what the fair use policy is.**

When explaining the details of specific contracts on their websites, some providers highlight that plans include 'EU roaming'. Some use phrases such as 'roam free' or 'roam like you're home', which unfairly suggests to customers that they can use their contract plans in the EU exactly as they would in the UK. In this way, it's not always made clear across the customer's journey that the inclusive EU data roaming is subject to a fair use policy – which usually means they can only use a portion, not all, of their UK data allowance abroad, before facing additional, costly charges.

Plus, while customers may be alerted to a fair use policy in the text that they receive when they land in an EU country, this does not always clearly set out how much inclusive data they can use abroad, which again is usually less than at home.

In both cases, consumers are left having to trawl through T&Cs on their providers' websites – which they have to seek out themselves – to find the answer, or risk racking up unexpected and expensive data costs on their return to the UK. We've included some examples of this poor communication in the below annex.

- **Key consumer protections were lost in June 2022, after important regulations fell away in UK law following the UK's exit from the European Union.**

This means there is currently no legal obligation for providers to a) send customers an SMS alert

when they begin roaming; b) operate a monthly cap on data roaming fees; or c) provide protections against inadvertent roaming. We also highlighted this in our August 2022 report, [\*the Roaming Risk\*](#).

Consumers have been left with no guarantees that these protections will be maintained going forward. While networks have said they will continue to offer these protections, voluntary commitments from providers do not go far enough for consumers. Indeed, many said they would not re-introduce roaming fees following the UK's exit from the EU, and then went on to do so.

We urge Ofcom to step up its activity in investigating these issues and to bring about change, ideally before summer 2023. For those suppliers that have re-introduced daily roaming charges, Ofcom should take action so that:

- Ideally, all providers use the same definition of a 'day' as a 24-hour period from first use. At a minimum, a day defined as 'up to 11.59pm on the same day' should be scrapped.
- All providers should be mandated to clearly explain how they define a 'day' in the arrival SMS that customers receive.
- Providers should alert customers at least an hour before the end of the 'daily' roaming period, so they know they will incur additional charges if they continue to use mobile services.

For those suppliers that have restrictive fair use policies on contracts that include roaming, Ofcom should take action so that:

- All providers must state clearly what their fair use policy is as part of any mention of EU roaming at the point of sale.
- Providers must clearly set out the fair use policy in the text that customers receive when they land in a roaming country.

Further, for all customers:

- The lapsed roaming protections should be immediately re-instated by Ofcom – consumers have already been left without rights they previously enjoyed for the past eight months. We would like to see these rights put back by the regulator as soon as possible.

### ***Online safety***


MoneySavingExpert, alongside many other consumer advocates and organisations, campaigned extensively for fraudulent advertising to be included in the Online Safety Bill, and we were pleased when the Government listened to our calls.

As we've previously set out in our responses to Government consultations on online advertising, we are largely agnostic about the exact measures used to regulate the online advertising landscape – for example, whether it needs a technical solution or whether teams of people should manually check platforms for fraudulent content. Clearly, the measures must, however, be effective at preventing criminals from using platforms' advertising features to harm consumers.

However, we would like to see Ofcom consider platforms that are paid to publish these fraudulent adverts as 'publishers'. As such, it should be incumbent on industry to implement measures which proactively protect consumers and stop fraudulent adverts from appearing in the first place, rather than for consumers to have to report scams when they come across them.

MSE welcomes Ofcom's commitment to cooperating with other regulators in the UK and overseas, and Ofcom's plan to implement the regime as swiftly as possible when the bill becomes law. The longer that the regulations take to come in, the more devastating the impact may be for those consumers falling foul of scams every day.

We understand from Ofcom's *Online Safety Roadmap* that it is currently focusing on four key areas for its implementation plan, and that



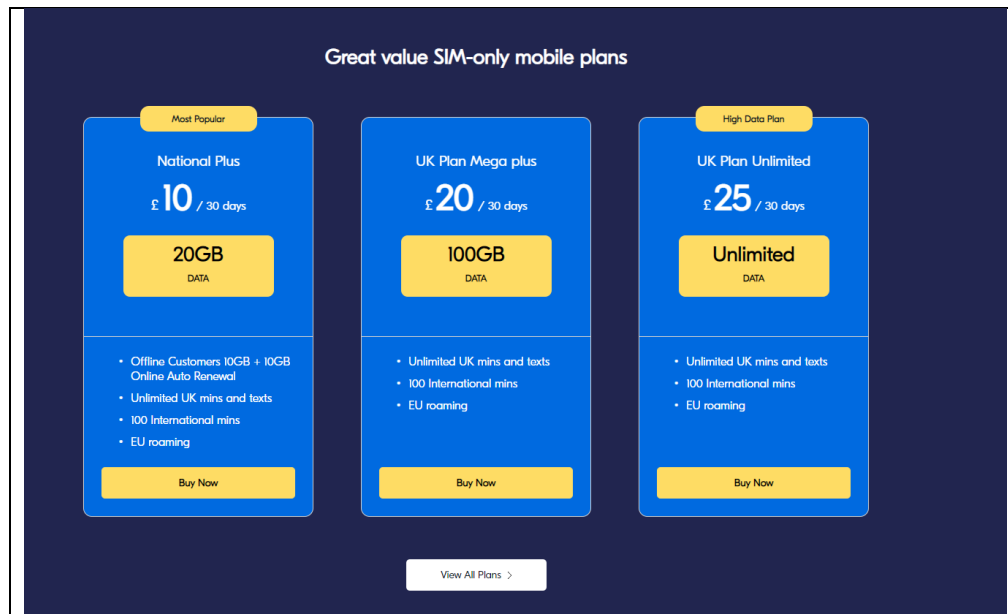
more detail on how it plans to implement the fraudulent advertising requirements are yet to appear and will follow in due course. We look forward to working with Ofcom closely on its plans for ensuring platforms quickly and sufficiently adhere to the requirements around fraudulent advertising.

## Annex

Note: We've not looked at all networks that offer inclusive roaming data plans. The examples below are from networks that offer the most restrictive EU roaming fair use policies that we've seen.

### Lyca mobile

*Customer journey on Lyca mobile website, last accessed: 8 February 2023*



Great value SIM-only mobile plans

Plan Name	Price / 30 days	Data Allowance	Key Features
National Plus (Most Popular)	£10	20GB DATA	• Offline Customers 10GB + 10GB Online Auto Renewal • Unlimited UK mins and texts • 100 International mins • EU roaming
UK Plan Mega plus	£20	100GB DATA	• Unlimited UK mins and texts • 100 International mins • EU roaming
UK Plan Unlimited (High Data Plan)	£25	Unlimited DATA	• Unlimited UK mins and texts • 100 International mins • EU roaming

View All Plans >

Source: <https://www.lycamobile.co.uk/>

Comment:  
This is on the homepage of the website. 'EU roaming' is highlighted as a feature of these plans. There is no mention of a fair use policy on this page.

**National Plus**

Most Popular

£10.00  
30 Days

- 20GB  
Offline Customers 10GB + 10GB Online Auto Renewal
- Unlimited  
UK mins
- Unlimited  
UK texts
- 100  
International mins
- EU Roaming

100 International mins

Include Landline & Mobile

Australia	Austria	Belgium
Bulgaria	Canada	China
Croatia	Cyprus Greek	Czech-Republic
Denmark	Estonia	Finland
France	Germany	Greece

20GB data allowance is applicable to New online SIM+Plan purchases with auto-renewal and to New / Existing offline customers renewing this bundle online. Customer with zero Sim will receive 20GB on online renewal.

Existing Offline Customers failing auto-renewal and using top-up to purchase the bundle will receive only 7 GB.

Customers renewing bundle using top-up credit balance will receive 10GB on renewal.

Allowances are for calls, texts, and mobile internet usage from within the UK to standard UK landlines (starting 01, 02, or 03), mobile numbers (starting 07, and not personal numbers), standard international landlines, and mobile numbers in selected countries. (see website for details).

Existing customers: Dial \*139\*21544# and follow the instructions on the screen or Text 21544 to 3535

VIEW ALL PLANS BUY NOW

Source: <https://www.lycamobile.co.uk/en/bundle/national-plus/> (after clicking 'Buy Now' on the previous page)

Comment:

'EU Roaming' is highlighted again on the left-hand side, with no mention of a fair use policy (picture 1).

**National Plus**

Most Popular

£10.00  
30 Days

- 20GB  
Offline Customers 10GB + 10GB Online Auto Renewal
- Unlimited  
UK mins
- Unlimited  
UK texts
- 100  
International mins
- EU Roaming

100 International mins

Include Landline & Mobile

Netherlands	New Zealand	Norway
Poland	Portugal	Romania
Singapore	Slovakia	Slovenia
Spain	Sweden	Switzerland
Thailand	United States	

Service may be suspended/terminated if used in violation of Acceptable Use Policy. Plans, rates and services are subject to change without notice and are not available in all locations or for all phones.

EU Roaming Data CAP by plan

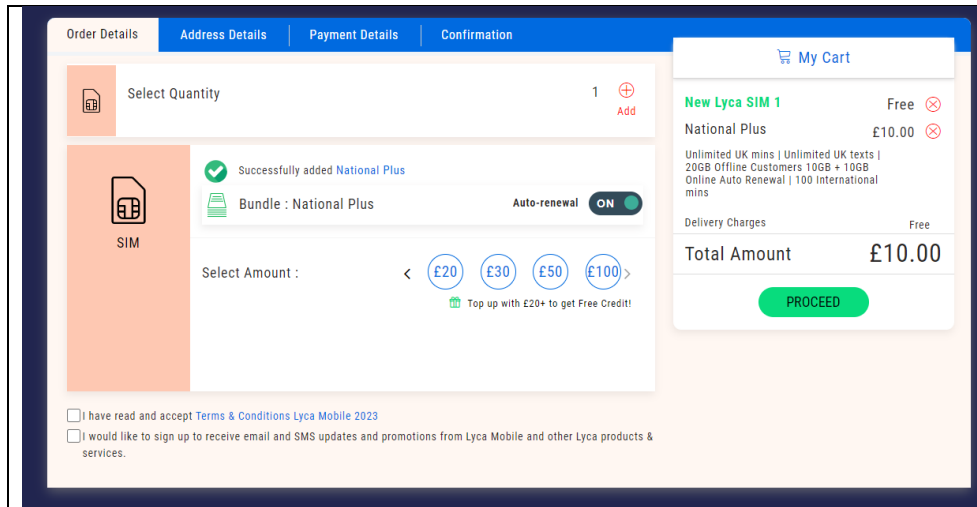
Roaming cap of 5GB

For more information on EU roaming and to view Lycamobile's Fair Usage Policy, visit.

Existing customers: Dial \*139\*21544# and follow the instructions on the screen or Text 21544 to 3535

VIEW ALL PLANS BUY NOW

The customer has to scroll down the grey section to the very end to find a mention of the EU roaming fair use policy (picture 2).



Source: <https://www.lycamobile.co.uk/en/checkout/>

Comment:

On the first purchase page, there is again no mention of a fair use policy.

***Text that customer receives on arrival in a roaming country***

**Example SMS on arrival**

*Welcome to Italy. You can now use your plan minutes, texts and data at no extra charge within the EU/EEA. Out of plan costs: £0.12/min (landline) & £0.15/min (mobile) to make calls; texts are £0.06 and data costs £0.12/MB. Calls and texts are free to receive (subject to fair usage policy). Call 112 for emergency services and call +442071320322 for updates on EU/EEA roaming charges. For more info visit [LycaMobile.co.uk/euroaming](http://LycaMobile.co.uk/euroaming)*

Comment:




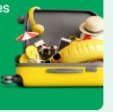
This arrival text makes NO mention of a fair usage policy relating to data costs and suggests that a customer can use the full data allowance included in their UK plan within the EU/EEA.

The supplier will alert the customer once they have used 90% and 100% of their roaming data allowance. This means the first time a customer may be aware of the fair use policy is after they have used almost all of this allowance.



**iD Mobile**

**Customer journey on iD Mobile website, last accessed 8 February 2023**

<p style="text-align: center;"><b>Why iD Mobile?</b></p> <div style="display: flex; justify-content: space-between;"><div data-bbox="244 472 479 632"><p><b>Switch &amp; save.</b> Save an average of <b>£10 per month</b> vs. major networks.</p></div><div data-bbox="495 472 730 632"><p><b>You're covered.</b> With <b>99% coverage</b>.<sup>1</sup></p></div><div data-bbox="745 472 981 632"><p><b>Superfast 5G.</b> Powered by Three, the UK's fastest 5G network.<sup>2</sup></p></div><div data-bbox="996 472 1232 632"><p><b>Roam free.</b> Use your allowances in <b>50 destinations</b> worldwide.</p></div></div>	<p>Source: <a href="https://www.idmobile.co.uk/">https://www.idmobile.co.uk/</a></p> <p>Comment: This is part of a graphic on the iD Mobile homepage. There is no mention of a fair use policy for EU roaming.</p> <p>Source: <a href="https://www.idmobile.co.uk/sim-only-deals">https://www.idmobile.co.uk/sim-only-deals</a></p> <p>Comment: this graphic is repeated at the top of the page for sim-only deals, suggesting the 'roam free' feature is available for all plans on the page.</p>
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You have 1 item in your basket.



**ID Mobile Pay Monthly SIM**  
**Extra Data**  
30 days rolling  
**Data:** 12GB 15GB  
**Minutes:** Unlimited  
**Texts:** Unlimited  
**Pay monthly:** £7.00

5G ready

[Remove](#)

Get 5G at no extra cost on all SIM only deals. A 5G compatible device and 5G coverage is required.

#### Accessories



#### Existing Customer?

You may be eligible for an upgrade offer [Log in to check](#) →

#### All our plans include:

##### Inclusive Roaming

Roam like you're at home in 50 destinations

##### Data Reliever

Roll over unused data

##### Bill Capping

Limit your monthly spend

#### Our fair usage & open data policies.

Our fair usage policy prevents our Inclusive Roaming feature from being misused. Our open data policy applies to selected plans, to protect the great value we offer you.

#### Pay securely with

### Our fair usage & open data policies.

Our fair usage policy prevents our Inclusive Roaming feature from being misused. Our open data policy applies to selected plans, to protect the great value we offer you.

Source: <https://www.idmobile.co.uk/beta/basket>

Comment:

After clicking 'buy now' on the first suggested Sim plan, the purchase page again repeats the feature of 'Inclusive Roaming: Roam like you're at home in 50 destinations' (picture 1).

Scrolling down the page, the customer is told that 'Our fair usage policy prevents our Inclusive Roaming feature from being misused'. There is no mention of what the fair use policy is or how it applies to this customer's plan. There is no clear link on this page that takes the customer to information on the fair usage or open data policies (picture 2).

## Open data policy

Our open data policy is designed to protect the great value we offer you. It works by adding a small surcharge of .25p per MB (£2.56 per GB) when you use data above your **fair use amount** while roaming in one of our band 1 [inclusive roaming destinations](#).

The surcharge only applies if your plan's monthly data allowance is above your fair use amount. The surcharge does not apply to data add-ons or out-of-plan usage, and your fair use amount refreshes each month on your bill cycle. We'll text you before any surcharges are incurred, so you can be sure you won't be surprised by any unexpected charges.

You can check your fair use amount using our handy calculator below:

<b>Enter your monthly plan cost:</b>	<b>Fair use amount:</b>
£ <input type="text"/>	<input type="text" value="0.00"/> <input type="text" value="GB"/>

Tip – You can find your monthly plan cost on the “My Account” page in the iD Mobile App. Don't include any extras, such as out-of-plan spend or add-ons you might have purchased.

### Surcharge examples:

- If you have a £10 plan with 10 GB of monthly data, you can use up to 7.72GB in our band 1 [inclusive roaming destinations](#), just like you would at home. A surcharge is then applied to any additional data up until your 10 GB limit. After this, you'll either need to use out-of-plan usage or purchase a data add-on, both of which do not incur a surcharge.
- If you have a £25 plan with 15 GB of monthly data, you could use your entire allowance without getting a surcharge as your fair use amount is 19.30GB.

Source: <https://www.idmobile.co.uk/help-and-advice/eu-roaming/fair-usage-policy>

Comment:

The EU roaming data fair use policy is set out under the heading ‘open data policy’ on a page that is hidden under a drop-down menu at the top of the website. A customer must enter their plan's' monthly cost to calculate what their fair use amount will be – however, some sim-only plans cost the same but have very different amounts of inclusive data, for example:

- For £10/month, a customer could get a 1-month contract with 60GB of data or a 12-month contract with 80GB of data.
- For £12/month, a customer could get a 1-month contract with 100GB of data, a 12-month contract with 150GB of data, or a 24-month contract with 200GB of data.

(Source: <https://www.idmobile.co.uk/sim-only-deals>, last accessed 10/02/23)

Using this calculator, this means customers paying the same monthly price could have the same amount of roaming data allowance while abroad, but as much as double the amount of data allowance at home.

Not only is the fair use policy difficult to find, but a customer may reasonably assume the more data they have in their contract, the more they can use while roaming in the EU – but this calculator suggests that's not the case. This poor communication and restrictive

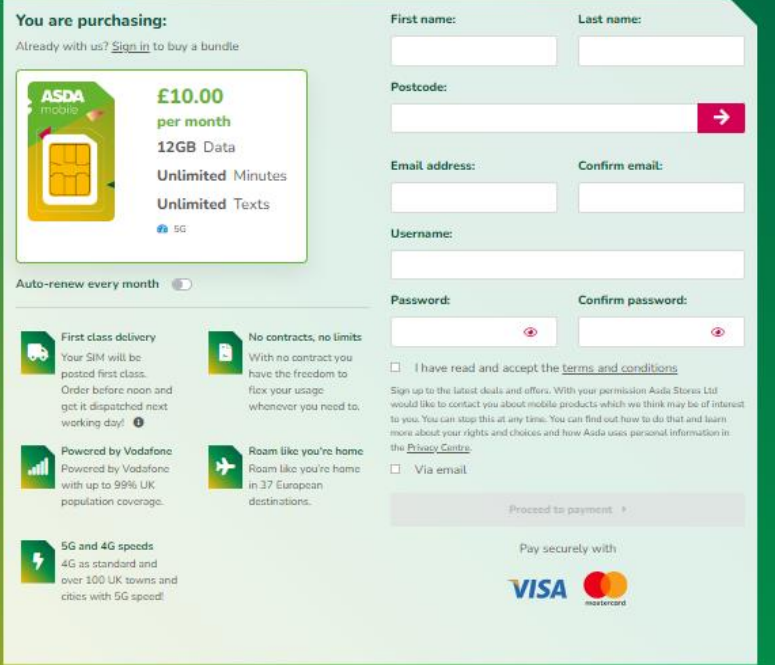
	data policy could risk many going over their contract allowance and paying expensive charges on their return to the UK.
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***Text that customer receives on arrival in a roaming country***

<p>Arrival in Roaming destination:</p> <p><i>Welcome! With iD, you can 'roam like at home' in 50 destinations throughout the EU and beyond. So you can now use your minutes, texts and data just like you would back in the UK (open data and fair usage policy may apply). Note: out-of-bundle rates could be up to £XX.XX per 100MB. For more info visit Mobile Roaming - Inclusive EU Roaming   iD Mobile Network or dial +441144529898 free from your iD mobile. Enjoy your stay.</i></p>	<p>Comment:</p> <p>From this arrival text, it is not explicitly clear to a customer what the fair usage policy is.</p> <p>The network also texts the customer when they have used 80% and 100% of their roaming data.</p>
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## Asda mobile

### Customer journey on Asda mobile website, last accessed 10 February 2023

<p style="text-align: center;"><b>All of our bundles include</b></p> <ul style="list-style-type: none"><li>✓ Lasts for one calendar month</li><li>✓ 5G and 4G speeds</li><li>✓ No contracts or credit checks</li><li>✓ Powered by Vodafone</li><li>✓ Unlimited calls and texts</li><li>✓ Up to 99% UK population coverage</li><li>✓ Roam like you're home in 37 European destinations</li></ul>	<p>Source: <a href="https://mobile.asda.com/bundles/standard?bundle=BUN10">https://mobile.asda.com/bundles/standard?bundle=BUN10</a></p> <p>Comment: When buying any sim-only bundle, the website states you can 'roam like you're home' with no mention of a fair-use policy.</p>
 <p><b>You are purchasing:</b> Already with us? <a href="#">Sign in</a> to buy a bundle</p> <p><b>ASDA mobile</b> <b>£10.00 per month</b> 12GB Data Unlimited Minutes Unlimited Texts 5G</p> <p>Auto-renew every month <input type="checkbox"/></p> <p><b>First class delivery</b> Your SIM will be posted first class. Order before noon and get it dispatched next working day!</p> <p><b>No contracts, no limits</b> With no contract you have the freedom to flex your usage whenever you need to.</p> <p><b>Powered by Vodafone</b> Powered by Vodafone with up to 99% UK population coverage.</p> <p><b>Roam like you're home</b> Roam like you're home in 37 European destinations.</p> <p><b>5G and 4G speeds</b> 4G as standard and over 100 UK towns and cities with 5G speed!</p> <p>First name: [input] Last name: [input] Postcode: [input] [button]</p> <p>Email address: [input] Confirm email: [input] Username: [input] Password: [input] Confirm password: [input]</p> <p><input type="checkbox"/> I have read and accept the <a href="#">terms and conditions</a> <small>Sign up to the latest deals and offers. With your permission Asda Stores Ltd would like to contact you about mobile products which we think may be of interest to you. You can stop this at any time. You can find out how to do that and learn more about your rights and choices and how Asda uses personal information in the <a href="#">Privacy Centre</a>.</small></p> <p><input type="checkbox"/> Via email</p> <p><a href="#">Proceed to payment</a></p> <p>Pay securely with <b>VISA</b> <b>mastercard</b></p>	<p>Source: <a href="https://mobile.asda.com/my-account/sign-up?bundle=BUN10&amp;bundle_renewal=0">https://mobile.asda.com/my-account/sign-up?bundle=BUN10&amp;bundle_renewal=0</a></p> <p>Comment: On the purchasing page, it again repeats the 'roam like you're at home' message, with no mention of a fair use policy. There is a tick box link to the terms and conditions, which is the only place that any fair use policy is mentioned.</p>

**3.6)** When roaming in our European region you will be able to use your bundle allowances for texts and calls at no extra cost. If your bundle includes mobile data, you will also be able to use your bundle allowances for mobile data at no extra cost up to a fair use limit of 5GB per month (or, if your bundle data cap is less than 5GB per month, up to your bundle data cap). We will send you alerts when you use 80% and 100% of your fair use limit. If you go over your European roaming data cap, our standard UK pay as you go charges for mobile data will apply.

Source: <https://mobile.asda.com/support/terms-and-conditions>

Comment:

The only mention of the fair use policy is buried within the terms and conditions. This is very difficult for a customer to find, especially as there is no prompt about a fair use policy anywhere in the customer journey.

***Text that customer receives on arrival in a roaming country***

Arrival in Roaming destination:

*Welcome to <country>. If you have a bundle then you can roam like you're at home by using your included minutes, texts and data (data has a fair use limit of 5GB) as if you were in the UK. If you don't have a bundle – Making a call in <country> or back to the UK costs 15p per minute, but they're free to receive. Text messages are 10p per text, but they're free to receive. Any data you use costs 10p per MB. For help whilst aboard visit [mobile.asda.com/contact](https://mobile.asda.com/contact) and message one of the team or call us free on +44 7470 022732*

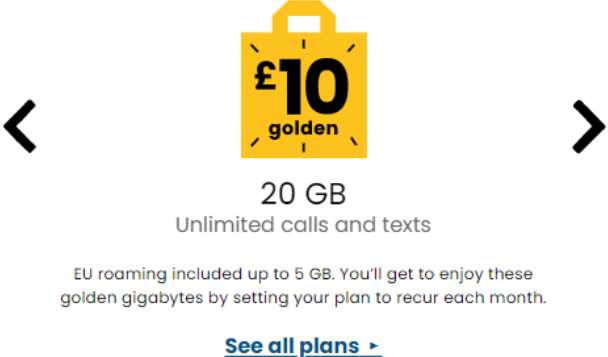
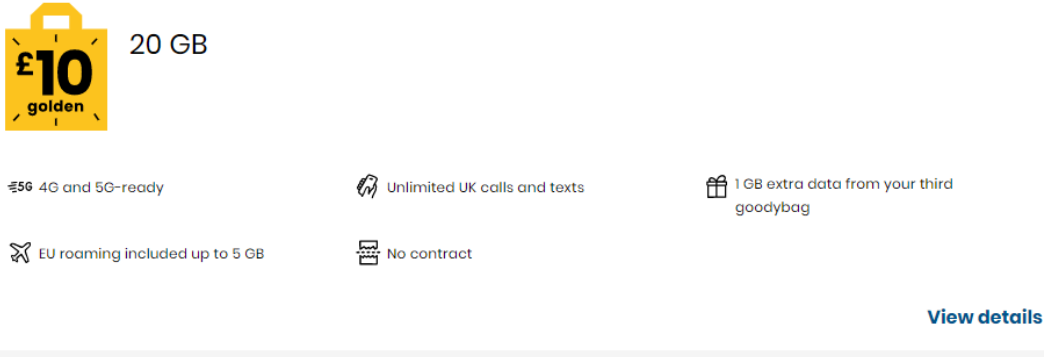
Comment:




Although the information regarding the fair use policy in the customer journey is very difficult to find, this example is the best we have seen in giving the customer explicit information about the fair use policy.

The network will also text the customer when they have used 80% and 100% of their 5GB of roaming data.

**Giffgaff**

**Customer journey on Giffgaff website, last accessed 10 February 2023**

 <p>£10 golden</p> <p>20 GB</p> <p>Unlimited calls and texts</p> <p>EU roaming included up to 5 GB. You'll get to enjoy these golden gigabytes by setting your plan to recur each month.</p> <p><a href="#">See all plans &gt;</a></p>	<p>Source: <a href="https://www.giffgaff.com/">https://www.giffgaff.com/</a></p> <p>Comment:</p> <p>Overall, this network is the best example we've seen of a network explaining their fair use policy throughout the customer journey. On the homepage, it is clear that there is a 5GB cap on EU roaming data.</p>
 <p>£10 golden 20 GB</p> <p>5G 4G and 5G-ready</p> <p>Unlimited UK calls and texts</p> <p>1 GB extra data from your third goodybag</p> <p>EU roaming included up to 5 GB</p> <p>No contract</p> <p><a href="#">View details</a></p> <p>You'll get to enjoy these golden gigabytes by setting your plan to recur each month.</p>	<p>Source: <a href="https://www.giffgaff.com/sim-only-deals">https://www.giffgaff.com/sim-only-deals</a></p> <p>Comment:</p> <p>When a customer looks into more details about a sim plan, they are again told that EU roaming is only included up to 5GB.</p>

 <b>No contracts</b> Just flexible goodybags packed with data.   <b>Roam like at home in the EU</b> Enjoy up to 5 GB of data at no extra cost in the EU and selected destinations.   <b>Earn Rewards</b> Bring your mates on board and get £5 Payback. Charging.		Source: <a href="https://www.giffgaff.com/sim-only-deals/10pound-golden-goodybag">https://www.giffgaff.com/sim-only-deals/10pound-golden-goodybag</a>  Comment:  When ordering the plan, the customer is again reminded that EU roaming has a 5GB cap.
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***Text that customer receives on arrival in a roaming country***

Arrival in Roaming destination:  <i>Hey, welcome to {VCOUNTRY}. Calls, texts and data will now come out of your normal UK allowance, just like being at home.</i>  <i>Once you have used all your goodybags allowance, or all your EU roaming data allowance, data will be charged at 10p/MB.</i>  <i>For more info and terms, we suggest checking out this guide: <a href="http://giff.ly/ggRoam">giff.ly/ggRoam</a>. Call 112 in emergencies across Europe.</i>	Comment:  While this text tells the customer that there is an EU roaming data allowance, there is no clear mention of the 5GB cap.
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