



The **fair telecoms campaign** is pleased to respond to the [Consultation on changes to regulatory framework for Information, Connection & Signposting Services](#).

We are delighted that **Ofcom** responded to our demand to extend the definition of Premium Rate Services to include all ICSS, regardless of the type of number used.

Our formal recommendation was contained in a briefing, presented to **Ofcom** on 1 May 2016 – [The ICSS ‘rip-off’ continues, due to a loophole in regulations](#). It is great to see this now ready to be enacted through changes to the **PSA** code.

## The purpose of this regulation

It must be recognised that, regardless of any claims of legitimacy, **basic Call Connection Services** (‘Type 1’ ICSS) offer no meaningful value to consumers.

It seems clear that they are only “used” when the consumer has been deceived in some manner.

If there is some genuine added value, e.g. call recording, then there may be an argument for such a service. This however only applies when the full advertised service is genuinely delivered, with value proportionate to the cost, and it is clearly recognisable for what it is.

Extended requirements, in terms of declarations are proposed to be incorporated in revised special conditions. These requirements can only serve (and should do so) to highlight the fact that there can be little or no purpose in using the service. If the true nature of a basic service is clearly presented, this can only act as a disincentive to its use, at a premium rate that offers no value.

If, for some reason, these services cannot be simply outlawed, then regulation which essentially amounts to prohibition must be the only option. We support this necessary approach.

## Access to ICSS services via search engine results

The fact that these services have continued to operate in full, or partial, compliance with the current regulations must be taken as an indication that they are being used (only or mostly) by those who do not benefit from having read and understood the information that is required.

It must be clear that most or all use of **basic Call Connection Services** derives from search engine results – i.e. without accessing the full information demanded on relevant web pages.

We note the enhanced requirement intended to ensure that search results include necessary descriptive information about the service (in ICSS 1). This does not however address a relevant issue. On many devices, search results will automatically highlight the relevant telephone number as a clickable link, enabling easy access to the service without reading the accompanying text.

For this reason we strongly propose a further requirement:

**It should be forbidden to allow the telephone number used to access the service being able to be presented as part of a search result by any search engine.**

This will ensure that the service is only accessed with full knowledge of the terms and will demand specific techniques being used in the rendering of web pages. Alternatively, the ICSS number could be given on calling a non-PRS number, delivering a fully compliant, descriptive promotional message. The important point is that the ICSS number must not appear in the search engine result.





## Enforcement Action

We commend the investigative and enforcement action that has been taken by the **PSA**. We also celebrate the action taken by bodies such as **HMRC** to cut off these services.

On the introduction of the newly revised Special Conditions, we see it as imperative that strong and immediate enforcement action is taken against offenders. It is essential that there is a clear message sent out to the effect that **basic Call Connection Services** have had their day.

These services are essentially scams, covered by regulatory requirements aimed at making them impossible to operate. There is no evidence of their value to consumers.

However difficult it may be for the **PSA** to present this message, the **fair telecoms campaign** has no such difficulty. We look to support from the media, and all those who may comment, in putting this message across. We trust that the **PSA** will do nothing to obstruct the communication of such a message, albeit that it may not be fully able to endorse it.

We also urge an appropriate degree of proactive investigation, rather than waiting for consumer complaints. We, and doubtless others, will be happy to provide the necessary resource.

## Support from telephone service providers

We fully recognise the process which the **PSA** has to undertake in investigating and taking action in respect of alleged breaches of its code and special conditions.

This necessarily requires careful consideration and due propriety.

It is however important that non-compliant operations are brought to a halt as swiftly as possible.

We therefore urge the **PSA** to engage, probably with the support of **Ofcom**, in discussions with the telephone service providers to secure their support in the interests of their customers.

The objective of such discussions would be to see how far telephone service providers would be ready to immediately suspend operation of services, in cases where there is prima facie evidence of a significant breach of the ICSS Special Conditions.

We note that the providers are very ready to block calls from alleged nuisance callers – despite no action having been taken against them and with no public evidence of misdemeanour. It is surely equivalent to block incoming calls to numbers identified as being used to scam consumers.

Whilst initially we would see this as being a voluntary exercise, there may be a case for a more formal suspension of service procedure being instigated and made mandatory by **Ofcom** through General Conditions.

In many cases evidence of a breach would be clearly recognisable, e.g. by inspecting a web page or noting the absence of the alert demanded by ICSS 7.

We believe that all telephone service providers have a natural desire and duty to prevent the operation of scams on the telephone network. We would therefore call for their co-operation, by appealing to this desire and duty and noting their readiness to get involved, in a wholly extra-judicial manner, in preventing nuisance and scams through outbound calls.





## Answers to consultation questions

**Q1. Do you agree with revised wording of ICSS1 as being outcome based and inclusion of the reference to the appearance of organic search engine results including map-based results? If not, why not? Please provide evidence to support your reasons.**

We fully support the approach and the principle.

As stated above, we believe that a further requirement is necessary – web pages must be constructed so as to prevent the inclusion of the telephone number used to access the service within search engine results derived from the text of the page.

This obviously would wholly prohibit presentation of ICSS numbers in map data.

There must also be concern about the promotion of ICSS through social media and other channels, where the provider is not the publisher and has little or no control of the formatting, but is likely to have composed the text (or had this composed by an agent).

At the very least, the proposed provisions of ICSS 1 should be further extended to apply to all such publications.

One finds many references to ICSS numbers in publications (e.g. newspapers), without the necessary accurate description of the service. These may not be directly attributable to the provider or an agent and may therefore present something of a headache in terms of enforcement action against a publisher giving a contact number (possibly in good faith)!

**Q2. Do you agree with the proposed amended wording of ICSS2? If not, why not? Please provide evidence which supports your reasoning.**

The wording is fine.

**Q3. Do you agree with the proposal to require the specific information listed in ICSS3 to be above the call to action? If not, why not? Please provide any evidence you might have which supports your answer.**

There may be doubt about whether the word “promotional” could allow information about how to access an ICSS to evade necessary compliance.

**Q4. Do you agree with the proposal to combine ICSS4 and ICSS5 as both conditions are relevant to the same issue and potential for harm?**

**Q5. Do you agree that the amended condition should prohibit the use of official logos and marks, as well as imitative logos, marks and other promotional aspects?**

Yes

**Q6. Do you agree that the pricing information requirement in this condition should cover those ICSS which have dropped charge tariffs? Do you also agree with the clarification as to the cost and opportunity to refuse being given before a charge is incurred? If not, why not?**

(This question refers to ICSS 7) It is also imperative that reference be made (albeit non-specific) to the “Access Charge”, which is being incurred throughout the duration of the call. In many cases this will be at a higher rate than the Service Charge





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**Q7. Do you agree with the proposal to retain ICSS8, ICSS9 and ICSS10 and the amendments made to ensure consistency with the GDPR and DPA 2018? If no, please provide reasons to support your answer.**

Given that the ICO has deemed that all requirements of the GDPR and DPA are met by those complying with these requirements, there can be no objection.

There must however be concern about personal data being held in this way.

**Q8. Do you agree that alerts at the start of an ICSS call should clearly state the cost of using the service regardless of the call tariff type? If not, why not?**

(This question refers to ICSS 11) ICSS 11 refers to the Access Charge, whereas ICSS 7 does not - ICSS 7 needs to reflect this same requirement, as ICSS 11.

It is important to recognise that (notwithstanding special inclusive charges for the first minute) the ongoing charge for the call does not change at the point of onward connection. The rate that will be charged is the same as that already being charged.

Consumers must not be misled into thinking that there are any circumstances under which the charge for a call may change whilst it continues. This point applies to the way in which the regulation is drafted, so as not to give any comfort to a commonly held false belief.

**Q9. Do you agree with the assessment of current condition ICSS12 and the proposal to remove it? If not, please provide reasons to support your answer.**

It is imperative that all requirements, as deemed necessary by the ICO, are met by ICSS8-10.

**Q10. Do you agree with the modification of this condition and the requirement to register all web domains on the PSA Service checker? If not, why not.**

(This question refers to ICSS 12) Yes we agree.

We note however that the **PSA** Service Checker is currently far from complete as a record of all PRS. Faith in the accuracy and completeness of the important tool must be restored and maintained.

**Q11. Do you agree that the proposed additional condition (the new ICSS5), will help to prevent consumers from calling ICSS when they do not intend to? If no, please provide evidence to support your answer.**

The value of this requirement is without question.

It is however imperative that issues such as this are kept under close review and further requirements be added, as necessary, when further evidence of how people are deceived into using **basic Call Connection Services** comes to light.

Put simply; if operation of these services is seen to continue, then further restrictive regulations will be required.

**Q12. Do you agree with the proposal to apply the proposed Special conditions to all ICSS regardless of the number range they operate on? If not, why not.**

Given that we have been arguing this point for over 4 years and have finally succeeded in getting the necessary action, please be assured of our wholehearted agreement.