[GB] Regulator Announces New Consumer Protection Measures for Viewers Participating in Programmes

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During 2007, the UK experienced a series of major scandals involving the participation of viewers in television programmes, mainly through the use of premium rate telephone services (see IRIS 2007-8: 11 and IRIS 2007-10: 15). As a result, Ofcom, the communications regulator, fined broadcasters a total of GBP 3.5 million; it also commissioned a report into the actions of broadcasters, which concluded that systemic problems exist in the use of such services. Ofcom has now decided on action to implement all the recommendations of the report.

In future, all TV broadcasters' licences will make the broadcasters directly responsible for all communication with the public, where the mechanism of communication features in the programmes. This will cover all means of communication, including telephony, email and other Internet-based communication and post.

Secondly, a system of third-party verification will be required, where premium rate telephone services are used for competitions or for voting schemes. According to Ofcom, in the past, broadcasters themselves have not fully understood the systems used in their programmes and have not anticipated potential problems. Verification by an independent third party will enhance public trust and alert broadcasters quickly to deficiencies in compliance.

Finally, Ofcom will publish new guidance for broadcasters covering, *inter alia* , the stage at which the short-listing or selection of winners should take place; the need to withhold results where significant failures of process are identified; further information for users of the 'red button' entry via a remote control and voting; the need to reveal puzzle methodologies and the need to improve pricing information.

Phonepay Plus, which regulates premium rate telephone services, is also introducing a requirement of prior permission for premium rate service providers who provide services to broadcasters; this will cover connectivity, conduct and coherence. Ofcom's measures will be implemented by varying the licences of broadcasters, in accordance with its powers under s. 3(4) of the Broadcasting Act 1990. Responsibility for communications from viewers will take effect immediately, whilst the verification requirement will probably take effect after a period of three months. For the first 12-18 months, Ofcom will operate a spot-checking programme, to ensure that the verification requirement is observed.

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Ofcom: "Participation TV Part 1: Protecting Viewers and Consumers", 19 February 2008

http://www.ofcom.org.uk/consult/condocs/participationtv/statement/ptvstatement.pdf

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