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Communications Alliance
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RE: Mobile Premium Services Code Review

Dear Communications Alliance,

Dialogue appreciate the opportunity to provide input to the Mobile Premium Services Code review committee.

Background

Dialogue continues to support a co-regulatory industry framework for Mobile Premium Services. It is our view that since the introduction of the code in 2009 there has been a substantive and measurable improvement in customer satisfaction with MPS services in Australia across the board. This is reflected in a number of key industry measures, most notably a 70% drop in the number of complaints regarding MPS being made by consumers to the Telecommunications Industry Ombudsman.

We therefore feel that the code in its current form is largely achieving the industry's stated goals for consumer protection, and any substantive change at this time would be unnecessary and unwarranted.

There are however a two of areas which we feel, based on our experience of applying the code requirements over the last 12 months, could benefit from minor revision in order to improve clarity and consistency for Australian customers of MPS services.

Section 4.1.7 - Chat service warning messages

This section of the code requires that a warning message must be sent to customers prior to initiation of a chat service, advising them of the dangers of disclosing personal information in a chat session.

While this is a valuable protection for customers using peer to peer chat services, a significant proportion of chat services used by Australian customers are "fantasy chat" whereby the customer interacts with an operator employed by the content provider rather than another customer of the service.

We have identified through complaints made by customers to our CPs that the delivery of this warning message may be giving a false impression that the customer is chatting to another customer when using such fantasy chat services, rather than an operator employed by the service provider as is actually the case. The confusion seems to arise due to the perception that there would be little or no danger in disclosing personal information to a chat operator contracted to generate fantasy responses in the chat session and therefore sending a warning message does not make sense in this context.

On one occasion this even lead to an accusation that a content service provider had actively mislead a customer as to the type of service offered due to them having sent the mandated warning message (despite advertising making it clear that the service is operator based at the point of opt-in).

We feel that in order to prevent this confusion moving forward a distinction should be drawn in the code between peer to peer and operator chat services, and that operator chat services should be exempted from the requirement to issue the warning message regarding disclosure of personal information.

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Section 4.4.3 – Subscription confirmation message

When a customer requests to subscribe to a Premium Messaging Subscription Service via a non-mobile, WAP or IVR mechanism the content provider is required under the code to send two information messages to the customer in the following manor:

1) Customer requests service via non-mobile, WAP or IVR mechanic
2) Content Provider sends subscription request message (as per 4.4.2)
3) Customer confirms subscription by sending an MO message to a shortcode
4) Content provider sends subscription confirmation message (as per 4.4.3 a)
5) Customer is subscribed

The content of the subscription request message (4.4.2) and the subscription confirmation message (4.4.3 a) is almost exactly identical. This has lead to issues on occasion where the customer has become confused as to their subscription status, believing that they may have been subscribed to a service twice.

This is further compounded by the discrepancy between the above flow and the mobile opt-in flow which requires only a single information message to be sent:

1) Consumer requests service via an MO message
2) Content provider sends subscription confirmation message (as per 4.4.3 b)
3) Customer confirms subscription by sending an MO message to a shortcode
4) Customer is subscribed

This difference between these two flows is not only confusing for customers but also for content providers, requiring them to use two different formats for the subscription confirmation message depending on the method the customer uses to request the service, with no apparent logic for this discrepancy.

In fact the current discrepancy in the requirements would appear to be a purely a by-product of “double MO opt-in” being drafted into the code at a very late stage in the code development cycle and we would suggest that this area of the code could benefit significantly from a minor reworking to ensure consistency and clarity in the subscription customer experience.

We would propose that the subscription opt-in requirements be revised to standardise on one common double opt-in flow for all service request types as follows:

1) Customer requests service via non-mobile, WAP, IVR or MO message mechanic
2) Content provider sends subscription confirmation message (as per 4.4.3 b)
3) Customer confirms subscription by sending an MO message to a shortcode
4) Customer is subscribed

Such an approach would remove the current duplication of information that is the apparent driver for customer confusion while still maintaining the current high level of service information being passed to the customer.

Yours faithfully,

Peter Neal
General Manager, Australia and New Zealand