

14/004 Findings of Non-Compliance with the Premium Rate Services (“PRS”) Licence Conditions

Context and Background

1. In January 2013, ComReg initiated an investigation into the promotion and provision of the online business directory and connection Premium Rate Service (“PRS”) provided by the PRS provider RA Link Solutions Ltd. (“RA Link Solutions”), in accordance with Section 9 of the Communications Regulations (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010¹ (“the Act of 2010”) and Sections 10(1)(d)(ii) and 12(1)(d) of the Communications Regulation Act, 2002, as amended² (“the Act of 2002”).
2. ComReg engaged in lengthy correspondence with RA Link Solutions detailing the alleged breaches of the ComReg Code of Practice for Premium Rate Services¹ (“the Code of Practice”) and of the Communications Regulation (Licensing of a Premium Rate Services) Regulations 2012² (“the Regulations”).
3. The RA Link Solutions’ PRS is an online business directory and connection PRS which:
 - a. provides consumers with “alternative” customer service and helpline telephone numbers for various businesses, and
 - b. connects consumers to the actual customer service and helplines of the company they wish to speak to while charging them a premium rate for their call.

The service operates by providing end users not with the actual customer care numbers they require but with alternative premium rate numbers, which, if dialled, will connect the end user to the customer service/helpline of the company they actually want to speak with while charging them a premium rate for the connection, typically €2.95 per minute.

Findings of Non-Compliance

4. Following this investigation ComReg found that the RA Link Solutions’ online business directory and connection PRS was not compliant with certain requirements of the Code of Practice and the Communications Regulations as detailed below.

¹ http://www.comreg.ie/_fileupload/publications/ComReg1229.pdf

² http://www.comreg.ie/publications/s_i__111_of_2012_-_communications_regulation_licensing_of_premium_rate_services_regulations_2012.505.104071.p.html

5. Accordingly, on 11 December 2014, ComReg notified RA Link Solutions of findings³ that it had not complied with the Code for PRS providers and, therefore, was in breach of conditions of its PRS licence⁴.

Section 5.4 of the Code of Practice

6. ComReg found that some end users of the RA Link Solutions' online business directory and connection PRS were not notified of the applicable charges upon connection to that PRS as is required by Section 5.4 of the Code of Practice.

Sections 5.4 and 5.5 of the Code of Practice

7. ComReg found that some end users of the RA Link Solutions' online business directory and connection PRS did not have their calls to the PRS terminated when they had incurred a cost of €60 in accordance with ComReg's Code of Practice.

Sections 3.12, 4.8, 4.9 and 4.11 of the Code of Practice

8. ComReg found that some end users of the RA Link Solutions' online business directory and connection PRS may have been misled by inaccuracy, ambiguity, exaggeration, omission or otherwise which is contrary to the provisions of the Code of Practice. In this regard certain promotions for the PRS included logos and promotional content for the businesses that end users of the PRS wished to contact and, therefore, misled or had the potential to mislead end users into believing that they were directly calling the businesses' consumer care helplines rather than a premium rate service that connected them to the relevant helplines.

Regulation 7(1)(c) and 9(1)(b) of the Regulations

9. ComReg found that RA Link Solutions did not comply with all information requests made by the Commission and also found that during the course of its investigation RA Link Solutions had not provided true and accurate information to ComReg.

Conclusion

10. RA Link Solutions is required to remedy the non-compliances in respect of the breaches of the Code by 9 January 2015 and to make refunds to end users connected to the non-compliance by 5 February 2015.

³ In accordance with its powers at Section 9 of the Act of 2010

⁴ RA Link Solutions is a licensed PRS provider in Ireland, in accordance with Section 6(1) of the Act of 2010 and the Communications Regulation (Licensing of Premium Rate Services) Regulations 2012