

15/004 Finding of Non-Compliance with the Premium Rate Services (“PRS”) Licence Conditions

Context and Background

1. Following a review of information gathered during compliance monitoring by ComReg in relation to the Blackdog Communications (“Blackdog”) premium rate services (“PRS”) provided on the 1599 500, 1599 501 195, 1599 500 971, 1599 500 910, 1599 500 934, 1599 500 941, 1599 500 909 and 1599 500 947 premium rate numbers, ComReg commenced an investigation into the provision of the Blackdog’s PRS 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. Blackdog’s PRS that were the subject of ComReg’s investigation are “live chat”. In accordance with the National Numbering Conventions v7.0, the 1599 premium rate number range is reserved to provide PRS of an adult nature. The PRS on the 1599 premium rate numbers are charged €3.05 per minute.

Finding of Non-compliance

3. Following the investigation, in which Blackdog was afforded due process, ComReg found that the Blackdog’s PRS was not compliant with a certain requirement of the Code of Practice (“the Code”) as detailed below.
4. Accordingly, on 12 August 2015³, ComReg notified Blackdog of the finding⁴ that it had not complied with the Code for PRS providers and, therefore, was in breach of a condition of its PRS licence⁵.

Section 3.2 of the Code

5. Section 3.2 of the Code requires that PRS must be of a sufficient technical quality so as not to cause end user harm and to ensure compliance with the requirements of the Code.

¹ <http://www.oireachtas.ie/documents/bills28/acts/2010/a0210.pdf>

² <http://www.irishstatutebook.ie/pdf/2002/en.act.2002.0020.pdf>

³ In accordance with Section 17(1) of the Act of 2010

⁴ In accordance with its powers at Section 9 of the Act of 2010

⁵ Blackdog is a licensed PRS provider in Ireland, in accordance with Section 6(1) of the Act of 2010 and Regulation 4 of the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2012

6. ComReg investigation into Blackdog's PRS found that the age verification process, which is required to ensure that only adults can access the PRS Blackdog operates on the 1599 premium rate numbers, was periodically not available due to an incorrect technical set up by Blackdog.
7. As such, ComReg considered it necessary to make Blackdog the subject of a finding of non-compliance, in respect of Section 3.2 of the Code.

Conclusion

8. Blackdog is required to remedy the finding of non-compliance in respect of the breach and to make refunds to end users (if any) connected to the non-compliance by date to be specified by ComReg.