



Mobile Network Operator Yellow and Red Card Process

Introduction

The majority of commercial mobile services running through the UK Mobile Network Operators (MNOs); EE, 3, O2, and Vodafone provide very good consumer value and robust services. From time to time, issues can arise in the content or promotion of some services that can cause moderate to extreme consumer harm.

These issues may come to the attention of one or all of the 4 MNOs.

An agreement is in place between the MNOs to act proportionately on services that can cause consumer harm including notifying other MNOs and, where deemed appropriate, the Premium Rate Services Regulator PhonepayPlus to ensure appropriate action is taken to eliminate the potential for consumer harm.

This is known as the Mobile Network Operator Yellow and Red Card process.

How does this work?

One MNO may discover a service which has been promoted or is operating in breach of agreed practices laid down in the individual Mobile Networks Code of Practice, Cross-Network codes of practice or payment frameworks, Data Protection Laws, Regulatory Codes of Practice and/or Guidelines, UK Law or an MNO's own contract or agreement with a third party service provider.

This discovery may be via customer complaints, ad-hoc testing, internal monitoring, receipt of unsolicited communications, notices from Regulatory bodies, etc.

When a service that is considered to have the potential for mobile consumer harm is discovered by a MNO, they must assess whether the breach warrants the issue of either a **Yellow Card** notice or a **Red Card** notice dependant on the severity of the potential breach.

What constitutes Red or Yellow?

A **Yellow Card** is for an issue that requires immediate resolution but the issue is not severe, for example a marketing message may have omitted opt-out instructions.

A **Red Card** is for an issue that is so severe that the service needs to be isolated from all UK mobile consumers until it can be shown to be compliant, for instance a subscription service that cannot be ceased with a STOP command.

What is the process?

The MNO will serve notice on the Service Provider responsible for the hosting, enabling or operating of the relevant service by using the Yellow and Red card notification form (Appendix 1).

At the same time, the MNO will use the same form to inform the other MNOs and where appropriate, (and under MNO discretion), PhonepayPlus and / or the Office of the Information Commissioner that such notice has been served by emailing a copy of the notice to the contact email addresses listed in Appendix 2.

Each of the MNOs will independently assess any Yellow or Red Card notice and determine whether they support its issue. **The default is that all networks support the Notice.** If the MNO does not support the Notice, (for example the issue may be relevant only to an individual MNO policy or technology) the MNO must immediately notify the Service Provider and the other MNOs of their decision.

The Yellow / Red Card notice will set out in reasonable detail the matters causing the complaint and the remedial steps required to rectify those matters.

The Service Provider will be required to take the relevant action as detailed below.

Yellow Card Notice

A Yellow Card notice will be issued to the Service Provider if there is, in an MNO's opinion, a minor breach of any MNO Code of Practice, Regulatory Codes and guidelines or other agreed practices and guidelines by the Service Provider or its Information Providers. If there is any doubt at all that a breach has occurred the MNO will supply the details to the regulator to verify before a card is issued.

The Yellow Card notice will give the Service Provider two working days to respond to the issuing MNO confirming that the remedial steps required within the Yellow Card notice have been made (for example: "Opt Out" information has been incorporated into relevant marketing messages, subscription reminders have been implemented etc.).

Failure to rectify the problem within 2 working days, unless an alternative agreement is in place between the issuing MNO and the Service Provider, will result in automatic promotion to a Red Card requiring immediate service suspension.

Once the remedial action(s) have been completed to the satisfaction of the MNO who raised the Notice, the Notice will be lifted with notification sent to the other MNOs and other parties that were copied on the original Notice.

Red Card Notice

A Red Card will be issued where (in the MNO's opinion):

a serious breach of the MNO's Code of Conduct, Regulatory guidelines, UK Law or other agreed practices and guidelines occurs resulting in the likelihood of serious consumer harm. (For example: Services that do not disclose pricing information, unsolicited marketing messages being sent or STOP commands that do not work) or;

the Service Provider has failed to remedy the issues identified in a Yellow Card notice within two working days and has not sought agreement for a justified time extension.

On receipt of a Red Card notice, the Service Provider must immediately suspend the service on all of the UK mobile networks unless any MNO writes to them notifying that the Notice does not apply to their network.

Suspension will occur without further notice and will be without liability to the Service Provider and the issuing MNO.

Service will only resume once the MNO who issued the notice is satisfied that the Service Provider has taken all remedial steps required to remedy the issues identified. The MNO will then lift the Red Card and advise other MNOs and other parties copied on the original notice.

Regulator Notification

As part of the process, appropriate Regulatory bodies (PhonepayPlus, Office of the Information Commissioner and others) will receive any Yellow or Red card notices that are being issued to a Service Provider if the issuing MNO feels that this action would solicit further and appropriate action against the service, or where the card is being issued on the grounds that the relevant regulator's code or rules have been breached.

If any Regulator objects to the issuing of a Yellow or Red card notice, they must contact the relevant MNO within two working days to discuss the reason for their objection.

APPENDIX 1



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and yellow card temp

APPENDIX 2

Mobile Network Operator Contact List for Yellow or Red Cards

Hutchison 3G UK Limited		
	Primary Contact	Secondary Contact
Contact Name	Katharine Watson	Sharan Rattan
Email Address	Katharine.watson@three.co.uk	mailto:Sharan.rattan@three.co.uk
Phone Number	07578 231611	07577252529

Vodafone UK Limited		
	Primary Contact	Secondary Contact
Contact Name	Stafford-Smith, Jeremy	Kate Sharples
Email Address	Jeremy.Stafford-smith@vodafone.com	kate.sharples@vodafone.com
Phone Number	07825841760	07748645977

Orange/T-Mobile/EE		
	Primary Contact	Secondary Contact
Contact Name	Naomi Maggs	Leanne Joseph
Email Address	Naomi.maggs@ee.co.uk	Leanne.joseph@ee.co.uk
Phone Number	07968 247263	07967517932

Telefonica UK Ltd		
	Primary Contact	Secondary Contact
Contact Name	Janet Kazlauciuonas	Mike Round
Email Address	janet.kazlauciuonas@telefonica.com	Mike.round@telefonica.com
Phone Number	07715 766608	07802 220171

PhonepayPlus		
	Primary Contact	Secondary Contact
Contact Name	Regulation changes – Mark Collins Michael Pemberton	
Email Address	mcollins@phonepayplus.org.uk mpemberton@phonepayplus.org.uk	
Phone Number	0207 940 7474 0845 026 1060 07912 773 312 – Mark Collins 020 7940 7407 – Mike Pemberton	

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