

The Work of the Communications Consumer Panel 2012 - 2013: Appendix - The Panel's work in more detail

Consumer Landscape: Panel continues to work in partnership to ensure consumers have a strong advocate in communications sector

In 2012, the Panel reiterated that it would continue to work closely with other consumer stakeholders in the new landscape to ensure effective consumer advocacy. [Responding to the Government's statement](#) following the Department for Business, Innovation and Skills (BIS) consultation into the future of the consumer landscape, then Panel Chair Bob Warner said: "The telecommunications market develops rapidly - and the communications needs of consumers and citizens in the 21st century are integral to people's personal and business lives. We want to ensure that the common issues that affect consumers across a range of industries are addressed in partnership to maximise our and their impact on behalf of consumers. The arrangements in the communications sector work well and at low cost."

Subsequently, the Panel has [contributed to the proposed approach for the Citizens Advice service](#) outlined in the *Consumer Future: Changing the world where it matters most for consumers*, and shared its views on the development of the new consumer landscape in relation to the [Regulated Industries Unit \(RIU\)](#) and [Citizens Advice Scotland's](#) work plan. The Panel also highlighted the need for a strong relationship and co-ordinated policies in those areas where there are common interests. The Panel welcomed the opportunity to work in partnership, taking account of the needs of consumers and small businesses in all parts of the UK.

Communications Review: Panel leads consumer debate

At the invitation of the Department of Culture, Media and Sport (DCMS), former Panel Chair Bob Warner chaired *The Consumer Perspective seminar* last summer. This was the first in a series of seminars to discuss and develop policy options for the Communications Review. A [summary and video footage of the event](#) can be found on the DCMS website.

Bob noted that meeting the communications needs of consumers and businesses is integral to building and maintaining thriving communities. The rapid pace of change in the sector means that it is vital that regulators and policy-makers appreciate and address the issues that matter to consumers and small businesses.

The Panel subsequently sent a [further submission](#) to DCMS in September, highlighting its views on a range of subjects impacting on consumers, citizens and small businesses including: consumer advocacy; online privacy and safety; consumer information and decision making; digital participation; micropayments; unwanted marketing contacts and scams; and open internet/traffic management.

Switching: Panel urges providers to work with Ofcom to design a unified switching system as soon as possible

The Panel has said that Ofcom's 2012 plans to make the process of switching landline and broadband providers on the Openreach copper network easier and more reliable would be a significant improvement for consumers.

Low switching levels lead to reduced competition and a worse deal for consumers across the board. The Panel has suggested to Ofcom that there are a [number of areas that should be reviewed](#) with the aim of increasing levels of switching: the provision of clear, accessible and easily comparable information; raising awareness of the potential benefits of switching; making switching processes easier; and protection against mis-selling. In line with the Body of European Regulators for Electronic Communications (BEREC), the Panel would also encourage consideration of what could be done to facilitate switching for more vulnerable consumers.

The new proposals mean that consumers should benefit from better value services and innovations. The Panel has also urged providers to work with Ofcom to design a unified switching system as soon as possible. Ofcom's strategic aim should be harmonised switching processes for all communications services such as mobile, pay TV and cable services. It is essential that this issue continues to receive priority and we have encouraged Ofcom to explore how the proposed timetable for completing this work could be compressed.

A theme that recurs across our work is also relevant in relation to switching - the vital need to increase the transparency of communications service provision. In the case of switching, we consider that information about contract length and early termination charges (ETCs) should be available to all customers - on bills, by phone and online, and specifically when enquiring about switching.

As part of its work in this area, the Panel co-hosted the very successful *Switching Debate* with Consumer Focus and the Consumer Forum for Communications in April 2012. Following presentations from Ofcom, BT and TalkTalk, the audience discussed Ofcom's proposals and the implications they may have for consumers.

This issue remains one of our areas of key engagement for 2013/14.

Nuisance Calls: high on the agenda

Nuisance calls and messages come in a variety of different shapes and sizes and can be inconvenient and annoying at the best of times. For more vulnerable consumers they can also cause considerable distress and anxiety. A reduction in people's trust in their communications service is bad for both consumers and businesses.

The Panel advised Government in 2010 that silent and abandoned calls continued to cause significant harm to consumers, and called on Government to raise the maximum penalty for persistent misuse of automated calling systems and services to £2 million. The Department of Business, Innovation and Skills (BIS) agreed with the Panel and gave Ofcom the powers to impose higher fines up to £2m. During

2012/13, we welcomed Ofcom's decision to exercise its new powers to fine companies for making persistent silent or abandoned calls, and we called for continued close monitoring to stop others.

However nuisance calls have remained high on the Panel's agenda for most of 2012/13, and our work plan for 2013/14 highlights our continued concern about this area. BT states that it receives more than 50,000 calls to its Nuisance Calls Advice Line each month and recent Ofcom research found that 71% people have received live marketing calls on their fixed line phone in the past six months with older consumers more likely to have been affected.

Part of the issue stems from the fact that this complex area has no single solution and is one that requires action from a number of public authorities, in addition to support from the industry. We have encouraged Ofcom, the Information Commissioner and the Telephone Preference Service (TPS) to strengthen their co-operative efforts and take action to reduce the incidence of unwanted calls.

Over the course of the year, together with Members of the Consumer Forum for Communications, we have [written to the relevant statutory authorities](#) expressing our concern about unsolicited marketing calls, suggesting potential points of action and calling for co-ordinated action in this area. The Panel also scrutinised, advised on and endorsed a series of [new consumer guides](#) launched by Ofcom and written in collaboration with the ICO and other regulatory bodies. Whilst we understand the complexity of the issue we also understand the harm these calls cause to consumers; and whilst we welcome the work Ofcom is doing in this area we have been robust in urging further progress - particularly in respect of more collaboration between relevant agencies, and in respect of using technology to place control in consumers' hands. We have urged industry to provide free CLI to consumers by default.

In its [response to Ofcom's draft Annual Plan](#), the Panel expressed its significant concerns about nuisance calls and scams. While appreciating the work that Ofcom was undertaking in these areas, often in collaboration with other public authorities, we suggested that work in the area of unsolicited marketing calls and texts needed to be defined more clearly and more widely in the final Plan. We also said that because multiple agencies are involved in seeking to address these issues, renewed efforts are required by all concerned to work in a collaborative manner, and to provide greater clarity for consumers about how to report such calls/texts and seek redress. The Panel also encouraged more emphasis on identifying where Ofcom will use its position and expertise to facilitate or encourage other stakeholders working in a given area, even if Ofcom itself is not taking or cannot take direct action.

We were pleased that [Ofcom recognised the points we made](#) and, in response, broadened out the reference to its work in this area. Instead of focusing solely on silent calls, Ofcom amended its Plan to explicitly state that it was taking a wider range of actions to tackle nuisance calls and messages as a whole, and outlined the key elements of its five-point action plan. Ofcom's five point action plan to tackle the growing problem of nuisance calls brings together industry, regulators and government to address the issue.

The Panel will continue to work closely with a number of stakeholders involved at different points in the value chain to ensure that robust action is taken, with clearly defined goals and identified lead organisations.

Mobile Coverage: spectrum auction finally sets mobile coverage targets for Nations

In the Panel's view, the lack of voice and/or data coverage is no longer one of simple irritation for consumers and small businesses but is now becoming an issue of real detriment. There is an urgent need to drive rapid improvements in rural and semi-rural mobile voice and data coverage if these sections of society are not to be left behind by the rapid mobilisation of the way businesses interact with each other and their customers.

After extensive discussions on the issue of mobile coverage, Ofcom accepted the Panel's recommendation to implement mobile coverage obligations for each of the nations. Rolling out mobile broadband to at least 98% of the UK will also ensure that people who have poor or non-existent mobile voice coverage will finally benefit too. However we would encourage further clarity around the monitoring of progress in relation to fulfilment of coverage obligations following the 4G auction.

The Panel is extremely conscious that the coverage obligation is not due to be fulfilled until 2017 and we have expressed the view that having only one operator carrying the obligation to reach 98% coverage, with 95% in each of the Nations, and relying on market forces to persuade other operators to provide coverage for their customers in the marginal areas, may not achieve the desired result. The areas concerned are likely to be the areas where market forces have failed in the past. We have urged Ofcom to keep progress under review and to continue to look to support market based solutions, that with a limited regulatory intervention could deliver immediate and significant benefit to the economy at a time when finding growth levers is so important.

As reported at a meeting of the Scottish Parliament's cross-party group on digital participation, mobile technology also has the potential to deliver health care in rural areas. However the meeting noted that mobile coverage still presents a problem because health teams can't contact each other easily. As one clinician noted, improved mobile coverage "would really transform our working lives and patient safety".

We will continue to closely monitor the progress made through the rollout of networks and the Mobile Infrastructure Project.

Price Rises in Fixed Term Contracts: contrary to the expectations of most consumers

Earlier this year the Panel [responded to Ofcom's consultation](#) on whether consumers need additional protection from price rises in fixed term contracts for landline, broadband and mobile services. The Panel considers that the current provisions in GC9.6 are insufficient to protect the consumer from the harm of mid-

contract price rises. In January 2012, the [Panel expressed its view](#) that price increases within the life of a fixed-term contract could be seen as ‘sharp practice’ and that, although such increases were commercial decisions for the operators, it considered that price changes within the life of a fixed term contract would be contrary to the expectations of most consumers.

The Panel explained that it is intrinsically unfair if one of the most fundamental parts of a contract - the cost of the provided service - is subject to change at the behest of one party. The Panel accepts that the costs associated with providing a service can increase during the term of that contract. However, given the information asymmetry in the relationship between the communications provider and the consumer, what the Panel does not accept is that this increase in costs should be passed on to the fixed-term contract consumer, without the consumer having any right to leave the contract without penalty.

Consumer information, including contractual terms, remains one of our areas of key engagement for 2013/14.

Broadband Speeds: consumers need to know likely broadband speeds early in sales process

Last year the [Panel called on internet service providers](#) (ISPs) to give consumers information on their likely broadband speeds early in the sales process, before any decision is made. This was in response to the publication of mystery shopping research from Ofcom into the information ISPs give consumers on broadband speeds. The research found that 7% of mystery shoppers did not receive speed estimates via telephone sales and of those that did in 34% of cases the caller had to request this information.

Consumers can only make an informed choice if they can easily compare different packages and providers. It’s encouraging that some ISPs acknowledge that better training is needed for sales staff and the Panel will monitor closely the outcome of Ofcom’s further action to improve the provision of broadband speeds information for consumers.

Digital Engagement: digital divide risks becoming a digital gulf

Unless fundamental action is taken, the Panel considers that the digital divide risks becoming a digital gulf as the distance increases between those who are online and those who remain firmly anchored in the offline world. We live in an era which will see many Government services become “digital by default” and when being online is becoming more and more a necessity of life and less and less of an optional extra. While the advantages of online connectivity apply to all groups in the community, they are especially relevant to older people, many of whom may be less mobile than younger people. And yet we know that the take-up of the digital world is unequal amongst the population, with older people more likely to be excluded.

Many older people do not view being connected as having any relevance or benefits to them. This lack of connectivity and skills is a serious matter not only

because many older people are failing to take advantage of the benefits of online connection, but also because the UK population is ageing and an ageing population will require a suitably ICT (Information Communications Technology) skilled older workforce, skills that can help people engage in high quality work.

Building on the [Consumer Framework for Digital Participation](#) that we published in 2010 and informed by our 2012 [Bridging the Gap: Sustaining Online Engagement](#) research, the Panel has identified a number of areas for strategic focus and made a series of recommendations for Government, policy makers and those delivering on the ground. [Bridging the Gap: Sustaining online engagement](#) explores people's digital needs and highlights solutions to support more people online, including a study of the key barriers that work to keep people offline in areas of socio-economic deprivation in Glasgow. The research, which looks into sustaining people's online engagement, highlights a serious risk that public policy underestimates the challenge of supporting people to get and stay online. We have called on Government to strike a better balance between funding for broadband infrastructure and supporting people online and highlighted the need for clear targets to assess the progress being made. We were extremely pleased that, in line with our recommendation, Go ON UK subsequently adopted a measure of people's breadth of online activity, in place of the previous binary indicator of whether a person had been online or not.

Speaking at the Go ON: ND2012 conference, then Panel Chair Bob Warner said: "There is an increasing drive for public and commercial services to be online, but about 11 million people (22% of adults) in the UK still do not use the internet at home - and in some areas around the UK this percentage is far higher. This means that a significant minority of people risk being excluded from online benefits and services. Sustainable growth for the future can only be achieved if broadband is used by most consumers and businesses. The research has implications for funding, growth and policy. The distance is increasing between consumers who are online, with access to new services and faster broadband, and people who remain anchored in the offline world."

The Panel also held a special roundtable event with Consumer Focus Scotland in May and also presented to the Scottish Government's cross-party Digital Participation group and key stakeholders to discuss the findings from the Glasgow study. The then Panel Member for Scotland, Fiona Ballantyne, noted that the barriers to getting online are more pronounced in the most deprived areas of Glasgow. We found that the familiarity of the offline world, along with an active social network of friends and family who are not online either, reinforce the belief that internet access is irrelevant to their lives.

During 2012/13, the Panel has been working collaboratively with a range of organisations to allow us to leverage a wealth of experience and innovation. We've been working closely with key organisations in this field - Go ON UK, the Government Digital Service, UK Online, Digital Unite, the Age Action Alliance and the ILC to name but a few. We've also supported the SUS-IT project at Loughborough University to develop its initiative in supporting older people to stay online.

We particularly welcome that the Carnegie UK Trust have used our Bridging the Gap report to directly inform new research that the Trust undertook on [digital exclusion in Glasgow](#). We are also extremely pleased that the Royal National Institute of Blind People (RNIB) recommended the adoption of the Panel's [Framework for digital participation](#). The decision follows the charity's BT-sponsored research into the barriers that prevent older blind and partially sighted people from getting online. The framework would form the basis of a new technology support strategy to reflect the scope of RNIB's work.

As part of its work in this area, the Panel held a highly successful seminar in September with the Consumer Forum for Communications exploring the issues surrounding online engagement. The Panel was joined by speakers talking about the latest developments from the BBC's Media Literacy Team, Consumer Focus, the Government Digital Service, Ofcom and the RNIB.

The availability of broadband is crucial and it is increasingly important that all consumers and small businesses have access to at least a basic service of 2Mbps - although we have some doubts about the appropriateness of 2Mbps as a basic speed going forward. In its [response to the Department of Culture Media and Sport \(DCMS\) Communications Review](#), the Panel has said that the Act should ensure that virtually all citizens and consumers enjoy access to high-speed broadband and ubiquitous mobile coverage. In relation to rural broadband infrastructure, we would support Ofcom in enabling greater competition in rural areas.

We have also been involved in the development of Scotland's Digital Strategy - one facet of which is for Scotland to be world class by 2020. In October, the Government committed itself to defining what this might mean by December of this year and Panel Member, Mairi Macleod, has been involved in considering what it might mean in terms of infrastructure, but also from the point of view of the consumer. She argued that for Scotland to be world-class there would no longer be a digital divide, or digital exclusion, and Government would have recognised that early, planned intervention will always be necessary to keep it that way. World class would mean that broadband is seen by all as an essential utility, everyone - individuals and businesses - will understand how being digitally connected can be a benefit and there will be near universal usage. People would be confident in using the internet for what they need it for and have access to good broadband speeds and a good mobile signal pretty much everywhere they go in the country, no matter which provider they use. Equipment and websites would be designed from the start for accessibility and ease of use and there would be support readily available.

As Jo Connell noted, speaking at the launch of the International Longevity Centre (ILC) report [Nudge or Compel? Can behavioural economics tackle the digital exclusion of older people?](#), while "solving the problem of digital capability isn't easy - it's a quest we cannot fail - and working collaboratively allows us to leverage a wealth of experience and innovation."

We will continue to place the consumer perspective, including that of people in the most deprived communities, at the heart of the digital engagement debate by working with Go ON UK and other stakeholders to ensure the full range of

consumers' digital engagement needs are being met, supported by truly universal fast broadband for all; and by encouraging Government and others to ensure that there are offline alternatives to online public service delivery for those who are unlikely to complete these processes online.

This issue remains one of our areas of key engagement for 2013/14.

Accessibility: improving access to electronic communications services

Earlier this year, the Panel and the Advisory Committee on Older and Disabled People (ACOD) [responded to Ofcom's Call for Inputs on General Condition 15](#) - which requires communications providers to offer a range of services designed to promote access to communications services for disabled people. Our response set out Members' support for Ofcom's exploration of measures to improve access to communications for disabled people. New technologies offer great opportunities for disabled and older people, who traditionally have been some of those most likely to be excluded. Among the points highlighted were that, although Members were pleased to see consideration of the primary interactions between communications providers and the public, they felt that there was scope to go further and cover the whole customer journey.

As a member of DCMS' Consumer Expert Group, we have also advised on the development of a potential radio help-scheme and contributed to the development of the Parliamentary Office of Science and Technology's report on [ICT for Disabled People](#).

We welcomed Ofcom's decision to require landline and mobile telephone providers to improve text relay services for people with hearing and speech impairments. Panel Chair Jo Connell said that the move will substantially increase choice for people by giving them access to text relay via a wider range of equipment, in addition to services such as parallel two-way speech. Plans to work with industry and disability representatives on the impact of speech recognition technology on the accuracy and speeds of existing and future relay services are also welcomed by the Panel.

Panel Member for Scotland, Mairi Macleod, chaired a session at a significant Ofcom event in October 2012 that explored the consumer experience of subtitling. Mairi noted that subtitles can change people's lives - and the lack of them can cause enormous frustration and a sense of isolation. The meeting brought together organisations which represent and campaign for users of subtitles, broadcasters, companies which provide subtitles, and researchers so that users' voices could be heard and key problems identified. The event was part of an ongoing project on subtitling quality that has led to Ofcom's recent consultation in this area.

Following the Panel's previous work on mobile usability, Member Colin Browne also welcomed the One Voice coalition report [Moving together: mobile apps for inclusion and assistance](#) which we hope will facilitate the design of more accessible apps for mobile phones that will make them significantly easier for users, including older and disabled people.

Panel Member Bob Twitchin has been involved with a number of initiatives including those by AbilityNet. Panel Member Mairi Macleod has also been involved in the RNIB *Technology for life: tools for inclusion* work in Glasgow that made reference to the fact that they had found the Consumer Panel's Framework for Digital Participation extremely useful in framing their findings.

Finally, as Panel and ACOD Chair, Jo Connell chaired an Ofcom-hosted event in December for older stakeholders called 'Keeping in Touch: Making the Most of Communications Technology'. During the event, local stakeholders found out about the role of the Panel, ACOD and Ofcom and their rights as both citizens and consumers. They also participated in hands-on demonstrations of communications technology, including mobile phones, the internet, tablet computers, audio description and 3D television.

Non-geographic numbers: free 0800 mobile calls good news for consumers

The [Panel endorsed Ofcom's 2012 consultation](#) into *Simplifying non-geographic numbers*. We had been concerned for some time that calling non-geographic numbers can be confusing and costly for consumers. There is currently significant scope for consumer confusion as:

- phone companies are able to choose their own price structure for non-geographic calls;
- there is often a lack of clarity about whether such calls are within a bundle allowance;
- call costs are often significantly higher from mobiles; and
- information about pricing is often complex and can be hard for a consumer to locate.

Charges for 0800 calls from mobiles particularly affect people on lower incomes, who are more likely to rely on a mobile at home and use it to make calls to essential services. The proposal to make freephone calls free from all telephones (fixed and mobile) is a significant improvement.

Unexpectedly High Bills: avoiding bill shock

As people become increasingly reliant on their mobiles, unexpected charges and high bills - otherwise known as bill shock - can be serious problems for some consumers. As well as the immediate financial impact of unexpected costs and the associated inconvenience, there is a risk that people become overly cautious of using their phones in case they incur extra charges, so aren't benefitting fully from the opportunities that may genuinely be available. Consumers can also risk financial hardship if their mobiles are lost or stolen - high bills can be generated in the short space of time between a theft and reporting the loss, for which the consumer remains liable.

We've urged industry and other stakeholders to develop further information and aids to give consumers better control over their spending and alert them when they are likely to incur additional costs, in addition to taking action in relation to lost/stolen phones. Following work last year with the Ofcom policy team, the

[Panel supported a new series of consumer guides](#) produced by Ofcom that explain how to avoid the key causes of 'bill shock'.

The guides offer advice and tips covering four areas:

- Preventing bill shock when using your mobile phone in the UK
- Preventing bill shock when using your phone abroad
- How to protect your phone from thieves and what to do if the phone is lost/stolen
- What to do if you have an unexpectedly high phone bill

This issue remains one of our areas of key engagement for 2013/14.

Alternative Dispute Resolution: redressing the imbalance

Alternative dispute resolution (ADR) is an important way to redress the power imbalance between consumers and communications providers who have greater resources, knowledge and control over the products and services which are in dispute.

[Responding to Ofcom's statement on the review of the ADR schemes](#) introduced for customers of communications companies, the Panel stated that it has consistently backed moves to improve the two ADR schemes (Ombudsman Services: Communications; and the Communications and Internet Services Adjudication Scheme), including the introduction of decision-making principles to increase consistency in outcomes. The Panel has been pleased that its views have played a part in changes that will help to make the complaints process more accessible and transparent for customers.

It is vital that the schemes are not only consistent with each other, but also swift, fair, free and effective. Our concerns about compensation levels for consumers have been addressed in Ofcom's statement, and information will now be available to people making a complaint. However, we would still like to see both schemes use more consumer-friendly language in their customer information. The Panel continues to call for the publication of information about complaints referred to ADR and the proportion that are upheld.

DTT/4G Coexistence: working to mitigate interference

Given the popularity of Digital Terrestrial Television (DTT) with millions of viewers, the issue of DTT/4G coexistence has been high on the Panel's agenda. The Panel cautioned that while speeding up access to 4G is good news, it was vital that the potential problems for existing Digital Terrestrial Television viewers are also comprehensively addressed - and that consumers and citizens are properly protected. The Panel believes that people affected by interference to their DTT signal should not have to pay the costs of rectifying the problem or suffer inconvenience and worry. It called for Government and Ofcom to ensure that there are robust mechanisms in place to ensure that the voice of the consumer

representative on the Oversight Board is heard. The Panel also called for a UK-wide campaign, which would make people aware of any potential problems that 4G roll-out might bring, and what the solutions are.

Following the [Panel's responses to Ofcom's DTT coexistence consultations](#), it has continued to engage with DCMS, Digital Mobile Spectrum Limited (DMSL) and the Oversight Board. Former Panel Member Roger Darlington is now providing consumer representation for the Oversight Board. Recently the Panel suggested that, in the case of vulnerable consumers, support should be offered in one visit for both a main and any secondary DTT installation as disabled and elderly people often depend on TVs in more than one room. DMSL has agreed to consider the Panel's suggestion.

This issue remains one of our areas of key engagement for 2013/14.

Mobile Quality of Experience: the provision of better information

Both consumers and small businesses are increasingly reliant/dependent on mobile devices. In its [response to Ofcom's Call for Inputs](#) relating to mobile quality of experience, the Panel said that the provision of better information will help consumers make better choices, which in turn may drive up services levels. Around 6.6 million UK adult mobile customers do not say they are satisfied with the overall performance of their mobile provider, with 4.3 million stating dissatisfaction.

In terms of information of value to consumers, we do not wish to see this limited only to technical network and service information. In respect of coverage, we would suggest information should be about indoor; outdoor; and on the move voice and data coverage. Such data needs to be at a granular level and also available in respect of location and time of day. Road and rail coverage is important for travelling individuals and business users - especially people who are severely disabled or older. The information also needs to cover areas where few or no people live, as people regularly travel across these areas.

Any information published should be in easily accessible plain English, in a variety of formats - and in terms of what it means for the consumer. We would also encourage the provision of information at a holistic level about the mobile consumer experience and consumer satisfaction statistics at a detailed level, which distinguishes between the urban and rural experience across the UK and within devolved nations.

Online Copyright Infringement: Panel advises on draft copyright infringement code

[Responding to Ofcom's interim statement and notice](#) of a proposal to make an order in relation to the Online Infringement of Copyright and the Digital Economy Act (DEA) 2010, the Panel highlighted that, in 2010, together with Consumer Focus, Which?, Citizen's Advice and the Open Rights Group, it had developed a set of Customer Protection Principles in relation to Online Copyright Infringement.

The principles were intended as a guide to protecting the citizen interest in a proportionate way when developing an initial obligations code and appeals mechanism as part of the implementation of the new framework for online copyright infringement and were intended to help Ofcom and other policymakers as they develop and implement the new framework for sections 3-16 of the Digital Economy Act 2010. The consumer bodies recognised that Ofcom does not have the powers to mandate all the measures they believe are necessary to protect consumers. So the principles are also intended as a useful guide for ISPs and rights holders.

There are five overarching principles, based on:

- The need for cogent evidence
- The need for clear, unthreatening and non-partisan notifications to be sent to alleged infringers
- The need for consumers to have the opportunity to appeal against a notification of copyright infringement
- The need for general education outside the notifications and appeals process on legal alternatives
- The need for an independent, impartial, transparent, expert, representative and accountable appeals body/process.

Following Ofcom's publication of a draft copyright infringement code, the Panel took part in a discussion session with other consumer advocacy groups and the regulator to look at how the code could work in practice. Further work on the Code is now on hold pending Government agreeing a new Statutory Instrument for funding the scheme.

Online Personal Data: markets work better if consumers are empowered

The Panel is conscious of the growing market in consumers' online personal data, and its 2011 [Online Personal Data](#) research that highlighted significant concerns about how people can manage the collection and use of their personal online data - and how they make the important decisions about releasing that data.

When we conducted research into how people behave online, and consumers' awareness about how their data is collected and used, we found a significant lack of awareness coupled with concerns about how people's data is used. 79% of the people we surveyed said that they were highly concerned about their data being sold to third parties to target them with offers. Panel Member Kim Brook, speaking in September 2012 at a Westminster eForum on online advertising and the consumer perspective on trust and accountability said that markets work better if consumers are empowered: "But for this to happen consumers need better information to help them make informed decisions, control over the use of their data, reassurance from companies that they will minimise the amount of data collected - and importantly that it will be stored securely, and that companies will follow the rules."

Midata: addressing the issues

The Panel has continued to advise on the Department for Business, Innovation & Skills (BIS) midata telecoms sector board. [Responding to the related consultation](#), the Panel said that while it supports the policy direction, it would stress that the data made available to consumers must be:

- meaningful;
- ubiquitous;
- easy to access and understand; and
- free to the consumer.

The Panel has concerns about privacy and data security issues, which must be addressed if the initiative is to be trusted and widely used by consumers. The Panel is also concerned about those consumers who may not use the internet; or do not necessarily respond to the availability of more information in a way that benefits them.

Information, Connection and/or Signposting Services: working to avoid detriment

The Panel has been concerned this year by an issue highlighted by PhonepayPlus in relation to potentially misleading “Information, Connection and/or Signposting Services”. There is undoubted consumer detriment when consumers are misled (potentially unknowingly or unwittingly) into contacting a third-party commercial organisation and paying for advice or information via a premium rate service, when that content is available direct from public or other commercial services at little or no cost. This is of particular concern in the case of consumers who are more vulnerable, including those who rely on mobile phones rather than a landline service. As we move towards a “digital by default” environment this issue is likely to lead to more customer harm unless action is taken. The Panel has therefore [supported in principle](#) a prior permissions regime, backed by effective and proportionate measures to ensure consumer protection.

Ultimately, if service providers are transparent with potential consumers, people will be able to make an informed choice about whether to use a service, on the basis of evaluating whether the added value justifies the expenditure.

Clarifying Consumer Law: digital content

As more people consume digital products and services online, it is vital that robust consumer rights are in place to prevent potential detriment. The Panel welcomed BIS’ intention to define clearly what is meant by digital content; to clarify the standards that digital content should meet and who is responsible for ensuring that the ensuing rights are applied; and to identify the steps that a consumer can take if these rights are not met. The Panel stressed in its [response to the BIS consultation](#) the importance of simple and reliable robust, clear and easily accessible information being available to consumers and information about these changes being communicated to consumers.

The Panel supported the provision of strong remedies, particularly the right to reject, and encouraged the consideration of this issue within the wider context of the commercial value of personal data online. Finally, the Panel endorsed fully the need for simplicity. The need to foster understanding through clear communication is, in the Panel's view, of equal importance to the actions taken to clarify the law.