



Communications Consumer Panel response to the Regulated Industries Unit draft work programme

1. The Communications Consumer Panel and the Advisory Committee on Older and Disabled People (ACOD) welcome the opportunity to contribute to the Regulated Industries Unit (RIU) draft work programme.
2. The Communications Consumer Panel¹ is an independent group of experts established under the Communications Act 2003. Its role is to provide advice to Ofcom to ensure that the interests of consumers, citizens and small businesses are central to regulatory decisions. The Panel also provides advice to Government and champions consumers' communications interests with industry. The Panel has Members representing the interests of consumers in Scotland, Wales, Northern Ireland and England. To take advantage of the synergy between the Panel and ACOD and to avoid potential duplication, cross-membership of the two bodies was established in Summer 2012. The remits of the bodies remain unchanged. This means that Members, in their ACOD capacity, also provide advice to Ofcom on matters relating to older and disabled people including television, radio and other content on services regulated by Ofcom as well as about issues concerning the postal sector.
3. As we said in our response in September to the consultation on the RIU's design principles, the Panel supports the RIU's development along the lines expressed and appreciates that the programme incorporates many of the points that we outlined in our earlier response to BIS' consumer landscape consultation. The RIU and the Panel/ACOD have a number of areas of common interest - notably in post and in your third proposed priority: "The challenges and opportunities of complex markets in a digital age", underpinned by near-universal broadband with speeds adequate for modern needs. It is therefore very important that we have a strong relationship and co-ordinated policies in these areas.
4. As consumers, citizens and small businesses living and working in different parts of England, Wales, Northern Ireland and Scotland face different challenges, we are pleased to note the RIU's intention to engage closely with the devolved administrations and a range of stakeholder groups around the UK.

¹ [http://www .communicationsconsumerpanel.org. uk/](http://www.communicationsconsumerpanel.org.uk/)

5. The consultation document states that the main focus of the RIU during 2013-14 will be on energy, but the RIU will also be responsible for representing consumer interests in post, which is the main arena in which the spheres of interest of Ofcom and the RIU will overlap. The remit of ACOD includes providing advice on the interests of older and disabled people in relation to postal issues. Members have a particular interest in this area, especially as older people tend to rely more heavily on post for their communications needs. We attach great importance to establishing close co-operation and working relationships with the RIU at a very early stage, and look forward to working closely in this sphere generally and specifically on the proposed review of mail products.

6. The Panel is concerned that the current economic climate is likely to impact adversely on small businesses (who form part of the Panel's remit) in addition to risking a detrimental impact on companies' customer service provision. The Panel welcomes the emphasis placed on the interests of SMEs, with particular mention of SMEs in rural areas, since the interests of SMEs are also of particular importance in our work. Again, we will be working to establish a close co-operation with the RIU in this arena.

7. The research outline mentioned on page eight refers to studies designed to understand the sorts of interventions that can strengthen the demand side in markets. The Panel would also be interested to know whether the RIU envisages undertaking any analysis of supply-side issues.

8. In all our areas of work of common interest, it is vital that we protect and promote the interests of the inactive, silent or more vulnerable consumer - as well as those who are more engaged. Of course, as part of this, there remains a strategic requirement to be cognisant of emerging issues as well as reacting to more immediate ones. We welcome the three broad priorities outlined in the consultation but wonder whether the first (understanding and tackling consumer vulnerability and disadvantage in essential markets) should also include reference to representing the generality of consumers: in other words, ensuring all consumer interests are highlighted/protected, with a particular focus on vulnerability and potential disadvantage.

9. We agree that vulnerability is not necessarily linked to income levels per se. From our *Bridging the Gap: Sustaining Online Engagement* research, we are particularly conscious that consumers who are not online are increasingly disadvantaged, disempowered and disenfranchised. This is especially important as we move to a society where there will be a 'digital by default' delivery of many government services, and it's important to factor this in when assessing or seeking to understand vulnerability in its broadest sense. Being excluded from an increasingly online world has now become a matter of significant consumer and citizen harm.

10. We note that the third priority mentioned is: "The challenges and opportunities of complex markets in a digital age", which is implicitly linked to the near-universal availability of broadband at speeds adequate for modern needs. We feel it is essential that there should be a very strong co-operative understanding with Ofcom and with the

Panel, to ensure policies are consistent and closely aligned in all these areas. We also feel that any research into these areas should be closely co-ordinated; there may even be some opportunities for shared research.

11. The consultation rightly highlights the importance of personal data in the market. The Panel has also conducted work in this area. Our report *Online Personal Data: the Consumer Perspective*² notes that consumers can only take responsibility if they know how their data are being collected and processed online. The Panel considers that companies should improve consumers' awareness of how their data are collected and used, and provide straightforward information for consumers. The Panel considers that consumers will only be genuinely empowered if they have:

- information to allow them to make an informed decision about the implications of releasing their data;
- control over the use of their data;
- reassurance that companies will always minimise the amount of data that they collect, store it securely, retain it for no longer than is necessary and consider whether to check with consumers after a set period of time whether they still wish their data to be retained; and
- confidence that companies will follow the rules and manage personal data responsibly, and that if they do not, they will face robust enforcement action.

So while the Panel supports the principle of the provision of information by companies to empower consumer and small businesses' purchasing decisions, as outlined in our response to the midata consultation we do have concerns about privacy and security; and proper use of such data.

12. One area that we feel would benefit from greater focus is that of governance. As the transition to charitable status gets underway, we would encourage as much public transparency as possible in relation to funding, income streams and the appointment of trustees.

13. Finally, the Panel shares the RIU's desire for simpler tariffs - which would be a welcome development in all markets.

² <http://www.communicationsconsumerpanel.org.uk/smartweb/research/online-personal-data>