

## **C2 Information publication and transparency requirements**

### **Scope**

**C2.1** The provisions of this Condition C2 apply as follows:

- (a) Conditions C2.3 and C2.4 apply to:
  - (i) providers of Internet Access Services and/or Number-based Interpersonal Communications Services when they provide such services to End-Users; and
  - (ii) providers of Bundles to Consumers and/or Microenterprise or Small Enterprise Customers or Not-For-Profit Customers, unless such Microenterprise or Small Enterprise Customers or Not-For-Profit Customers have expressly agreed otherwise;
- (b) Conditions C2.5 to C2.13 apply to providers of Public Electronic Communications Networks and/or Public Electronic Communications Services;
- (c) Conditions C2.14 to C2.15 apply to providers of Fixed Voice or Other Fixed-Line Services and/or Broadband Services when they provide such services to SME Customers; and
- (d) Conditions C2.19 to C2.21 apply to providers of Internet Access Services and/or Number-based Interpersonal Communications Services when they provide such services to Consumers.

**C2.2** In this Condition C2:

- (a) each provider to whom a provision applies in accordance with Condition C2.1 is a 'Regulated Provider' for the purposes of that provision; and
- (b) each Public Electronic Communications Service in relation to which a provision applies in accordance with Condition C2.1 is a 'Relevant Communications Service' for the purposes of that provision.

### **General information publication requirements**

**C2.3** Regulated Providers shall publish the following information in respect of any Relevant Communications Services or Bundles they provide under standard terms and conditions:

- (a) the contact details of the Regulated Provider;
- (b) a description of the services offered, including the main characteristics of each service provided, such as:
  - (i) any minimum quality of service levels, where offered; and
  - (ii) any restrictions imposed by the provider on the use of Terminal Equipment they sell or provide, including any Handset Locking Restrictions;
- (c) the tariffs of the Regulated Provider indicating the services provided and the content of each tariff element (with regard to charges for access, usage and/or maintenance), including details of:
  - (i) any allowances included in specific tariff plans, such as in relation to gigabits of data, voice minutes and messages;

- (ii) any usage charges for any additional use of services or facilities, or for use of any additional services or facilities not included in (i);
  - (iii) numbers or services subject to particular pricing conditions;
  - (iv) access and maintenance charges;
  - (v) any special and targeted tariff schemes;
  - (vi) any additional charges; and
  - (vii) any costs with respect to Terminal Equipment;
- (d) any after-sales, maintenance and customer assistance services offered and their respective contact details;
- (e) the standard contract conditions offered, including contract duration, any Early Termination Charges, rights in relation to the termination of Bundles or any elements thereof;
- (f) where the undertaking is a Regulated Provider of Number-based Interpersonal Communications Services, information on access to Emergency Organisations and Caller Location Information, or any limitation on the latter;
- (g) details of products and services, including any functions, practices, policies and procedures and alterations in the operation of the service, specifically designed for End Users with disabilities, in accordance with European Union law harmonising accessibility requirements for products and services;
- (h) any available dispute resolution mechanisms, including those developed by the Regulated Provider; and
- (i) any compensation and/or refund policies, including specific details of any compensation and/or refund schemes offered.

For the avoidance of doubt, this Condition does not require Regulated Providers to publish any bespoke or individual prices, tariffs or terms and conditions.

**C2.4** Regulated Providers shall, upon request, provide Ofcom with the information listed in Condition C2.3 ahead of publication.

### **Unbundled tariff and personal numbers information publication requirements**

C2.5 In respect of Unbundled Tariff Numbers, Regulated Providers shall publish the Access Charges that are payable for tariffs that they make available to Consumers and give those charges the same prominence in terms of location and format as is given to charges for geographic calls, calls to mobiles and call packages (including Bundles) as part of the information published in accordance with Condition C2.3(c), as well as in its published price lists and in advertising and promotional material which refer to call pricing.

C2.6 Without prejudice to Condition C2.5, in respect of Unbundled Tariff Numbers, Regulated Providers shall give particular prominence to:

- (a) the Access Charge that is payable for each package of tariffs that they make available to Consumers; and

(b) whether calls to Unbundled Tariff Numbers are included within bundles of inclusive calls or inclusive call minutes purchased by Consumers from the Regulated Provider, specifying in particular:

- (i) the Unbundled Tariff Numbers to which the terms of the bundle apply;
- (ii) if relevant, the number of call minutes to Unbundled Tariff Numbers that are so included;
- (iii) if relevant, whether the inclusion of calls to Unbundled Tariff Numbers is conditional upon the time or day of the call; and
- (iv) whether any special offers, discount schemes or call bundling arrangements apply to the Service Charges payable in respect of the call minutes or calls to Unbundled Tariff Numbers that are so included.

**C2.7** In respect of Personal Numbers, for tariffs that Regulated Providers make available to Consumers, they shall:

- (a) publish, as part of the information published in accordance with Condition C2.3(c), usage charges, including any variations by time of day, and give those charges the same prominence in terms of location and format as is given to charges for geographic calls, calls to mobiles and call packages(including bundles) on the Regulated Provider's website and in its published price lists; and
- (b) in advertising and promotional material which refer to call pricing, publish the maximum charges applying to Personal Numbers.

**C2.8** Without prejudice to Condition C2.7, in respect of Personal Numbers, Regulated Providers shall give particular prominence to whether calls to Personal Numbers are included within bundles of inclusive calls or inclusive call minutes purchased by Consumers from the Regulated Provider, specifying in particular, if relevant:

- (a) the number of call minutes to Personal Numbers that are so included; and
- (b) whether the inclusion of calls to Personal Numbers is conditional upon the time or day of the call.

**C2.9** Where a Regulated Provider advertises, promotes or procures the advertisement or promotion of any Unbundled Tariff Number in connection with the provision by the Regulated Provider of a service to Consumers by means of that Unbundled Tariff Number, it shall:

- (a) include or procure the inclusion in any advertising and promotion of the Unbundled Tariff Number, the Service Charge which applies in respect of a call by a Consumer to that number; and
- (b) ensure that the Service Charge is displayed in a prominent position and in close proximity to the Unbundled Tariff Number in any such advertising or promotion of the Unbundled Tariff Number.

**C2.10** Where a Regulated Provider applies different tariffs for Microenterprise or Small Enterprise Customers or Not-For-Profit Customers to those it applies to Consumers, it must ensure that its pricing for Microenterprise or Small Enterprise Customers or Not-For-Profit Customers is transparent

and inform such Microenterprise or Small Enterprise Customers or Not-For-Profit Customers where the tariff is a business tariff.

### **Premium Rate Service information publication requirements**

**C2.11** In relation to Controlled Premium Rate Services ('CPRS'), Regulated Providers shall provide on request and free of charge the following information and advice to Consumers, Microenterprise or Small Enterprise Customers or Not-For-Profit Customers:

- (a) information about the CPRS mechanisms in the UK market, such as operator billing, premium rate Short Message Service (PSMS) payments, Service Charges for CPRS numbers, and voice short code charges, and how they are applied to the Customer's phone bill; and
- (b) information about the role of Regulated Providers in relation to:
  - (i) general CPRS enquiries and requests for number checks via the number-checker facilities provided by the Phone-paid Services Authority on its website; and
  - (ii) dealing with formal complaints about abuses of service content, non-compliance with the Phone-paid Services Authority's code of practice and other alleged unlawful operation of services and numbers.

**C2.12** In providing information and advice in accordance with Condition C2.11, Regulated Providers shall provide:

- (a) basic information about how CPRS work including whether the service(s) in question were routed to service providers hosted on the Regulated Provider's own network or on the network of a different Communications Provider, together with a basic explanation of how revenue sharing with service providers operates;
- (b) information about the tariffs that apply on their network for calls to any CPRS number range, including, where appropriate, the Regulated Provider's Access Charge;
- (c) contact details of individual service providers or the Communications Providers which host them, and where that information is available;
- (d) service providers' customer service contact details where Consumers can obtain further information about services provided on the CPRS numbers found on their Bills;
- (e) information about the role and remit of the Phone-paid Services Authority in dealing with complaints and how to go about making a formal complaint to the Phone-paid Services Authority via the website, helpline or in writing;
- (f) information on the role of Alternative Dispute Resolution Schemes in resolving disputes concerning CPRS;
- (g) information about how Consumers can bar access from their telephone to all or specific CPRS number ranges for reasons of cost and/or content; and
- (h) information on any other options available to Consumers for seeking refunds in cases of abuse or scams involving CPRS.

## Information required to be displayed in Public Pay Telephones

**C2.13** Regulated Providers that provide Public Pay Telephones shall display and take all reasonable steps to keep displayed prominently on or around all Public Pay Telephones a notice specifying:

- (a) the minimum charge payable for connection of a call;
- (b) the location of the Public Pay Telephone sufficient to enable it to be located as swiftly as possible by Emergency Organisations;
- (c) that calls to Emergency Organisations using the numbers “112” and “999” may be made from the Public Pay Telephone free of charge and without having to use coins or cards; and
- (d) whether or not the Public Pay Telephone is available to receive a call, and if so, the Telephone Number of the Public Pay Telephone.

## Transparency requirements in relation to SME customers

**C2.14** As part of the information published in accordance with Condition C2.3(b) and (i), a Regulated Provider must publish the following information in respect of any standard form contract it offers to SME Customers (whether exclusively or amongst others) for Relevant Communications Services:

- (a) the Service Level Agreements(if any) that apply:
  - (i) in relation to the Regulated Provider activating the service(s) on the date confirmed to a SME Customer and in the event of the Regulated Provider failing to do so;
  - (ii) in the event of a Loss of Service; and
  - (iii) in relation to the Regulated Provider (or its supplier) keeping a pre-agreed appointment to attend the SME Customer’s premises and in the event of the Regulated Provider (or its supplier) failing to do so;
- (b) the Service Level Guarantee (if any) that applies for each of the events listed in Condition C2.14(a);
- (c) if applicable, the fact that no Service Level Agreement and/or Service Level Guarantee applies in relation to an event listed in Condition C2.14(a); and
- (d) if applicable, the fact that a Service Level Agreement and/or Service Level Guarantee may be available in relation to an event listed in Condition C2.14(a), but that the exact terms are subject to individual negotiation between the Regulated Provider and a SME Customer.

**C2.15** When a SME Customer enters into a contract of a kind offered by the Regulated Provider to SME Customers (whether exclusively or amongst others) for a Relevant Communications Service (whether on the basis of a standard form or a bespoke contract), the Regulated Provider must provide the SME Customer, free of charge, with the information described in Condition C2.14(a) to (c) (or the applicable information about each of those matters in relation to a bespoke contract), where applicable, as part of the Contract Information provided pursuant to Condition C1.3 and the Annex to Condition C1, or otherwise in a Durable Medium that is separate and distinct from the SME Customer’s contract.

## Method of publication

**C2.16** Where this Condition requires information to be published, it shall be effected by publishing the information on the website of the Regulated Provider in a clear, comprehensive and machine-readable manner, and in a format that is accessible to End-Users with disabilities or, in such manner and form as directed by Ofcom. Regulated Providers shall update the relevant information regularly.

## Processes and procedures

**C2.17** Regulated Providers must have procedures in place to ensure that enquiry and helpdesk staff are aware of the requirements of Conditions C2.2 to C2.12, C2.16 and C2.18 in order for them to be able to respond to complaints and enquiries and to monitor their compliance with the requirements.

**C2.18** Regulated Providers must have fully documented procedures in place to ensure that Customers and advice agencies are made aware of the existence of the requirements in this Condition including, for example, by referring to the requirements in sales and marketing literature.

## Provision of data to third parties

**C2.19** Regulated Providers shall make available, free of charge and in open data formats, the information listed in Condition C2.21, for the purposes of providing a Comparison Tool meeting the conditions set out in Condition C2.20.

**C2.20** The conditions referred to in Condition C2.19 are that the Comparison Tool must:

- (a) be operationally independent from Regulated Providers, thereby ensuring that Regulated Providers are given equal treatment in search results;
- (b) clearly disclose its owners and operators;
- (c) set out clear and objective criteria on which the comparison is to be based;
- (d) use plain and unambiguous language;
- (e) provide accurate and up-to-date information and state the time of the last update;
- (f) be open to any Regulated Provider making available the relevant information in accordance with Condition C2.19;
- (g) include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;
- (h) provide an effective procedure to report incorrect information; and
- (i) include the possibility to compare prices, tariffs and minimum quality of service between offers available to Consumers.

**C2.21** The information referred to in Condition C2.19 is information relating to:

- (a) the prices and tariffs of services provided against recurring or consumption-based direct monetary payments; and

(b) the minimum quality of service where offered, or the Regulated Provider is required to publish such information.