



## **Mobile Network Operator Red and Yellow Card Process**

### **Introduction**

The majority of commercial mobile services running through the UK Mobile Network Operators (MNOs); Orange, 3, O2, T-Mobile and Vodafone in the UK 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 5 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 Regulator PhonepayPlus to ensure appropriate action is taken to eliminate the potential for 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 with a third party service provider.

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

When such 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 is isolated from all UK mobile consumers until it can be shown to be compliant, for instance a subscription service that cannot be ceased with STOP command.

### **What is the process?**

The MNO will serve notice on the Service Provider responsible for the hosting, enabling or operating 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 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.

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 to 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 a promotion to Red Card requiring 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 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 with 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 which is being issued to a Service Provider if the issuing MNO feels that this action would solicit further and appropriate action against the service.

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

## APPENDIX 1



E:\Regulatory\Red  
and yellow card temp

## APPENDIX 2

### Mobile Network Operator Contact List for Yellow or Red Cards

<b>Hutchison 3G UK Limited</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Katharine Watson</b>	<b>Rory Maguire</b>
Email Address	Katharine.watson@three.co.uk	rory.maguire@three.co.uk
Phone Number		<b>07782 325688</b>

<b>Vodafone UK Limited</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Olivia Mcdonald</b>	<b>Paul Gill</b>
Email Address	<a href="mailto:Olivia.mcdonald@vodafone.com">Olivia.mcdonald@vodafone.com</a>	<a href="mailto:Paul.gill@vodafone.com">Paul.gill@vodafone.com</a>
Phone Number	07733001199	07766028827

<b>Orange PCS Limited</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Naomi Hone</b>	<b>Andrea Benson</b>
Email Address	<a href="mailto:Naomi.hone@ftgroup.com">Naomi.hone@ftgroup.com</a>	Andrea.benson@orange-ftgroup.com
Phone Number	07968 247263	07970 125353

<b>T-Mobile Limited</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Amanda Tansey</b>	<b>Robin Christie</b>
Email Address	<a href="mailto:Amanda.Tansey@t-mobile.co.uk">Amanda.Tansey@t-mobile.co.uk</a>	<a href="mailto:Robin.Christie@t-mobile.co.uk">Robin.Christie@t-mobile.co.uk</a>
Phone Number	01707 313706	01707 3 13758

<b>O2 Limited</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Spencer Gunson</b>	
Email Address	<a href="mailto:Spencer.gunson@o2.com">Spencer.gunson@o2.com</a>	
Phone Number	07734716388	

<b>PhonepayPlus</b>		
	<b>Primary Contact</b>	<b>Secondary Contact</b>
Contact Name	<b>Mailbox</b>	<b>James Harris</b>
Email Address	<a href="mailto:networkcomplaints@phonepayplus.org.uk">networkcomplaints@phonepayplus.org.uk</a>	<a href="mailto:jharris@phonepayplus.org.uk">jharris@phonepayplus.org.uk</a>
Phone Number		