



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, conduct or promotion of 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 to 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 consumer harm.

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

How does this work?

A MNO, through customer complaint or through monitoring, 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 and Privacy regulations, Regulatory Codes of Practice and / or Guidelines, UK Law or MNO contract.

When such service, that is considered to have the potential for mobile consumer harm is discovered by a MNO, the MNO will 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 breach. The MNO will exercise discretion, pragmatism and a test of reasonableness prior to issuing the notice.

What constitutes Red or Yellow?

A **Yellow Card** is for an issue that is minor in that harm may not be severe but the issue requires immediate resolution. For example a marketing message that may have omitted opt-out instructions or a promotion that omitted contact details.

A **Red Card** is for an issue that is so severe that the service needs to be immediately isolated from all UK mobile consumers until it can be made to be compliant. For instance a subscription service that cannot be ceased with STOP command or an adult service operating without MNO access controls.

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 issue and the remedial steps that will be required to rectify the issue.

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 the circumstances detailed above.

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 an immediate 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 individual MNO's Code of Conduct, Operator Code for Subscription Services, 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 or gained 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 notifies them 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.

Compliance Advice

MNO's having reasonably provided information as to why the service is non-compliant with various Regulations and / or Codes of Practice are not in a position to provide compliance advice. The regulatory bodies PhonepayPlus, Information Commissioners Office and some independent parties are capable of providing this advice.

However, a MNO may refuse to lift the Yellow or Red card Notice if the service in their opinion remains non-compliant.

Regulator Notification

As part of the process, appropriate Regulatory bodies (PhonepayPlus, Office of the Information Commissioner and others) will, at the MNO discretion, 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 2

Mobile Network Operator Contact List for Yellow or Red Cards

Hutchison 3G UK Limited		
	Primary Contact	Secondary Contact
Contact Name	Katharine Watson	Rory Maguire
Email Address	Katharine.watson@three.co.uk	rory.maguire@three.co.uk
Phone Number	07578 231611	07782 325688

Vodafone UK Limited		
	Primary Contact	Secondary Contact
Contact Name	Jeremy Stratford-Smith	Gemma Briddon/Clare Cicchetti
Email Address	Jeremy.stratford-smith@vodafone.com	wholesaleorders@vodafone.com
Phone Number	07825 841760	

Orange PCS Limited		
	Primary Contact	Secondary Contact
Contact Name	Naomi Hone	Andrea Benson
Email Address	Naomi.HONE@everythinggeverywhere.com	Andrea.benson@everythingeverywhere.com
Phone Number	07968 24726	07970 12535

T-Mobile Limited		
	Primary Contact	Secondary Contact
Contact Name	Naomi Hone	Andrea Benson
Email Address	Naomi.HONE@everythingeverywhere.com	Andrea.benson@everythingeverywhere.com
Phone Number	07968 24726	07970 12535

O2 Limited		
	Primary Contact	Secondary Contact
Contact Name	Spencer Gunson	
Email Address	Spencer.gunson@o2.com	
Phone Number	0773471638	

Office of the Information Commissioner		
	Primary Contact	Secondary Contact
Contact Name		
Email Address		
Phone Number		

PhonpayPlus		
	Primary Contact	Secondary Contact
Contact Name	Mailbox	
Email Address	networkcomplaints@phonpayplus.org.uk	
Phone Number		