

Reference: 1561365

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## Freedom of Information: Right to know request

Thank you for your request for information about Phone-paid Services Authority ('PSA') and Google regarding Information, Connection and Signposting Services ('ICSS').

We received this request on 31 January 2023 and have considered it under the Freedom of Information Act 2000 ("the Act").

### Your request

You asked for:

- a) *'Information that relates to any contact between the PSA and Google regarding ICSS.*
- b) *Discussions contemplating enforcement actions against ICSS services via Google, with reference in particular to discussions and exchange of information that took place to enable the PSA to state the following in its Annual Report 2019 – 2020:*

*"Through automated monitoring of the phone-paid services market we gathered intelligence on:*

- *the prevalence of ICSS campaigns **and worked with Google to enforce their terms and conditions for these services**"<sup>1</sup>*

2. *Communication between the PSA and Google:*
  - a) *Information that relates to the PSA's reference to Google Annual market review for phone- paid services 2021-20221 in so far as the communication related to the advertising of ICSS and/or search engine optimisation.*
3. *In each case, we request the following information:*
  - a) *A text file of the communication, and*
  - b) *The names of persons to which the communication relates.*

## Our response

We do not hold any information within the scope of this request.

The PSA is an independent regulator with responsibility for the regulation of phone-paid services.

The PSA regulates the sector through a Code of Practice [here](#) which sets out both the regulatory rules applicable to the sector and the institutional powers of the PSA. Whilst it is the case that, ultimately, the PSA's regulatory role derives from Ofcom's statutory powers under Section 121 of the Communications Act 2003 and Ofcom is responsible for ensuring that the sector is well regulated, there are currently three key formal interactions between the PSA and Ofcom, as set out in the current Ofcom/PSA memorandum of understanding (MOU) [here](#) and as follows:

- The PSA's Code of Practice must be formally approved by Ofcom under Section 121 of the Communications Act.
- In accordance with the current MoU, the PSA must seek approval from Ofcom for its business plan, budget and board appointments.
- Ofcom has issued a PRS condition which identifies those service providers which must comply with the Code of Practice. The Code of Practice gives the PSA direct enforcement powers, including penalties and sanctions against individuals.

Our role is limited to these functions and does not extend to providing oversight of the day to day regulation of the sector, supervising and/or approving regulatory decisions/enforcement actions, which the PSA may be undertaking. Information which we may require or have access to from the PSA is limited to these interactions/functions and as the information sought by this request relates to regulatory matters which do not come within scope of these interactions or engage our functions, we do not hold any of the requested information.

The relationship between Ofcom and the PSA is confirmed within the MoU which sets out that it is for the PSA alone to exercise its regulatory, governance and operational functions in respect of the application and enforcement of the code. Ofcom's powers are limited as set out within the Communications Act 2003, and in particular, it has no role in the PSA's application and enforcement of the code (save where the PSA refers to Ofcom a person's failure to comply with a direction the PSA has issued).

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely,

Gloria Akinyemi

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF