Introduction.

All BBC programming (whether in-house or independently produced) needs to comply with all applicable regulations and BBC Editorial Guidelines (please see http://www.bbc.co.uk/guidelines/editorialguidelines/advice/interactivity/ - further advice may be sought from Editorial Policy).

These notes set out the process that production teams need to follow when incorporating interactivity into programming and specifically set out how they need to work with the BBC’s Interactive Technical Advice and Contracts Unit (ITACU) to deal with:

- Approval Forms
- Selection of the Type of Interactivity
- Selection of a Service Provider
- Contractual Terms with the Service Provider
- Tariff to be used and Outpayment to Charity (if applicable)
- Use of Residuals
- Terms and Conditions
- Use of Independent Verifiers
- Contact with Regulators
- Graphics, Verbal Messages and Captions
- External Communications

Approval Forms.

For any use of interactivity, a BBC ITACU approval form will have to be submitted by the relevant BBC Commissioning Executive, for Television, or Network Controller (or nominated deputy) for Radio. This form must be approved before any piece of interactivity takes place or is promoted in any form. The approval process will take at least two (2) weeks from completed submission and may take longer for non-telephony interactive proposals, and up to eight (8) weeks for non verified online engines. It is advisable to discuss such proposals via your BBC Editorial Representative with BBC ITACU and Editorial Policy as early as possible. Please contact BBC ITACU for more details: itacu@bbc.co.uk

Selection of the Type of Interactivity.

There are different types of interactivity that the BBC ITACU covers, these are telephony (Premium Rate or non-Premium Rate), texting (SMS), online, email, red button (and its successor Red Button+) and post

Not all types of interactivity will always be suitable to a particular programme. Aspects such as demographics and target audience, or the length of the interactivity
window could make certain interactivity methods impracticable. For example, texting might not always be the most appropriate entry method for a competition targeting an older demographic and use of premium rate telephony will rarely be considered suitable for interactivity aimed principally at children. Also mobile text entries may not be suitable for a vote or competition to be resolved in a very short period as latency issues (due to how texting technically works) may result in entries not getting through on time.

Therefore, BBC ITACU should be consulted before deciding which type of interactivity to be used. BBC ITACU may also be required to consult BBC Editorial Policy.

Please note that this also applies to any promotion associated with the main programme event such as audience participation lines.

Selection of a Service Provider for Premium Rate Telephone Lines.

The BBC has in place Framework Agreements with a number of service providers for fixed premium rate telephone lines. All use of premium rate telephone lines for audience interactive services on any programmes produced by independent producers must be carried out by one of the BBC Framework service providers. Independent production companies are free to choose any service provider from the list of Framework service providers.

BBC ITACU will not recommend or endorse any particular BBC Framework service provider. However, where a production company wants to tender out a particular piece of interactivity (which the BBC undertakes for all in-house interactivity), BBC ITACU will assist them by providing the templates and process used for BBC mini-competitions (i.e. those used for all BBC in-house productions using interactive services - with which all BBC Framework service providers will be familiar). In these cases, BBC ITACU will request that the mini tender goes out to all BBC Framework service providers in the relevant lot. The decision as to who to appoint will rest entirely with the relevant independent production company.

It is always advisable to provide BBC ITACU visibility of the terms of the tender early in the process.

Selection of a Service Provider for other forms of Interactivity.

For any other outsourced platform or system to be used in any audience interactivity where the BBC does not have Framework Agreements in place, the production company is free to choose and engage the service provider of their choice, subject to the terms being approved by the BBC as a ‘Key Agreement’ in accordance with [clause 6.4 of the PPA].

Tariff to be used for Premium Telephony and Outpayment to Charity.

The use of premium rate services interactivity in any independent production commissioned by the BBC will be subject to the same rules as the BBC’s in-house productions. Please note that this also applies to any promotion associated with the
main interactive event and/or audience participation lines. These basically provide that premium rate services should not be used for profit and be run on the lowest possible rate. The only exception to this is where the purpose of the interactivity is to raise funds for BBC charitable appeals. The charity tariff must be approved by BBC ITACU in consultation with Editorial Policy. The rate should always take into account the best possible outpayment for charity and the likely take up by the audience.

Use of Residuals.

There are no circumstances where residual revenue generated from the use of premium rate services can be used to fund or recover production costs. A portion of the revenue generated from the use of interactivity (i.e. calls or messaging costs) can be retained by the service provider that manages the interactivity to offset against their agreed fees. Only in limited cases, should the fees be agreed as a fixed charge. The BBC will usually expect the service provider to offer a revenue share where no minimum payment is due to the service provider should there be a shortfall which would mean that call volumes do not cover the service provider’s fees. However, the independent production companies are free to agree a flat fee with the service provider. In such instances the risk of a shortfall will have to be agreed between the independent producer and the service providers. Under no circumstances will the BBC pay or underwrite the shortfall.

Apart from the service provider’s fees, other allowable deductions from the residuals are any independent verification of the vote, if required (e.g. a vote result) and contingencies, such as refunds. These will be considered on a case-by-case basis and will need to be approved by the BBC ITACU in consultation with Editorial Policy and Finance.

Any residuals left after the allowable deductions, must be paid to the charity nominated by the BBC through the BBC Charity Appeals Office.

Vote Room. BBC ITACU will advise whether the vote room should be at BBC premises or any other venue. For live broadcasting events, the vote room should be located next to the studios from where the associated programme is being broadcast.

- **Attendance to Vote Room:*** Usually, at least one representative from BBC ITACU will attend the vote room during the interactivity. Editorial Policy may also attend. For live broadcast events, each service provider will be expected to attend the final rehearsal/dress run. BBC ITACU will approve the number of representatives from the independent production company, the service provider and verifier to be allowed in the vote room, all of whom will be required to sign confidentiality agreements in advance.

- **Facilities:** BBC ITACU will advise the necessary equipment to be available in the vote room. Minimum requirements include: access to a live feed to the studio, telephone line, Internet access and computer terminal, fax machine and confidential bin or shredder.
Testing and Reporting Requirements: The frequency and other particulars for these will be advised by BBC ITACU.

Capping Votes: BBC ITACU may request that voting be limited per person, telephone line, online account etc. This will be looked at on a case-by-case basis but should be raised with the service provider as soon as possible, as their quotes may make assumptions around this.

Contractual terms with the Service Provider.

For audience interactivity methods which are subject to regulations, such as premium rate telephone lines or short codes and other forms of audience interactivity when used alongside premium rate telephone lines or short codes, independent producers will be asked to contract with the service provider on BBC-approved terms. The BBC will provide a template. The contracts will be finalised between the independent producer and the service provider. The Senior Lawyer in BBC ITACU will need to be consulted prior to any changes that could relate to the BBC requirements.

The BBC requirements under all applicable regulations or BBC guidelines (for example data protection, lowest viable tariffs, use of residual revenue, etc) will apply equally to any independent production as they do to in-house productions.

Terms and Conditions.

All votes and competitions will require clear terms and conditions to be published. These will help ensure the event is compliant with the BBC Editorial Guidelines as well as any applicable legislation. The terms and conditions and any amendments thereto will require approval from the Senior Lawyer in BBC ITACU.

Please note that where the production company produces content to be posted online (including profiles on social networks), any information about the vote or the terms and conditions will need to be approved by BBC ITACU or the Senior Lawyer in BBC ITACU, respectively.

Use of Independent Verifiers.

For certain events, including any involving premium rate telephony and charity appeals, BBC ITACU may require than an independent verifier be present to certify that the event has been carried out and the results obtained in accordance with the applicable rules. In such instances, the verifier should be approved by the BBC and be expected to share all information with BBC ITACU. The contract with the verifier will be entered into by the independent producer. The verifier’s fees may be deducted from the residuals. They must not be agreed on a revenue share basis.

Contingencies.

Technical contingencies, ie in case a voting mechanism or entry method fails, will need to be agreed and approved by BBC ITACU. These should be accompanied by
the relevant scripts. The Senior Lawyer in BBC ITACU may require that contingencies around tie scenarios be included in the terms and conditions.

Editorial contingencies will need approval from BBC Editorial Policy.

**Contact with Regulators.**

The Senior Lawyer in BBC ITACU may consider consulting the regulators (Ofcom and PhonepayPlus) on any compliance proposal for a particular event.

**Graphics, Verbal Messages and Captions.**

The wording, prominence and frequency of these must be compliant with applicable regulations and BBC Editorial Guidelines, and will need to be approved in advance by BBC ITACU.

**External Communications.**

All external communications regarding interactivity (eg queries or complaints about voting issues, network status, etc) should be referred to and approved by BBC ITACU and the BBC Press Office in the first instance. This should also include any contact with network operators.