Audiences and the user experience

Q1. To what extent do you think allowing a wider range of post-watershed content to be shown during the daytime behind a mandatory PIN would benefit audiences?

Freesat considers it likely that some consumers would appreciate having access to post-watershed broadcast content during the daytime, especially those without children in their household. Certainly introducing such a concept would create a more level playing field with existing video-on-demand players, which permit access to post-watershed content at any time behind their own child-protection barriers.

Q2. Are there likely to be any negative impacts on the user experience for viewers accessing channels or programmes where the content is restricted behind a mandatory PIN? For example, if a viewer had to enter a mandatory PIN every time they change between a restricted channel or programme, or if a viewer is unable to update to a new PIN system?

Whilst Freesat does acknowledge the potential benefit to some consumers as mentioned in response to Q1 above, it considers the potentially negative practical implications of such a mandatory PIN to outweigh these benefits.

It is worth noting that most TV devices available in the UK already have an optional PIN mechanism. This optional PIN mechanism allows parents to control access to content they may consider unsuitable for their children. This mechanism empowers the consumer to decide whether or not they wish to impose a PIN barrier for certain content.

Any mandatory PIN control system is likely to be unpopular with consumers without children who may not like the imposition of a PIN mechanism they cannot turn off. Furthermore, as identified in the example in this question, a consumer is likely to get frustrated by repeated requests to enter the same PIN if they left and then returned to the same channel or the content on that channel switched between post and pre-watershed material. Unlike the existing premium subscription film services, which by their nature exclusively show films without adverts, the imposition of the proposed mandatory daytime PIN mechanism to a wider group of channels is likely to have a greater impact on consumers' frustration. This is because the length of content is likely to be shorter and separated by adverts for commercial channels, which in turn is likely to increase the frequency of PIN requests as the content on a channel varies from pre- to post-watershed and consumers channel-hop during adverts.

Q3. If you are a broadcaster, would you be likely to change your output following any revision to Ofcom's rules to allow post-watershed content to be broadcast pre-watershed behind a mandatory PIN, and what genre of material might you wish to broadcast during the daytime as a result?

N/A

Technology constraints

Q4. What, if any, are the technological difficulties associated with showing post-watershed content during the daytime behind a mandatory daytime PIN? What impact would these technological difficulties have on affected broadcasters (please provide evidence or estimates)? How might these technological difficulties be overcome?

A method for restricting access to on-demand content that is not suitable for minors pre-watershed, e.g. content shown post-watershed the night before made accessible via a catch-up service such as BBC iPlayer, is using a combination of the existing PIN controls on a set-top box ("**STB**") in conjunction with guidance meta-tags delivered by the channel provider.

This method could in theory be used for imposing a mandatory daytime PIN for post-watershed content to be broadcast pre-watershed. However, two technical issues arise as a result of this method.

(1) Delivery of guidance metadata

At present, only some public service broadcasters provide the guidance meta-tags that are used by STBs to prevent access to on-demand content made available via catch-up players pre-watershed. In order for the proposed mandatory daytime PIN mechanism to work, other channels that wanted to broadcast post-watershed content pre-watershed would need to provide additional meta-tags to the STBs in a standard form that the STBs could interpret. This may present a barrier to smaller channel providers who may not be in a position to provide this additional metadata.

(2) Update of PIN controls on STBs

The imposition of a mandatory daytime PIN requires a software update to be made to existing STBs and an update to the specification for future STBs. So in essence, such updates need to be performed by the manufacturer of STBs.

Freesat agrees with Ofcom's view that imposing a mandatory daytime PIN is an easier task for pay-TV providers such as Sky or Virgin Media than for free-to-air providers such as Freesat and Freeview. This is primarily because the pay-TV operators have full control over the devices they provide, including the manufacturing and updating processes. Free-to-air providers can influence their manufacturing partners and seek to encourage them to develop such a mandatory daytime PIN mechanism, but they have no way of forcing all of them to do so. Given such manufacturers already have lengthy development pipelines and their likely reluctance to introduce a mandatory PIN feature that may make their devices less appealing to use for some consumers, Freesat does not believe its manufacturing partners will be easy to influence in this area.

There is also no way of directly imposing a mandatory daytime PIN mechanism on Freesat-enabled TVs. PIN controls are implemented and updated outside of the Freesat-environment on a television so is not included in the relevant specification. As a result, any

mandatory daytime PIN control system would need to be imposed on the TV manufacturers directly.

Therefore, unless all manufacturers of STBs and TVs in the UK were in agreement to introduce the mandatory daytime PIN mechanism, introducing it is more likely to create risk than benefit to consumers. Given the overlap of the most popular channels on each UK platform, if the mandatory daytime PIN mechanism was possible and adopted by one platform (and therefore group of STBs and/or TVs) but not the others, that would result in channels broadcasting post-watershed content during pre-watershed hours that was PIN controlled on some devices, but not others.

Updates to existing STBs in the market would realistically require the STB to be connected to the internet. Whilst it is possible to perform an update via a broadcast medium, such as satellite, such updates are considerably more expensive to develop and deliver. Furthermore, it is likely that a significant proportion of unconnected devices would not be technically capable of receiving such an update because unconnected devices are more likely to be older ones with older software that may no longer be supported by the manufacturer (or indeed for some cases, the manufacturer may no longer even exist!).

Introducing a mandatory daytime PIN mechanism may also create technical issues for consumers with a PVR device. Such consumers can pause and rewind live TV as a result of having the PVR functionality. Naturally, this could lead to issues whereby a consumer may rewind a channel moving from post-watershed content into pre-watershed content (or vice versa), which may lead to confusion around whether the PIN request should be made or not. Pausing on a channel for a period of time could in theory have the same impact. Furthermore, it is commonplace for some devices to add a short buffer to scheduled recordings using a PVR, e.g. the recording may commence a few minutes before the scheduled content to ensure the consumer does not miss any of their programme. In this scenario, it may be that the mandatory daytime PIN may (or may not) be requested as a result of the status of the preceding programme.

If a mandatory daytime PIN mechanism was introduced, Freesat is of the opinion that it could only feasibly be introduced for new STB devices or by way of an update to more modern IP-connected STB devices. It would be technically and commercially unfeasible to seek to impose such a mechanism onto older, unconnected STB devices because these devices are unlikely to be able to support such an update and the delivery mechanism of that update would be both technically difficult and costly to achieve. Freesat is also of the opinion that the mandatory daytime PIN mechanism should only be imposed with agreement from all relevant device manufacturers. It would only take one device manufacturer to refuse to include it in new devices or provide updates for existing ones and the outcome would be an inconsistent delivery of television content in the UK resulting in a decrease in the level of protection of minors.

Q5. Are there practical or cost issues with consistent implementation of PIN protection across a variety of set-top-boxes or receivers?

In addition to the technical issues raised in respect of Q4 above, there are additional practical and cost issues that should be considered.

Given there are a number of legacy devices, i.e. old STBs with dated software, that could not be updated, there is a practical issue in respect of how these devices would behave when a consumer sought to view content that would otherwise be restricted by the mandatory daytime PIN mechanism. Allowing these devices to access the content without restriction would decrease the protection of minors. Not allowing these devices to access the content, e.g. replace it with a blank screen or a static message confirming the device cannot receive the content because the device is not capable of using the mandatory daytime PIN mechanism, would be detrimental to consumers in the market who have older STBs. This group of consumers is likely to be those with lower incomes unable to afford to purchase an IP-connected device or the elderly who have little interest or understanding of connected devices. It is also worth noting that technically it may prove difficult to impose a blank screen or a static message confirming the device cannot receive the content without adding encryption to otherwise unencrypted broadcast services.

Assuming the mandatory daytime PIN is imposed on existing STBs in the market, it could create a practical issue in respect of setting up the PIN. Care would need to be taken as to when the update was performed and with what notice to ensure consumers understood its impact. It is entirely possible that in some households, the children may become the "keepers" of the new mandatory PIN rather than the adults.

Impact on the watershed and effectiveness of mandatory restricted access

Q6. How effective is mandatory restricted access in providing protection to children from unsuitable broadcast content? Do you think allowing a wider range of post-watershed content to be shown in the daytime behind a mandatory PIN still offers sufficiently robust protection for children?

As mentioned in respect of Q4 above, unless all manufacturers of television devices in the UK were in agreement to introduce the mandatory daytime PIN mechanism, it is likely that the imposition of mandatory PIN controls will decrease the level of protection to children in the UK.

At this stage in the process, Freesat does not feel it has sufficient information to comment further on this point.

Q7. Do you think allowing a wider range of post-watershed content to be shown in the daytime behind a mandatory PIN could have an adverse impact on the 21:00 watershed or dilute its effectiveness for audiences?

If sufficient numbers of Broadcasters chose to air post-watershed content pre-watershed adopting the proposed mandatory PIN control, it is possible that the watershed may become less and less relevant with time.

Q8. If Ofcom were to amend the Code to allow a wider range of post-watershed content to be shown in the daytime behind a mandatory PIN, are there any particular obligations that should be placed on broadcasters providing content behind mandatory PIN during the daytime (e.g. additional information to parents and carers)?

At this stage in the process, Freesat does not feel it has sufficient information to comment on this point.

Q9. What effect might any revision of the Code to allow a wider range of post-watershed content to be shown in the daytime behind a mandatory PIN have on competition between broadcast services, and also between linear broadcast and on-demand services?

Freesat believes that the imposition of a mandatory daytime PIN mechanism would increase competition between linear broadcast and on-demand services. It would also increase competition between the existing premium subscription film services available on pay-TV platforms and free-to-air broadcast channels.

Q10. Are there any other issues, factors or information you think should be considered as part of our review on mandatory restricted PIN access?

The current method of protecting children from unsuitable content using an optional PIN that can be set-up by parents would appear to be a more practical solution than the mandatory PIN proposal. However, significant measures would need to be put in place to ensure parents were aware of the introduction of post-watershed content being broadcast on some channels at pre-watershed times to allow them to amend their existing optional PIN settings.

It should be noted that whilst Freesat is of the opinion that a mandatory daytime PIN may serve to increase competition between linear broadcast and on-demand services, it is worth noting that as far as Freesat is aware, no on-demand services impose mandatory PIN control on their customers.

It should be noted that television manufacturers are frequently reluctant to implement country-specific requests. This is because their new television models are developed to a European standard and any jurisdiction-specific amendments lead to additional costs and complications. The imposition of a mandatory daytime PIN for the UK market is the type of jurisdiction-specific amendment that is likely to be met with resistance from television manufacturers.