

Chapter 6

Information about the firm and its services



6.2 Means of communication to customers

Application

6.2.1 **R** This section applies to all information required to be provided to a *customer* in this chapter and in other chapters or sections where stated.

Means of communication to customers: non-telephone sales

6.2.2 **R** (1) A *firm* must communicate information to a *customer* using any of the following:

- (a) paper; or
- (b) a *durable medium* other than paper; or
- (c) a website (where it does not constitute a *durable medium*) where the *website conditions* are satisfied.

(2) The *firm* must communicate the information in (1):

- (a) in a clear and accurate manner, comprehensible to the *customer*;
- (b) in English or in any other language agreed by the parties; and
- (c) free of charge.

6.2.3 **R** Where the information is communicated using a *durable medium* other than paper or by means of a website, the *firm* must, upon request and free of charge, also send the *customer* a paper copy.

6.2.4 **R** A *firm* must ensure that a *customer's* choice or consent to receive the information by means of a website (whether a *durable medium* or where the *website conditions* are satisfied) is an active and informed choice or consent.

6.2.5 **G** (1) For the purposes of **■ FPCOB 6.2.4R**, for example, an option to allow a change to the e-mail address to be used or an option to allow information to be provided by means of a website should be presented in a way that is clear, fair and not misleading.

(2) The following are examples of circumstances not evidencing active or informed choice or consent:

- (a) a pre-ticked box (suggesting that option has been selected) which appears in a more prominent place than an un-ticked box allowing another option to be selected; and

- (b) the *customer* electing to be informed by a website without being first given other options.

Means of communication to customers: telephone sales

6.2.6

R

In the case of telephone selling:

- (1) the information must be given in accordance with the distance marketing disclosure *rules* (see ■ FPCOB 5); and
- (2) if prior to the conclusion of the contract the information is provided orally, the *firm* must also provide the information to the *customer* in accordance with ■ FPCOB 6.2.2R immediately after the conclusion of the *funeral plan contract*.