

TRAI CONSULTATION PAPER ON REVIEW OF TELEVISION AUDIENCE MEASUREMENT AND RATINGS IN INDIA – COUNTER COMMENTS BY BARC INDIA

It is respectfully submitted that BARC India had earlier provided its comments on the consultation paper published by TRAI. BARC India hereby provide its counter comments to the comments provided by various institutions, firms, person(s) and individuals on the said consultation paper which was published on TRAI's website.

BARC India is a joint industry body which operates in a transparent manner and its decisions are based on expert Technical Committee consisting of related industry experts which proves the unbiasedness, neutrality and creditworthiness of the institution. BARC India has also explored various ways and methods to collect data and taken the support of the leading institutions in statistics and research domains.

BARC India is also committed to provide cost-effective and tech savvy solutions by which it can measure the TV viewership data and agile to adopt new technologies.

We submit that the comments received from various institutions, firms, person(s) and individuals are encouraging and provides a different dimension to the existing framework. However, the functioning, sampling and operations of BARC India is time tested and proven one. It is also observed that some submissions are identical and motivated against the interest and functioning of BARC India.

The comments by stakeholders have also recommended the adequate panel size which shall be solely depended upon the industry bearing the additional costs in acquiring the same. Further, exploring Sample Return Path Data (SRPD) technology to collect the data requires support from all relevant stakeholders by updating software in their Set Top Boxes (STBs) and by ensuring the privacy of the homes. It may also be noted that panel tampering/ manipulation is a legacy issue of audience measurement industry for the past 10-15 years and it shall be curtailed by way of bringing in separate penal provisions and related legislations by the Government.

BARC India's platform is technology agnostic and after due research, it was concluded that the efficiency, integrity and privacy of the audience measurement data can be preserved through current metering methodology and SRPD solutions. However, BARC India constantly explores the possibility of new technologies and tools to further strengthen its systems and processes.

BARC India has evaluated the comments received and understand that its previous comment submitted already provides the reasonable explanation to all the concerns/suggestions raised under this consultation paper. We hereby reiterate our position taken earlier in the comments submitted by us and hereby provides its counter comments to specifically address the comments received under the consultation paper. BARC India hereby reserves its right to file additional counter comments/rejoinder to counter comments/file clarification if required.

Q1. Whether BARC has been able to accomplish the purpose with transparency and without any bias for which it has been established? Please elaborate your response with justifications. Also, suggest measures to enhance the effectiveness of BARC to give TV ratings with transparency and without bias.

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), Indian Broadcasting Foundation (IBF), News Broadcasters Association, B-EYE Research and Analytics, Nielsen (India) Private Limited, Chrome, Consumer Protection Association - Himmatnagar, Praful Gharpure, Raj Kumar Garg, Star Raiser, Vijaya Shetty, Tata Sky, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

BARC India has been able to accomplish the purpose for which it was established with transparency and without any bias. It has been established in compliance with Govt's Policy Guidelines for TV Ratings Agencies in India which establishes the fact that its functioning is transparent, credible and neutral.

It has successfully set up a transparent, accurate, representative and inclusive TV audience measurement system, which is guided by its Technical Committee that has equal representation of Broadcasters, Advertisers and Agencies. It must be noted that the decisions of the Technical committee can only be taken with consensus – thereby preventing “bias” towards any section of industry. Furthermore, Technical Committee decisions cannot be overturned by the Board without a minimum 75% majority, which prevents any single stakeholder body from reversing Technical Committee decisions. This shows that BARC India is a neutral organization having no biasness whatsoever with respect to its working and methodology. It was the decision of the Technical Committee that certain information regarding television measurements cannot be disclosed due to the secrecy and privacy of panel homes.

With respect to the reporting of breaks and time shifted views, the reporting of data on these parameters may not provide stability to the data and statistically not relevant to the data pool.

Furthermore, BARC India's operations are transparent and available in public domain by way of its website, which carries information on its methodology, periodic audit reports, audited financials, panel report, quarterly redressal status, pricing and weekly headline data published.

As far as the issue of increasing the sample size is concerned as pointed out by most of the stakeholders, we submit that though increasing the sample size will allow better coverage of towns and rural areas and reduce sampling errors, but at the same time as size of the sample will increase beyond a certain threshold, the incremental gains in precision of data would begin to drop off. Therefore, the quality of sample is equally relevant

to ensure accurate and representative data (as opposed to mere “quantity” of sample). This pertains to sample design. A scientifically designed small sample would yield more accurate and representative results than one which is larger in size, but lower in quality of sample design. Further, the cost of collecting samples from panel households is an important factor to be evaluated in the context of expansion. The robustness of the data can be further increased on smaller channels by way of SRPD technology. BARC India has already started exploring Sample Return Path Data (SRPD) based viewership measurement that can scale up panel size 4x or 5x without scale up in costs proportionately as would be required for meter-based expansion.

The issue of panel tampering is a legacy issue of audience measurement industry for the past 10-15 years and it shall be curtailed by way of bringing in separate penal provisions and related legislations by the Government. It must be noted that BARC India has taken strong measures to control the tampering such as including a very strict deterrent and penalty process under Code of Conduct in the End User License Agreement entered with Broadcasters, Advertisers and Agencies. Additionally, BARC India has set up IT-based system for logging & resolution of client/data-user queries/complaints relating to panel tampering. The panel tampering issue can also be reduced when sample collection process is initiated through SRPD technology.

However, our efforts to effectively deal with it have been hampered by absence of a proper legal framework in which such issues may be addressed and under which those suspected of/charged with panel tampering can be acted against – whether this be via police action, FIRs or even prosecution before court of law. Current MIB regulations that govern the sector, and the TV Ratings activity, do not specifically mention or address “Panel Tampering / Infiltration/Influence”. Therefore, the need of the hour is to have a specific law that deals with panel tampering in order to effectively deal with such activities.

We agree that the use of SRPD technology will add robustness to viewership measurement and act as a cost-effective technology to add to the current meter-based measurement to enhance efficiency of decision making and planning by broadcasters, agencies and advertisers. With the use of SRPD technology, there will be increase in panel size and ultimately, the sample would be robust enough for release of raw level data to Broadcasters, especially those with large all-India reach, and higher viewership base.

It must be noted that BARC India provides its raw level data (RLD) to media agencies in a secure manner ensuring that no Personally Identifiable Information (PII) of any member of the panel is revealed to the agency and seek prior permission from the Authorities to release RLD to broadcasters. However, rapid and effective implementation of SRPD technology requires regulatory support from TRAI and the government. DPOs need to be mandated to share data with the TV viewership Measurement provider, so that industry can benefit from enhanced robustness and representativeness of the data. We agree that the use of SRPD technology will also work for the benefit of niche and small channels.

Furthermore, as far as conducting audit by third party is concerned, it must be noted that though the quality and representativeness of BARC India’s sample has been certified by Indian Statistical Institute, Kolkata and Centre d’Étude des Supports de Publicité (CESP), a leading global media research audit organization, but BARC India is open to audits by

regulatory bodies. All the reports and audits as required by the Authorities are submitted by BARC India in a timely manner.

Additionally, the sample size must consider the final goals of the research project. For instance, factors related to the distribution and nature of the population should be taken into consideration in the selection of the sample frame. The overall sample size should also be aligned to the desired reporting cuts to ensure quality reportability for each cut of interest. BARC India's sample design has been carefully tailored to the various reporting needs of the industry. At the same time, the sampling procedures have been set to recognize the distribution of the Indian population, both rural and urban.

The BARC Media Workstation (BMW) software/tool is being licensed to customers of BARC India for viewing an efficient extraction and usage of audience measurement data for their trade operations and insights. The sample size is indicated in BMW software and there are various classification of data which is readily available and the tool is user friendly to extract the relevant information with different colour coding for various categories/classifications. When BARC conducted Customer Feedback Survey recently, amongst Broadcasters, Advertisers and Media Agencies, it received highly positive feedback on the user-friendliness and analytical-ability of BMW software. 91% respondents agreed that BMW software enables the user to do a detailed analysis for any given issue/objective. On the area of 'system sophistication' of BMW, BARC received a score of 4.0 on a scale of 5.

Q2. Do you feel that present shareholding/ownership pattern of BARC ensures adequate representation of all stakeholders to maintain its neutrality and transparent TV ratings? How its credibility and neutrality can be enhanced further? Please elaborate your response with justification.

Counter Comment - In response to the comments made by institutions/persons including but not limited to IAMAI, B-EYE Research and Analytics, Consumer Protection Association – Himmatnagar, Chrome, Vijaya Shetty, Tata Sky, Odisha Television Limited, Multicast Communication & Distribution Limited, Home Digital Networks Private Limited and GTPL Hathway Limited, our submission is as follows:

The audience measurement across the matured markets are successfully undertaken by joint industry bodies viz Canada, South Africa, UK etc. BARC India is a joint industry body set up in a similar way and it also ensures adequate representation of all stakeholders i.e. Broadcasters, Advertisers and Agencies, and this maintains neutrality and transparency of TV ratings in India.

The implementation of SRPD technology can boost the sample in a cost-effective manner, which would further improve robustness of the data. The SRPD technology is inclusive, wherein the DPOs and DTH operators will be part of the value chain.

With respect to the certain comments received regarding the privacy of data collected, we would like to submit that the data collected from the panel homes is fully anonymised and strong checks and balances are in place to ensure security of that data. Users only get

viewership data but not personal information. This shows that BARC India do not violate the privacy of individuals and works in the most transparent and responsible manner.

Q3. Is there a need to promote competition in television rating services to ensure transparency, neutrality and fairness to give TAM rating? What regulatory initiatives/measures can be taken to make TV rating services more accurate and widely acceptable? Please elaborate your response with justifications.

Counter Comment - In response to the comments made by institutions/persons including but not limited to IMAI, IBF, B-EYE Research and Analytics, Consumer Protection Association – Himmatnagar, Vijaya Shetty, Tata Sky, Multicast Communication & Distribution Limited and Home Digital Networks Private Limited, our submission is as follows:

TV viewership measurement systems across most mature markets are carried out by a single agency. The existence of more than one rating agencies (and currency) will not be economically viable and also create confusion and will lead to inefficiency in the market. When there are more than one data sets for a same set of channels, it leads to ambiguity. Hence, it is not desirable to have more than one rating agency.

BARC India through its stakeholders has undertaken significant investments with a not-for-profit motive in creating measurement platforms, developing technology, licensing various applications, installing panels at home, backbone infrastructures. Setting up multiple agencies for the same purpose would undermine those very investments.

Q4. Is the current audience measurement technique used by BARC apposite? Suggest some methods, if any, to improve the current measurement techniques.

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), News Broadcasters Association, B-EYE Research and Analytics, Nielsen (India) Private Limited, Zoom2Growth, Chrome, Consumer Protection Association - Himmatnagar, Vijaya Shetty, Tata Sky, Times Network, Sony Pictures Networks India Pvt. Ltd, Multicast Communication & Distribution Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

The present measurement technique is most appropriate and suitable for current needs of a market like India. BARC uses cutting edge technology that has been adapted for Indian market/homes/conditions, and best in class methodologies to collect, process and report data. BARC has done 76% investment in Tech, which allows high level of efficiencies and scalability. To cite an example, technology solutions developed by BARC India allow it to manage a panel which is 4x of the erstwhile system with half the field staff size. The high investment and focus on technology have allowed us to have a panel that is significantly larger than anything India has ever seen before.

Audio Watermarking as a mode to capture TV viewership from panel homes is an advanced technology which has many advantages over the previous method used to collect the data such as measuring time shifted viewing.

The Technical Committee of BARC has taken a conscious decision that data from the meters of the panel homes establish after a detailed methodology of sampling will provide a robust and steady state of sampling for efficient measurement. The implementation of SRPD technology can boost the sample in a cost-effective manner, which would further improve robustness of the data. We also welcome any concrete suggestions with a detailed plan on the sampling technique from the relevant stakeholder which shall be evaluated by BARC India's Technical Committee.

BARC India has also made huge progress in building capability to measure digital consumption with the goal of providing industry with cross platform and cross device video consumption: linear and time shifted, broadcast and digital. We have a strong foundation, established credibility and necessary transparency and accountability framework on which we can build further with emerging and suitable technologies.

BARC India has capability to measure Out of Home (OOH) viewership data and is measuring the OOH data and based on specific requirements from its customers, can provide OOH data on demand basis with additional costs.

Q5. Does broadcasting programmes that are out of their category or in different language for some time during the telecast affect the TAM rating? If so, what measures should be adopted to curb it?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), News Broadcasters Association, B-EYE Research and Analytics, Consumer Protection Association - Himmatnagar, Odisha Television Limited, Multicast Communication & Distribution Limited, Home Digital Networks Private Limited, and GTPL Hathway Limited, our submission is as follows:

A credible and responsive measurement system should not make any qualitative or subjective interventions based on content/channel position/placement. Placement of a channel (in category/out of category etc.) may impact "opportunity to see" i.e., probability of it being sampled by an audience. However, viewership being a factor of number of people who viewed it and time spent viewing it, it is content that has a large impact on ratings. Empirically however it is observed that placing channels on landing page can influence their ratings specially for niche and smaller viewership channels. TRAI has issued a direction to broadcasters and distributors of television channels restraining them from placing channels on "landing page". Therefore, it is in the domain of TRAI and MIB to monitor and regulate such activities.

Q6. Can TV rating truly based on limited panel homes be termed as representative?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Zoom2Growth, Consumer Protection Association - Himmatnagar, Vijaya Shetty, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

The representativeness of a sample is not strictly linked to sample size alone, but rather, a carefully constructed and designed survey plan. All currency TV rating systems across the world are based on survey sample designs. Viewership Data from a sample/panel homes are as reliable as estimates of Household expenditures arrived at by National Sample Survey Organization (NSSO).

The quality and representativeness of BARC India's sample has been certified by Indian Statistical Institute, Kolkata and Centre d'Étude des Supports de Publicité (CESP), a leading global media research audit organization.

As already mentioned above, though increasing the sample size will allow better coverage of towns and rural areas and reduce sampling errors, but at the same time as size of the sample will increase beyond a certain threshold, the incremental gains in precision of data would begin to drop off. Therefore, the quality of sample is equally relevant to ensure accurate and representative data (as opposed to mere "quantity" of sample).

A scientifically designed small sample would yield more accurate and representative results than one which is larger in size, but lower in quality of sample design. Therefore, a limited sample size can be representative, if designed with proper scientific rigour and backed by strong research fundamentals.

BARC has invested heavily in conducting Universe Estimation Surveys of 300,000 homes every year to understand the structure of TV owning households. BARC has analysed actual TV viewing data to identify variables that are drivers of Total TV minutes. These variables have been used as panel control variables to design a TV panel that accurately represents the TV owning universe. BARC India's sample size of 30K (to be expanded to 40K by March 2019) is structured as per universe of TV owning households and an understating of panel control variables. It is therefore representative of the TV universe and is a truly robust sample.

However, in the context of Indian TV measurement, an expanded sample can certainly make data more representative for niche and smaller channels. The cost of collecting samples from panel households is an important factor to be evaluated in the context of expansion. BARC India has initiated Sample Return Path Data (SRPD) based viewership measurement as a cost-effective technology to add to the current meter-based measurement. However, rapid and effective implementation of SRPD requires regulatory support from TRAI and Government.

Q7 What should be done to reduce impact of manipulation of panel home data on overall TV ratings? Give your comments with justification.

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Zoom2Growth, Consumer Protection Association - Himmatnagar, Raj Kumar, Praful Gharpure, Vijaya Shetty, Tata Sky, Nielsen (India) Private Limited, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

BARC has taken strong measures to control the tampering such as including a very strict deterrent and penalty process under Code of Conduct in the End User License Agreement entered with Broadcasters, Advertisers and Agencies. Additionally, BARC India has set up IT-based system for logging & resolution of client/data-user queries/complaints relating to panel tampering.

However, our efforts to effectively deal with it have been hampered by the absence of a proper legal framework in which such issues may be addressed and under which those suspected of/charged with panel tampering can be acted against – whether this be via police action, FIRs or even prosecution before court of law. Current regulations that govern the sector, and the TV Ratings activity, do not specifically mention or address “Panel Tampering / Infiltration/Influence”. Therefore, the need of the hour is to have a legal and regulatory framework that defines “manipulation of panel homes” and provides for punitive action against defaulters.

We agree that the use of RPD technology will add robustness to viewership measurement and act as a cost-effective technology to add to the current meter-based measurement to enhance efficiency of decision making and planning by broadcasters, agencies and advertisers. However, rapid and effective implementation of RPD technology requires regulatory support from TRAI and the government. DPOs need to be mandated to share data with the TV viewership Measurement provider, so that industry can benefit from enhanced robustness and representativeness of the data.

Furthermore, as far as conducting audit by third party is concerned, it must be noted that the quality and representativeness of BARC India’s sample has been certified by Indian Statistical Institute, Kolkata and Centre d’Étude des Supports de Publicité (CESP), a leading global media research audit organization.

Further, the following steps need to be taken to effectively control the activity, and reduce its impact on viewership data:

- i. Define & Recognize “Panel Infiltration/Tampering/Influencing Households” in the relevant Guidelines Act, Rules and Regulation.

ii. Guidelines by the Government should include provisions for financial penalty and suspension/revoking of licenses of channels found to be indulging in manipulation of panel homes.

iii. Panel Tampering/Influencing/Infiltration to be brought under ambit of Information Technology Act, Indian Penal Code, and in all other relevant Act, Rules and regulations

iv. Facilitate the adoption of SRPD based measurement as an addition to meter-based measurement. An expanded SRPD based sample will negate the impact of panel tampering.

BARC India has also explored the option of validating the panel data through third party vendor which did not materialized due to lack of domain expertise in the relevant field. Further, BARC India operates through a multi-vendor process for panel home installation to avoid infiltration of panel homes.

Q8. What should be the panel size both in urban and rural India to give true representation of audience?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Zoom2Growth, Consumer Protection Association - Himmatnagar, Nielsen (India) Private Limited, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

Sample size is an outcome of a sample design and as such cannot be discussed in isolation of the overall design principles and underlying data. The sample size must consider the final goals of the research project. For instance, factors related to the distribution and nature of the population should be taken into consideration in the selection of the sample frame. The overall sample size should also be aligned to the desired reporting cuts to ensure quality reportability for each cut of interest. BARC India's sample design has been carefully tailored to the various reporting needs of the industry. At the same time, the sampling procedures have been set to recognize the distribution of the Indian population, both rural and urban.

As far as the issue of increasing the sample size is concerned as pointed out by most of the stakeholders, we submit that though increasing the sample size will allow better coverage of towns and rural areas and reduce sampling errors, but at the same time as size of the sample will increase beyond a certain threshold, the incremental gains in precision of data would begin to drop off. Therefore, the quality of sample is equally relevant to ensure accurate and representative data (as opposed to mere "quantity" of sample). This pertains to sample design.

A scientifically designed small sample would yield more accurate and representative results than one which is larger in size, but lower in quality of sample design. For Example - The target BARC India sample of 50,000 households, or 2 lakh individuals, would yield

a 95% margin of error of at most 0.1 on a Reach% estimate of 10. If one was to double the investment to a sample size of 4 lakh, the corresponding margin of error would only decrease to 0.09, a decrease of only 1/100th percentage points. The comments by stakeholders have also recommended the adequate panel size which shall be solely depended upon the industry bearing the additional costs in acquiring the same. BARC India has already started exploring Sample Return Path Data (SRPD) based viewership measurement that can scale up panel size 4x or 5x without scale up in costs proportionately as would be required for meter-based expansion.

Q9. What method/technology would help to rapidly increase the panel size for television audience measurement in India? What will be the commercial challenge in implementing such solutions?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Zoom2Growth, Consumer Protection Association - Himmatnagar, Nielsen (India) Private Limited, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, Discovery Communications India and ABP, our submission is as follows:

We agree that the use of RPD technology will add robustness to viewership measurement and act as a cost-effective technology to add to the current meter-based measurement to enhance efficiency of decision making and planning by broadcasters, agencies and advertisers. BARC India has already started exploring Sample Return Path Data (SRPD) based viewership measurement that can scale up panel size 4x or 5x without scale up in costs proportionately as would be required for meter-based expansion. SRPD will allow significant expansion of the sample, which will also make it extremely challenging to tamper with BARC India sample homes and thus SRPD will also help control panel infiltration. Broadcasters and DPOs will too benefit from SRPD. Rather than offer a commercial challenge, Sample RPD is a cost effective and viable solution to significantly expand sample size in a market like India. Towards this, BARC India has proposed an equitable commercial model to all DTH and Cable DPOs. However, rapid and effective implementation of RPD technology requires regulatory support from TRAI and the government. DPOs need to be mandated to share data with the TV viewership Measurement provider, so that industry can benefit from enhanced robustness and representativeness of the data. Further, the cost of collecting samples from panel households is an important factor to be evaluated in the context of expansion.

BARC India has also explored various ways and methods to collect data and taken the support of the leading institutions in statistics and research domains. We also welcome any concrete suggestions with a detailed plan on the sampling technique from the relevant stakeholder which shall be evaluated by BARC India's Technical Committee.

Q10. Should DPOs be mandated to facilitate collection of viewership data electronically subject to consent of subscribers to increase data collection points for better TRP ratings? Give suggestion with justification.

Counter Comment - In response to the comments made by various stakeholders IBF, News Broadcasters Association, Consumer Protection Association - Himmatnagar, Nielsen (India) Private Limited, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, GTPL Hathway Limited and ABP, our submission is as follows:

Sample Data collected from the panel homes is fully anonymised and strong checks and balances are in place to ensure security of that data. Users only get viewership data but not personal information.

According to our view, DPOs must be mandated to collect viewership data from their STBs and transfer the same under a secure governance and technology environment to current measurement provider for the benefit of industry. For this DPOs must be enabled to ensure their STBs are technologically capable of capturing and sending back viewership data. This will ensure expansion of sample and more robust ratings. This need not be at census level but based on a sampling grid recommended by BARC India.

Further, a periodic third-party audit of the process should be conducted to ensure transparency and credibility in the working of DPOs and avoiding the risk of panel tampering and unethical practices.

Q11. What percentage of STB supports transferring viewership data through establishing a reverse path/connection from STB? What will be the additional cost if existing STBs without return path are upgraded? Give your suggestions with justifications.

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Zoom2Growth, Multicast Communication & Distribution Limited, Home Digital Networks Private Limited, GTPL Hathway Limited, and Discovery Communications India, our submission is as follows:

As per our view, the cost will be very limited but DPOs could give better figure, considering they will be responsible for collection and transfer of viewership data from the STBs.

Q12. What method should be adopted for privacy of individual information and to keep the individual information anonymous?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Consumer Protection

Association - Himmatnagar, Vijaya Shetty, Times Network, Sony Pictures Networks India Pvt. Ltd, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited and Home Digital Networks Private Limited, our submission is as follows:

BARC India's current (and proposed SRPD) data collection models do not violate principals of privacy. Sample Data collected from the panel homes is fully anonymised and strong checks and balances are in place to ensure security of that data. Users only get viewership data but not personal information.

Further, BARC India collects only such information from its sample homes, as are relevant for conducting effective TV measurement. The same is done with full written consent of the homes that agree to be part of the BARC India sample. No identifier of personal information such as names, Aadhar card numbers, mobile numbers, telephone numbers and household addresses are shared with users of data.

As suggested by the above stakeholders, we are also of the view that privacy of households is of utmost importance and the use of BARC India's SRPD technology would preclude the possibility of breach of privacy of individuals. Also, SRPD model proposed by BARC India is not a Census Measurement, but a Sample based survey. Data would be collected from a randomized subset of each sample, which would further ensure anonymity of the reporting sample. In SRPD, data would be collected from representative samples (i.e., a small representative subset) of each partnering platform's subscribers. Since data from Household level sample would be up-weighted to yield universe level data, questions regarding intrusions into individual level privacy does not arise.

BARC India's SRPD proposal does not involve collecting personally identifiable information of subscribers who form part of the reporting sample. Since names address etc. will not be collected, it will not be possible to trace back homes/individuals in the SRPD panel. Hence questions related to privacy would not be relevant.

Q13. What should be the level/granularity of information retrieved by the television audience measurement agency from the panel homes so that it does not violate principles of privacy?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Consumer Protection Association - Himmatnagar, Times Network, Multicast Communication & Distribution Limited, and Home Digital Networks Private Limited, our submission is as follows:

As mentioned above, we do not disclose any personal identifiable information to the users of data as we believe that privacy is of utmost importance. BARC India's current (and proposed SRPD) data collection models do not violate principals of privacy. BARC India collects only such information from its sample homes, as are relevant for conducting effective TV measurement. The same is done with full written consent of the homes that agree to be part of the BARC India sample. No identifier of personal information such as names, Aadhar card numbers, mobile numbers, telephone numbers and household addresses are shared with users of data.

BARC India's Television audience measurement system collects only that information which enables it to do the following:

- a. Structure the panel on panel control variables
- b. Report the viewership data at an aggregate level by reporting variables such as Age, Gender, Socio-economic status, etc.
- c. Analyse the TV viewership and identify what drives TV viewership. TV viewership is dynamic behaviour and can change over a period of time. Television audience measurement agency must capture information on all those variables which could possibly impact TV viewership and perform periodic analyses to identify/update panel control variables.

Since, we do not indulge in revealing the personal information about the households to the users of data, this question stands irrelevant to our working and our answer, hopefully, clears all the doubt/queries of the above stakeholders.

Q14. What measures need to be taken to address the issue of panel tampering/infiltration? Please elaborate your response with justifications.

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Internet and Mobile Association of India (IAMAI), IBF, News Broadcasters Association, B-EYE Research and Analytics, Consumer Protection Association - Himmatnagar, Times Network, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited and GTPL Hathway Limited, our submission is as follows:

BARC has taken strong measures to control the tampering such as including a very strict deterrent and penalty process under Code of Conduct in the End User License Agreement entered with Broadcasters, Advertisers and Agencies. Additionally, BARC India has set up IT-based system for logging & resolution of client/data-user queries/complaints relating to panel tampering.

However, our efforts to effectively deal with it have been hampered by the absence of a proper legal framework in which such issues may be addressed and under which those suspected of/charged with panel tampering can be acted against – whether this be via police action, FIRs or even prosecution before court of law. Current regulations that govern the sector, and the TV Ratings activity, do not specifically mention or address “Panel Tampering / Infiltration/Influence”. Therefore, the need of the hour is to have a legal and regulatory framework that defines “Panel Infiltration/Tampering/Influencing Households” and provides for punitive action against defaulters. Provisions regarding panel tampering/infiltration must be added under TRAI Act Rules & Regulations, Telegraph Act, Information Technology Act and Indian Penal Code.

Further, the following steps need to be taken to effectively control the activity, and reduce its impact on viewership data:

- i. Define & Recognize “Panel Infiltration/Tampering/Influencing Households” in the relevant Guidelines Act, Rules and Regulation.
- ii. Guidelines by the Government should include provisions for financial penalty and suspension/revoking of licenses of channels found to be indulging in manipulation of panel homes.
- iii. Panel Tampering/Influencing/Infiltration to be brought under ambit of Information Technology Act, Indian Penal Code, and in all other relevant Act, Rules and regulations
- iv. Facilitate the adoption of SRPD based measurement as an addition to meter-based measurement. An expanded SRPD based sample will negate the impact of panel tampering.

Q15. Should BARC be permitted to provide raw level data to broadcasters? If yes, how secrecy of households, where the people meters are placed, can be maintained?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to News Broadcasters Association, B-EYE Research and Analytics, Odisha Television Limited, Multicast Communication & Distribution Limited, Madhyamam Broadcasting Limited, Home Digital Networks Private Limited, and GTPL Hathway Limited, our submission is as follows:

As mentioned by various other institutions/persons including but not limited to IAMAI, IBF, Zoom2Growth, Vijaya Shetty, Tata Sky, Times Network, Sony Pictures and ABP, we submit that BARC India should be permitted to provide raw level data to Broadcasters in a secure environment, so that channels may benefit from sharper insights into viewership behaviour possible from micro level analysis of raw level data by the Broadcasters. With the increase in panel size, the sample is robust enough for release of raw level data to Broadcasters, especially those with large all-India reach, and higher viewership base.

Weekly data released by BARC India comprises of weighted estimates of individual panel (sample) level data – which provide industry with a high level of granularity. However, in a dynamic TV market like India, it is critical to understand TV viewing patterns beyond the traditional Reach and Ratings. It is here that analysis of Raw Level Data (RLD) can add valuable insights.

BARC India provides its raw level data to agencies and broadcasters in a secure manner by the masking the identity of the members of the household and ensuring that no Personally Identifiable Information (PII) of any member of the panel is revealed to the agencies and broadcasters. As mentioned previously, BARC India’s current (and proposed SRPD) data collection models do not violate principals of privacy. BARC India collects only such information from its sample homes, as are relevant for conducting effective TV measurement. The same is done with full written consent of the homes that agree to be

part of the BARC India sample. No identifier of personal information such as names, Aadhar card numbers, mobile numbers, telephone numbers and household addresses are shared with users of data.

BARC India has also suggested a measure to evaluate the readiness and capability of a broadcaster to use the data in a responsible manner by a high powered committee. The data will be given to the broadcaster only with the consent of the committee.

Q16. Will provisioning of raw level data to broadcasters, in any manner, either directly or indirectly contravene the policy guidelines for television rating agencies prescribed by MIB?

Counter Comment - In response to the comments made by Madhyamam Broadcasting Limited and GTPL Hathway Limited, our submission is as follows:

Release of raw level data (RLD) does not contravene Policy Guidelines that regulate BARC India. As already mentioned above, BARC India provides its raw level data to media agencies in a secure manner ensuring that no Personally Identifiable Information (PII) of any member of the panel is revealed to the agency. BARC India collects only such information from its sample homes, as are relevant for conducting effective TV measurement. The same is done with full written consent of the homes that agree to be part of the BARC India sample. No identifier of personal information such as names, Aadhar card numbers, mobile numbers, telephone numbers and household addresses are shared with users of data. Hence, BARC India do not violate the principles of privacy.

Q17. Is the current disclosure and reporting requirements in the present guidelines sufficient? If no, what additional disclosure and reporting requirements should be added?

Counter Comment - In response to the comments made by various institutions/persons including but not limited to Indian Broadcasting Foundation (IBF), News Broadcasters Association, Consumer Protection Association - Himmatnagar, Times Network, Sony Pictures Networks India Pvt. Ltd, Odisha Television Limited, Madhyamam Broadcasting Limited, Discovery Communications India and ABP, our submission is as follows:

The present disclosure guidelines and reporting requirement is sufficient and brings in good governance and transparency the way BARC operates, which in our view is self-servient. However, changes in current MIB Regulations governing TV Ratings would help improve operational efficiency without compromising governance norms such as pre-approval for appointment of senior leadership and board members should be modified to post-appointment which will enable swift operations and annual survey should not be mandatory considering the growth in TV homes which substantially increases rate and pace of change.

Additionally, BARC India has been directed to establish call centre and appellate authority for redressal of grievances/complaints. Since BARC India is primarily a Business to Business service provider, there are practically no customer touchpoints and hence, BARC India has set up IT-based system for logging & resolution of client/data-user queries/complaints.

Q18. Stakeholders may also provide their comments on any other issue relevant to the present consultation

Counter Comment – We have provided our detailed counter comments as above which adequately provides reply for comments submitted by various institutions under this question.