

Hideaways Holidays Group Limited

Q5. Do you have any other comments on topics not covered by the specific questions above? If so, the CMA requests that respondents structure their responses to separate out their views in relation to each of the Draft Guidance's chapters.

The proposed requirement for agencies to disclose the full contact details of property owners at the invitation to purchase stage is a significant new introduction which has not been previously discussed or suggested.

This requirement raises serious concerns about a number of issues and should be specifically excluded, or at least amended, for the private holiday rental sector. Agencies currently protect owners and consumers by acting as intermediaries between them. There are concerns over privacy and security for owners and property, and wider concerns about the viability of the agency model.

Requiring disclosure of owner contact details would:

- Increase the risk of fraud and phishing attacks.
- Undermine the role of agencies as intermediaries who provide essential services such as guest screening and dispute resolution.
- Disrupt the traditional business model of agencies, removing the value added that the agency has added in marketing, and operating the business and potentially allowing a direct booking to be made leading to revenue losses and potential withdrawal of properties from the short-term rental market as a whole.

s.230 refers to the omission of material information from invitation to purchase. At s.230(2)(d) and (f), the act states that material information includes:

(d) the identity of the trader and the identity of any other person on whose behalf the trader is acting

[...]

(f) in relation to any other person on whose behalf the trader is acting—

- (i) the person's business address and business email address (if the person has such addresses), and*
- (ii) if different to the person's business address, the person's service address;*

The CMA guidance confirms at 9.11 and at Annex C: Summary of changes made by the DMCC Act to the CPUTRs, that:

The details about the trader that must be provided in an invitation to purchase now include:

- *the identity of any other person (not just a trader) the trader is acting for*

- *the address for service (but not necessarily geographical address) of the trader and any other person the trader is acting for*
- *the email address (if they have one) of the trader and any other person the trader is acting for.*

The draft CMA guidance (at both 7.11 and 9.12) refers to the fact that regard should be had to the context and, in particular, to any limitations of the means of communication used that make it impractical to give the necessary information. However, there are minimal examples of how this applies in practice.

3.14 of the guidance does include 'agents' within the broad definition of traders, though there is no explicit definition of this term. And part g of 9.11 explicitly says that where agents act on behalf of another person then that other person's contact details need to be provided (subject of course to the principles of context and limitations of the means of communication).

This means that s.230 of the DMCC Act could require the information of the owner (including the owner's contact details) to be presented at the invitation to purchase stage on the agency booking website.

Owners instruct agencies to market their property because they do not wish to have consumer contact. They have specifically appointed the agent to answer queries on their behalf and manage the booking process, this has long been common practice in the travel industry and is also expected by the consumer. Introducing this requirement will force owners to have contact with consumers which they do not wish to have and will change the practices which have served the needs of both owners and consumers for many years.

Making contact details of owners accessible, including email addresses, would result in each individual owner's email becoming the target of organised email address harvesting leading to an increase in spam emails for the owners. This introduces a risk of fraud, inconveniences owners and undermines confidence in the industry. There will be a significant increase in the risk of scam holidays being advertised, with scammers adopting the identity of the owners using spoofed email addresses.

If exact address of the property are shown on the public facing website, there is the risk of providing malicious actors with both the exact property address and the days and nights when it is not occupied, where the calendar will also be available.

As an industry we have concerns that where owner details are provided at the invitation to purchase stage, a consumer may contact the owner to make a direct booking. This would damage the integrity of the agent/owner relationship and goes against the owner's wishes to utilise agency services to market their property. The agent will have invested significant sums of money in generating the enquiry yet will not be paid any commission if the guest contacts the owner direct.

It would appear to us that it is already very clear from the context of websites and the processes used by agencies, that the guest is booking a property via an agent. Reviews refer to "the owners/the hosts", the Terms and Conditions are always clear that bookings are taken as agent. Consumers know they can contact the agent with queries, and it has been an established

practice that is well understood by consumers and by property owners for decades. The fact that the agent is acting for a third party, the owner, is not hidden and does not, therefore, need to be specifically disclosed as there is not current problem in this industry with non-disclosure of the owners' details. Agents already have processes in place to overcome any potential problems of non-disclosure by providing information by other means, for example through their owner customer service teams with more widely monitored emails and telephone numbers.

Our suggestion is that the guidance is updated to confirm that, in these circumstances, the context of the situation, the limitations of marketing a property on multiple websites and the measures in place to provide information via customer service teams is an example whereby s230(8) would apply and the agent would not be required to provide the contact details of the owner at the invitation to purchase. Requiring agency suppliers to provide full contact information about their property owners at the stage of invitation to purchase is contrary to the interests of agents, owners, and ultimately consumers themselves.