

# Consumer Forum for Communications

<http://www.ofcom.org.uk/about/organisations-we-work-with/consumer-forum-for-communications/>

15 February 2013

Dear Mr Graham, Mr Lordan, Mr Pollack, Mr Rousell and Mr Ashworth

## **Action to combat unsolicited phonecalls and text messages**

I am writing again on behalf of a group of organisational members of the Consumer Forum for Communications, who wrote to Mr Graham, Mr Lordan and Mr Pollack on 18 June 2012 to express concern at the growing nuisance caused to the public by unsolicited commercial phonecalls and text messages. Since then, concern has intensified and broadened, with several politicians among those calling for action. As Mr Graham and Mr Pollack pointed out in their replies of 27 June and 17 July respectively, a number of positive steps have also been taken towards combating the nuisance, and we feel it is a good time to review the position.

In our earlier letter we asked for consumer organisations to be included in discussions of what could be done. We are glad that the Industry Working Group on unsolicited communications, chaired by Mr Lordan, has been opened to consumer representatives, several of whom attended its meetings in July and December 2012. Some of us also took part in a consumer subgroup in August 2012.

Participation in these and related activities has given us clearer ideas of what is now being done and what more may be needed. We welcome Ofcom's high-level action plan, published on 8 January 2013. In the following list we supplement that plan with specific actions and targets for your consideration. Implementation responsibilities would vary, but in all cases support from regulators including yourselves would help to achieve progress.

We look forward to working with you to refine these actions, and to implement an effectively co-ordinated plan with agreed targets and monitored results. Please contact me if you need more information on the background to this letter, or with any other queries.

Yours sincerely



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## Addressees of this letter

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## Copy of this letter

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## CFC members consulted in preparation of this letter

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Communications Consumer Panel  
Consumer Focus (no longer able to contribute because of organisational changes)  
Hearing Link  
National Consumer Federation  
National Council of Women of Great Britain  
PhoneAbility  
Privacy International  
Which?

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## Actions proposed by consumer groups

1. **Monitor the situation.** ICO, Ofcom, and TPS (and if possible also BT and any other willing industry participants) should publish quarterly in one place all available statistics on unsolicited calls and SMS, covering consumer complaints from all sources, and as far as possible classifying the calls and SMS. The findings of consumer research which include questions on receipt of and attitudes to unsolicited calls and SMS should also be included, and the raw data made available. The purpose of the statistics is to enable all concerned to see what's going on, and in particular to inform judgement on how far current initiatives (such as better information for consumers, and ICO's enforcement efforts) are working. Given that the need for this was identified several months ago, a first joint set of statistics should appear in the first quarter of 2013.
2. **Provide simple complaints mechanisms.** Complaint mechanisms need to provide both outlets for grievance and useful information for enforcement purposes. The mobile spam reporting codes incorporating 7726 ("SPAM") and ICO's "snap survey" web tool are both welcome. To build on these:
  - a) The fixed line industry, with Ofcom, should explore the feasibility of all originating fixed line service providers implementing a nuisance call complaints facility on a single easily remembered short code, to be widely publicised. (In an enhancement to this, if the code were dialled straight after the offending call, certain information about the call might be retrieved automatically from the network).
  - b) All concerned regulators, with operators and other interested parties, should support a single shared web portal, which would make it easy for consumers both to find information and to complain about nuisance calls. Ofcom's consumer guide launched in September 2012 should be reviewed by the middle of 2013 and made easily accessible from this portal.
  - c) The operators should publicise their complaints and spam reporting numbers, report on the numbers of complaints and messages received and periodically review the replies sent to people who use these channels (as these will affect how people feel about using them).
3. **Provide call originators public database.** In tandem with easier ways to complain, call centres could be encouraged (or if controlled in the UK, compelled) to register on a central database the caller identification (IDs) that they transmit. Consumers

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could look up received caller IDs in this database to find out the identity of registered callers. In addition, such a database could allow consumers to share information and leave comments about their experiences with these and other sources they receive calls from (in a similar way to the existing WhoCallsMe web site). This would create a constantly updated central repository of UK nuisance call information, and it would be clear to consumers which data was verified by the call centres and which was not. It should help to empower consumers and could also contribute to enforcement.

4. **Validate caller identification.** Operators, supported by Ofcom, should review and update current rules and guidelines for the delivery to end users of meaningful and useful information on the origin of calls, including those originated outside the UK. The updated rules will then need to be implemented. If greatly improved practice cannot be achieved on a voluntary basis then enforcement of updated regulations will be required. Regulators and operators should also reconsider whether the facility to withhold caller ID should normally be available to non-residential customers.
5. **Improve call filtering services.** Building on more reliable caller identification, the industry will be able to offer improved call blocking and filtering services (built into networks or provided through customer equipment). All operators should be technically able to identify, and often block at source, bulk unsolicited campaigns; any legal obstacles to their doing this should be minimised. Basic self-protection options for consumers, such as requiring active caller input before call connection when caller ID is withheld, should be included in all telephony packages without additional charge. Ofcom should also consider requiring operators to provide an open access interface to enable third parties to provide call blocking services within networks.
6. **Tighten requirements for consumer consent to re-use of personal data.** Many people want to see a ban on default passive consent assumptions (such as pre-ticked boxes online), or requirements to provide personal data such as phone numbers that are not necessary for a given transaction. Which? is calling for automatic expiry of third-party marketing consent after three months. The Communications Consumer Panel also point to the importance of better consumer awareness of how their data may be handled. Implementing the new European Data Protection Directive will be one avenue for legal changes in this area, but as this will take some years, action that will be effective sooner is also needed.

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- 7. Improve enforcement of existing rules.** At present this is mainly an ICO responsibility, with support from Ofcom and industry players, and ICO has recently become much more active in this area. We welcome ICO's new efforts, but we are unclear that they are anywhere near commensurate with the task. These efforts must continue, with outcomes monitored and publicised as described above, and their adequacy should be assessed later in the year.
- 8. Consider new rules on unsolicited communications.** The monitoring action above should help to inform the public on how ICO's existing powers and resources measure up to the task. Within the next year it should become much clearer whether more of the same (maybe "tweaked") is good enough, or whether new approaches are needed; these could include new regulatory or co-regulatory institutions. Definitions may need attention, for example to deal with sales approaches being dressed up as surveys, and with unwelcome calls from organisations with whom the recipient has an existing relationship. Discussions in late 2013 should bring together interested parties and clarify ways ahead.
- 9. Clamp down on specific problem industries.** The recent report *The Claims Pests* from Citizens Advice contains many recommendations for reducing the flow of unwanted communications on behalf of claims management companies (CMC, including payment protection insurance (PPI)). Regulating this sector, which accounts for a significant proportion of current unsolicited calling, is mainly the responsibility of the Ministry of Justice. Implementing these recommendations should dramatically reduce the nuisance from this source. Parallel or broader approaches are likely to be needed to deal with other and new sources.
- 10. Evaluate and prioritise these and other actions.** While a few of these actions are already fairly well defined and in some cases under way, most need further study to make them more precise, and to understand better the priority and resources that each deserves to best serve the public interest. Experience from other countries should be brought together with UK expertise to assemble a proper plan for greatly reducing the nuisance of unsolicited calls and texts, without unnecessarily undermining legitimate call centre employment.