



Promoting access to electronic communications for deaf people

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Christopher Graham

Information Commissioner
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Mike Lordan

Chief of Operations
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Claudio Pollack

Deputy Director
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Dear Mr Graham, Mr Lordan and Mr Pollack

We are writing to express concern at the troublesome unwanted sales calls that many people have been experiencing over the last couple of years. We refer here not to silent calls (against which Ofcom has recently been acting), but to calls which lead to a message or the possibility of a conversation with a live operative, or to commercially motivated text messages.

While these may not cause the same distress as silent calls, they are often an intrusive nuisance, and it is wrong to inflict them on people who have said they do not want them. They can be a particular problem for people with a disability, who may struggle to answer the phone at all and then be dismayed by an unwelcome call; or for those who are emotionally vulnerable, for example through illness.

We do not have reliable statistics, but there is considerable anecdotal evidence that the Telephone Preference Scheme (TPS) is being widely disregarded and that complaints are having little or no effect. A worryingly frequent feature is that recipients cannot identify the calling number or the business behind the call, and therefore cannot complain about them¹. In addition, recorded voice messages and text messages are both outside the scope of the TPS; and there appears to be a growing volume of scam communications.

On top of these problems which cause complaints, the relevant complaints processes leave much to be desired. People often do not know which bodies deal with which areas; they may well find that the burden

¹ The problem of absent or unusable calling line identities may be best addressed through the NICC, which has produced the current *Requirements on Communications Providers in relation to Customer Line Identification display services and other related services* (ND 1016 v2.2.1 (2011-1)).

of complaining (for example, completing a long form) is disproportionate; and if they do go to the trouble of complaining, the chance of their ending up satisfied is not high (around 70% of relevant complaints to the Information Commissioner's Office (ICO) last year were apparently "ineligible"). All this must lead to a significant "iceberg" effect, with the number of complaints being a poor indicator of the size of the problem.

We understand that regulation of this area is complex, with involvement from Ofcom, the ICO and the Direct Marketing Association (DMA), who under contract from Ofcom have been maintaining the register of people who have opted out of live marketing calls. It is also clear that with the squeeze on public sector budgets, resources for handling complaints and enforcing regulations are hard to come by.

However, reputable companies which engage in outbound calling would probably like to see better enforcement of existing rules, as it would foster more positive public attitudes towards their industry. Such companies may be members of the DMA, and be willing and able to finance improvements in complaints handling via an increase in the TPS licence fee. The DMA's regulatory arm, the Direct Marketing Commission, has governance, processes and adjudicatory capabilities which might be adaptable to effective complaint handling. While this route appears well worth exploring, we are equally open to other suggestions for improving the situation.

Because of the split of responsibilities, it is clear that a co-operative effort is called for to address these issues. We understand that Ofcom, the ICO and the DMA are already in regular contact about them, and that the ICO's enforcement powers and resources have recently been boosted. However, improvements are not yet demonstrable and media coverage is likely to stir up public feeling on the issue. We would therefore like to discuss with you the practicality and usefulness of:

- Involving consumer representatives in the discussions about handling relevant complaints and pursuing enforcement of the existing rules, with open minds on possible changes in responsibility;
- Publishing regular statistics on relevant complaints, or other available evidence (such as consumer research) which would help to size the issue and demonstrate progress;
- Taking steps to reduce the incidence of unidentifiable calls;
- Reviewing the adequacy of the current regulatory framework in this area, with particular reference to text messages.

We are copying this letter to Fiona Murray at the Department of Culture, Media and Sport

Yours sincerely

Gillian Guy, Chief Executive, Citizens Advice

Bob Warner, Chairman, Communications Consumer Panel

Adam Scorer, Director of External Affairs, Consumer Focus

Jack Sandover, Chair, Hearing Link Telecommunications Committee

Arnold Pindar, Chairman, National Consumer Federation

Sheila Eaton, President, National Council of Women of Great Britain

Tony Shipley, Vice-Chairman, PhoneAbility

Gus Hosein, Executive Director, Privacy International

Ruth Myers, Chairman, TAG

Richard Lloyd, Executive Director, Which?

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