



Banning unsolicited direct marketing telephone calls

The present regime used to address “nuisance calls” has been shown to be ineffective, during the 13 years that it has been in operation. There is no evidence to show that the many over-hyped, but minor, tweaks to the powers of enforcement, as implemented and planned, have made, or are likely to make, any difference to the scale and nature of the actual problem.

Because this regime applies in exactly the same way across a wide field, it cannot identify those areas for which it is clearly never appropriate to undertake marketing by telephone. It is also fundamentally flawed, in that it works from the absurd assumption that one may “consent” to receiving “unsolicited” direct marketing telephone calls - even assuming this consent by default.

The general regulatory structure, based on the Privacy and Electronic Communications Regulations (EC Directive) 2003 and enforced by the Office of the Information Commissioner, is due for review by parliament, either under the terms of the “Great Repeal Bill” or once Brexit is complete.

The fair telecoms campaign demands that effective action be taken now

Figures published by the Office of the Information Commissioner show that the vast majority of calls that cause nuisance derive from sectors in which marketing practice is already regulated.

The activities listed below represent around 95% of the (non-criminal) causes of Nuisance Calls, as identified by the Office of the Information Commissioner from reports received.

We therefore call on the following regulators to act now, to simply prohibit use of telephone calls for unsolicited direct marketing to potential consumers on their landlines or personal mobiles.

| Regulator | Type of business / activity |
|--|---|
| Claims Management Regulator (within the Ministry of Justice) | Accident claims, PPI |
| UK (now ceased) and Scottish Governments | Energy Saving schemes |
| Financial Conduct Authority | Banking, Debt management, Insurance, Payday loans |
| Ofcom | Broadband, phone, TV or other telecoms services |
| Ofgem | Energy supply |
| Gambling Commission | Competitions, Gambling |
| Pensions Regulator | Pensions |
| Fundraising Regulator | Charity fundraising |

Notes on our position

- Unsolicited direct marketing by mail, email, faxes and text messages requires regulation, although not necessarily the prohibition that must be applied to telephone calls.
- For a direct marketing call to be legitimate, that means of communication, rather than the less urgent and less intrusive alternatives, must have been explicitly requested (i.e. solicited).
- Publishing a telephone number as being for “business” contact may be treated as an invitation for all business contact, including unsolicited direct marketing.