



## Ending Cold Calling

### The practice of organisations making unsolicited direct marketing calls must end.

There are statutory regulations intended to limit the extent of this problem. These are however based on the principles regarding use of **retained personal data**. A breach of these principles is however rarely the cause of a nuisance call. They also assume that an **unsolicited** direct marketing call, to a home phone or personal mobile, can be a valid way of presenting a “marketing” message.

We dispute this assumption, believing that such “**unsolicited**” activity should be regarded as essentially improper. The individual must have the right to choose how and when business activity interferes with their personal time. A telephone call only happens at a time chosen by the caller.

It is obviously acceptable for an organisation to respond to requests **that explicitly invites (solicit)** telephone contact. This can however only be on the specified topic and within the timescale that may be expected, or has been specified, for compliance with the particular request.

The notion of general “**consent**” to “**unsolicited**” contact by a particular party is a key feature of the statutory regulations. This is complete nonsense, as may be found by attempting to find a resolution between the presence of “**consent**” and the absence of “**solicitation**” in this context.

Businesses, organisations and their respective sectoral regulators should not use the worst they can get away with under the law as the basis for the conduct which they undertake and demand. So-called “**consent**” should be dismissed from this field, except where it amounts to solicitation.

We therefore call on all businesses, all charities and all other organisations engaged in “marketing” activity to **cease the practice of unsolicited direct marketing by telephone**.

We also call on the voluntary and statutory regulators setting standards for marketing conduct to simply prohibit the practice of **unsolicited** direct marketing by telephone. This should apply to both potential new and existing customers. Only **solicited** calls should be permitted.

Key examples of regulators covering sectors in which the practice is widespread are as follows:

- **The FCA** - Financial services, including Pensions and Claims Management
- **Ofgem** - Energy provision
- **Ofcom** - Communications products and services
- **The Fundraising Regulator** – Charities

Obviously the first choice is for organisations to form a proper policy themselves, and apply it, as well as ensuring compliance from all those who act as their agents.

The second, necessary, step is for the respective regulators to recognise their duties to all by imposing a simple prohibition on the practice of cold (unsolicited) calling.

It is notable that sectoral regulators are well able to secure compliance with their standards and specific regulations. In particular, their powers are much greater and more effective than those of the detached Information Commissioner’s Office (ICO), which carries responsibility for enforcing compliance with statutory regulations covering **personal data**. Much **unsolicited** telemarketing is undertaken without breaching the security of **retained private data**.

These points represent the first of our three demands in the [Campaign to End Nuisance Calls](#).

