



### fair telecoms campaign calls for an end to cold calling! (almost)

The **Information Commissioner** today announces a further fine against cold calling lead generators for an industry that is itself effectively regulated. (See [Cold-calling 'factory' gets record fine.](#))

When this forthcoming action was revealed, a hint of our proposal for an end to cold calling had already been published - "***We need tough action and I'm coming to believe that might involve the drastic step of stopping companies carrying out marketing and sales business on the phone altogether.***" (See [£1 million scandal of cold call fine dodgers.](#))

The regulations being enforced by the ICO are based on the absurd principle that 'unsolicited' marketing calls can be made if the person called has (somehow) 'consented'. 😞

That is how the law, which has been in place since 2003 was drafted, and it remains as such despite recent, over-hyped, tweaks to the powers to impose penalties for breaches.

The ICO is struggling to enforce compliance with this absurd nonsense, and is now starting to have an impact on a few of the many who breach the rules. In many cases however they are difficult to find and imposition of a penalty causes them to shut down one company and start up another.

There is however a more effective regulatory mechanism that applies and could be used in many of the areas which generate complaints about Nuisance Calls. (See [ICO Current trends.](#))

Many sectors of industry are subject to specific regulation covering the way in which products and services are marketed. **There is no good reason why the specific regulators could not simply prohibit unsolicited telemarketing, by both the licensed operators themselves and their agents.** Prohibiting licensed operators from using leads generated through telemarketing would put the agencies out of business, without even having to identify them.

The two leading examples which come to mind are:

- The **Green Deal Oversight and Registration Body** (part of **DECC**) - covering **Loft insulation grants, Boilers, Solar Panels** and **Insulation** = **13%** of complaints to the ICO in 2015.
- The **Claims Management Regulator** (under the **Ministry of Justice**) - covering **Accident Claims** and **PPI** = **38%** of complaints to the ICO in 2015.

The current codes enforced by these bodies permit unsolicited telemarketing, subject to the nonsense of a general consent to unsolicited calls. It is clear to most of us that, because this type of telemarketing cannot be targeted effectively, tolerance of it demands acceptance of a large amount of public nuisance, through unproductive calls (at best).

We call on the **Secretary of State for Justice - Michael Gove**, and the **Secretary of State for Energy and Climate Change - Amber Rudd**, to openly justify their tolerance of unsolicited telemarketing, given the unacceptable degree of nuisance that this causes.

We believe that the same principle applies to all those with regulatory responsibility for a sector - if telemarketing is to be permitted, so that the ICO has to sweep up the mess, then some clear justification for this tolerance has to be presented.

The ICO list of areas suggests that attention to this question is also required from the **Financial Conduct Authority** (14%), **Ofgem** (6%), **Ofcom** (2%) and a statutory **Charities regulator**.

