



## Good and Bad action on nuisance calls

The **fair telecoms campaign** is delighted to hear that the Claims Management Regulator has used its significant powers against Falcon & Pointer Ltd – see [Licence stripped from company that made 40 million nuisance calls](#).

We believe that direct regulators, such as the Claims Management Regulator, are in a much better position to control the activities of companies than the remote and weakly empowered ICO.

Furthermore, **these direct regulators are in a position to totally prohibit use of the telephone for marketing purposes**, rather than having to deal with the absurd regime imposed on the ICO, which is based on perhaps there being consent to unsolicited calls, texts and emails. Even though the ICO knows the identity of at least 80% of the nuisance callers who are reported to it, this absurd “consent” nonsense is one of the reasons why it is unable to take action.

(See [our open message to the direct regulators](#), and other interested parties)

The idea that knowing who the other 20% are (or rather those who completely fail to identify themselves) would make a difference is promoted by a further *misleading* announcement today - [Crackdown on nuisance calls to make marketing companies display caller ID](#).

*This is misleading because, for landline users, the display of caller ID requires one to have the necessary equipment and BT, along with other providers, normally charges for the service of being able to see the CLI. The caller can only make it available to be seen. One also wonders why, if only a handful of the cases represented by the 80% are dealt with, an even bigger pool of unsatisfied complaints is required! - except by those who capture the contact details of complainants.*

This idea of a “crackdown” is founded on the assumption that those who are already breaking the law would be willing to comply with an additional requirement to give a record of who they are, as they break it. One wonders why burglars are not required by law to leave a business card with their name and address and a recent photo – on the same basis as the move proposed by DCMS. This would make it much easier for the Police to catch them – or is this a rather silly idea?

We have long argued that when deciding whether or not to answer a call, an unrecognised number is essentially no different from having no number at all. It is always good to know who is calling before you answer a call, but CLI only makes that possible for numbers that one already knows and for friends who are happy to give their number. Techniques that require unrecognised callers to identify themselves by a short voice message are the only acceptable approach – efforts should be focussed on making that facility more widely (and cheaply) available. Most unwelcome callers are simply put off by this technique.

A major fear is that legitimate callers who always withhold their number for very good reasons will find that the problem of their calls going unanswered is increased. If this measure goes ahead, many people will (mistakenly) think that any call from a withheld number must be from an illegal marketing operation. The implications for the Police, Doctors, Hospitals, Collections agencies, MP’s and broadcasters needs to be carefully considered.

Please get in touch for further comment in reaction to these announcements and details of our positive proposals for how the problem of Nuisance Calls needs to be addressed.

