fair telecoms campaign **consultation response**

Response to: First consultation:
Promoting trust in telephone numbers

The **fair telecoms campaign** is pleased to respond to the First consultation: Promoting trust in telephone numbers.

Answers to the specific consultation questions follow, below some general comments which relate only to the key issue of Calling Line Identification authentication.

Use of CLI

CLI has a twin purpose. In all cases it provides an opportunity to make a return call, following a completed call. This is of great value in speaking again with the caller, and in following up with questions or further information after a call.

For those with caller display, it enables callers from known numbers to be recognised. Where a geographic number is used it also provides a clue as to the location from which the call has made, or to where a return call will be answered.

It is however important to note that when an unrecognised number is used, it provides no information whatsoever about the identity of the caller. Furthermore, there is a fundamental right for any individual or organisation to withhold presentation of any CLI. Calls from an unrecognised number are in the same class, in respect of identification of the caller, as calls with CLI withheld or unavailable.

Some organisations present CLI that, when called, yields a wholly meaningless message.

This frustrates its legitimate use as a means of making a return call following a conversation.

It also provides little comfort to those who miss, or chose not to answer, a call and then call back to determine the purpose of the call.

Use of familiar / well-publicised numbers as CLI

On Saturday 1 June, HMRC announced a significant step forward against what has been a common practice, and thereby open to spoofing.

HMRC announced that all calls using its familiar well-publicised numbers as CLI would be blocked. It would no longer be using them and scammers would also be stopped.

This move was made with the co-operation of Ofcom and with encouragement for others to follow the same practice.

We therefore expect, over coming months and years, for consumers to be increasingly encouraged never to trust calls giving familiar well-publicised numbers as CLI. Blocking of such calls will be encouraged, but one suspects that there are too many familiar numbers in circulation for them all to be covered by blocks.

Customers are now being rightly advised of the fact that CLI is of no value in verifying the identity of the caller. They are now, quite rightly, being advised to treat all calls giving familiar numbers as being suspicious – indeed probably attempts at fraud.

If future steps may be planned to switch this advice to consumers through 180°, then this will need some very careful thought and planning.

Implementation of a "trusted" CLI marker

We understand that, at some stage, it is proposed for some CLI to be accompanied by a marker indicating that it has been subject to verification, whereas other CLI will not carry this marker.

The technical reasons for this, as part of a phased implementation, are clearly understood, but the implications in terms of how this information may be used, need to be considered carefully.

A call recipient, with caller display, will be faced with four different type of call.

A – known number, CLI verified

B – known number, CLI un-verified

C – unknown number, CLI verified

D – unknown number, CLI un-verified OR no CLI

There is no question that a type A call will be answered.

It is likely that a type B call will be answered, but with suspicion, and a demand of the caller that they get their number properly verified – despite the fact that this may be outside their control, especially if they are a private individual unwilling to submit their personal data to a national database.

Unless all "valid" calls are known to have been subject to the same verification process, it is hard to draw any meaningful distinction between types C & D.

One fears that people will be encouraged, or assume that they are encouraged, never to answer calls without verified CLI. They may also suspect that, if they are subject to nuisance or fraud as a result of having answered a call with un-verified CLI, then any complaint they make will be dismissed or treated with lesser importance.

Such consumer reaction will effectively cut off all calls from those whose CLI is not part of the current verification process. One suspects that many individuals will not be prepared to submit their personal data for inclusion in the verification database.

Just because the CLI has been verified as belonging to the actual caller, that alone will not give the called party any assurance that this is a call that they wish to receive – unless the number is known.

The important point to remember is that use of caller display is primarily about a decision taken by the called party – "Do I answer this call?".

Where the CLI is a known number, it may be associated with the actual identity of the caller.

In all other cases it is of little or no value whatsoever, whether verified or not.

Whatever benefit may be derived from this approach, it will be of little value until such time as the verification process covers all calls (should this ever occur).

One fears that the "consumer choice" argument is once again being used to just push down responsibility to those who are unable, unwilling or ill-equipped to discharge it.

Dealing with nuisance and (attempted) fraud calls

This consultation addresses a serious and longstanding issue. Despite many widely heralded measure and celebrated interventions, there has been no serious impact on the scale and the nature of this problem, which has grown since I first became involved in 2003.

I see no serious evidence to support the supposition that it is possible to address this issue to any significant degree by promoting trust in telephone numbers.

Less than a week before the close of this consultation, we have seen a move supported by Ofcom that is intended to (quite rightly) promote distrust in familiar telephone numbers. This is precisely with the objective of protecting consumers from nuisance in respect of attempted fraud and from actually being de-frauded.

If it were somehow possible to prevent those who cause nuisance and seek to de-fraud from having access to the telephone system, than that would be a step forward.

The pretence that verification of CLI could do anything to impact their activities, especially when distrust in familiar CLI is already being promoted, is being made without any sound argument or evidence by way of justification.

There is no proposal to ensure that the CLI used by those branded as nuisance callers will be arbitrarily marked as untrustworthy. Whilst some companies offer services based on such arbitrary determinations, there is no way that a formal body such as Ofcom could effectively cut off a caller without the necessary general statutory powers, not to mention adequate and proportionate evidence.

We believe that the first step to be taken against fraudsters and nuisance callers is for evidence of their attempted calls to be presented to the appropriate authorities – who need adequate resource to process this information – so that appropriate action can be taken.

The telephone companies claim to hold evidence, which they believe to be sufficient as a basis for blocking calls, but they seem to be keen to keep this to themselves.

We call on them to present this evidence to the appropriate authorities, or explain why they block calls without adequate evidence.

A significant proportion of what are seen as “nuisance calls” are made by, or on behalf of, companies that are essentially legitimate, indeed licensed in some cases. Poor application, or complete disregard, of the principle of consent under the GDPR, as it relates to the PECR, is rarely detected and effectively corrected, due to the nature of the operations of the ICO.

Furthermore, lead farming by unregulated or offshore bodies avoids regulatory intervention. “Cleaned” requests for information are therefore able to be handled legitimately, e.g. by tightly regulated Claims Management Companies.

We have therefore long been calling for a total ban on cold calling, and use of leads so obtained, to be imposed by the FCA and equivalent statutory and voluntary regulatory bodies covering all of the sectors where “nuisance calls” are seen to be a problem. These bodies have the influence to achieve compliance, with strong powers of enforcement for use where necessary.

Number management and ownership

The section “Numbering in an all-IP environment” assumes that allocation of blocks of numbers to telecoms providers needs to continue, albeit with some changes, despite confirming that this is no longer necessary at all.

Notwithstanding necessary respect for arrangements currently in place, there seems to be no reason why the “ownership” of block of numbers and each particular number in that range could not be brought to an end.

Such a move would eliminate the concept of “porting”, reducing it, as stated in Section 4, to nothing more than amendment of an entry in the routing database.

The controls which telecoms providers exercise through “ownership” of a block were inevitable when a range of numbers was represented by physical equipment owned by the provider. As we move to a situation where this constraint is finally removed, every telephone number on the national network becomes a national resource in all respects, and must be treated as such.

Where there is merit in assigning a national resource to an owner, it is proper that this be done. There is however no attempt to justify the present system of allocating blocks of numbers to specific providers, when this no longer has any valid purpose.

(answers to the consultation questions follow)

Answers to consultation questions

3.1: Do you have further views about the implementation of STIR?

It is vital to consider carefully the way in which the information provided - the status of each CLI number - will be used. It is not good enough to simply cite “consumer choice”, without considering carefully how that choice will be exercised in practice.

The nature of the specific advice and the general public presentation of the feature will have a bearing on this. It is however vital to consider the reality of the extent to which someone is genuinely able to exercise choice.

There are considerable dangers from use of this information, in both directions. Wholly acceptable, indeed wanted, calls may be rejected and wholly unwanted (albeit technically valid) calls accepted. People must be aware of the latter danger, as this is inevitable. The former effect is more serious, as this is not inevitable, but an issue newly introduced.

Implementation should not take place until a very clear message can be presented and when it may be assuredly expected that the benefits will greatly outweigh the disbenefits.

3.2: Are there any other approaches we should consider for addressing CLI authentication?

At such time when authentication is fully in place and proved, all calls carrying “false” CLI should be blocked, as being in clear breach of the relevant regulations.

A half-way house, which passes the duty to undertake a near-impossible task to consumers, does little to change the current situation – indeed it will probably introduce new problems.

There is considerable merit in following the approach currently being promoted by HMRC and Ofcom - that of promoting distrust in CLI.

3.3: Do you agree a common database would be required to support the implementation of STIR?

The notion of each terminating telephone service provider maintaining their own list of valid numbers (as is the case at present to some extent) is very uncomfortable and undesirable.

3.4: What are your views on using blockchain technology as the basis for a common numbering database to support CLI authentication? What other solutions do you think should be considered and why?

Our concern is with the ends, not the means.

3.5: What are your views on timeframes?

We see this as unlikely to happen for a very long time. It should certainly not stand as an impediment to the necessary switch to IP. Nor should it be used as a means of securing popular support for this switch.

Phased implementation makes some sense in general terms. However, when considering the fact that an incomplete implementation is essentially meaningless (indeed dangerous in terms of good calls not being accepted) this may have to be avoided, in terms of delivering verification information to consumers.

4.1: What are your views on the current implementation of number portability in the fixed and mobile sectors?

We have noted the difficulties caused by the ownership of blocks of numbers by specific telephone service providers.

4.2: What are your views on sharing the functionality of a common numbering database for CLI authentication to also support improvements in UK porting processes?

The matters being addressing by the proposed issues must be regarded as separate. Whether the benefits of a single database outweigh the risks is a difficult matter to assess. The risks and dangers must not be disregarded.

The temptation to seek a "silver bullet" solution must be duly resisted.

4.3: We are currently supporting a blockchain pilot. Do you have any views on using this technology for port transactions and a routing database? Are there other alternatives that should be considered?

No specific views on technology issues

4.4: What are your views on implementation timeframes and the importance of a common database solution being available to support the migration of telephony services to IP?

This is tricky.

We see it as important that the CLI verification feature is not implemented in phases, as an incomplete implementation makes no sense.

Migration to IP will however need to be phased.

The temptation for the tail to wag the dog must be resisted.

5.1: What are your views on the potential for a common database solution to also provide shared functionality to support number management?

Use of the word "also" in this question seems to be distorting priorities.

The primary function of the central database must be to enable routing of calls.

Features related to the management of numbers must therefore be part of this database system. There may however be ancillary systems (databases etc.) to assist with the administrative elements of number management.

It is obvious that too much functionality should not be loaded onto a particular system component, to ensure resilience, safe implementation and flexibility for the future.

5.2: What do you see as the benefits or disbenefits of changes to number management post PSTN retirement?

The obvious benefits are those derived from the removal of control of numbers and numbering for commercial purposes, e.g. an end to the concept of "porting".

This does however mean that number management functions currently performed by each individual provider will be exercised centrally. This will represent a sizeable reduction in overall resource, but with some reassignment.

6.1: Do you agree, in principle, with the need to develop and adopt a common numbering database? If not, why not?

The need seems to be imperative.

6.2: If you do not agree with the need to develop and adopt a common numbering database, do you have any suggestions on how the issues we have set out in this consultation could be addressed?

Any responses to this question will provide an entertaining read.

6.3: Do you agree that in the first instance industry should lead the implementation of a common numbering database, with Ofcom providing support to convene and coordinate key activities? If not, what are your views on how implementation should be taken forward?

Ofcom must swiftly take a view on the practicality of the industry being able to act in the national interest, with due regard to all industry stakeholder interests.

Given the imbalance of power within the industry, it seems likely that Ofcom will have to intervene and take the lead. This may also be necessary to ensure that consumer interests are properly and fully represented as important decisions are taken.