

**Action against nuisance calls by 'The Call Centre' -
the lessons to be learned and future action required**

The **fair telecoms campaign** is pleased to welcome action by the **Office of the Information Commissioner** against **Nationwide Energy Services** and **We Claim U Gain** as [reported here](#).

We reflect below on the issues raised by the specific breaches of the law by these companies, which took over two years to come to public attention. We also note and comment on the reaction of those who appear to share our desire to see that this illegal activity ended.

There are undoubtedly aspects of the **Privacy and Electronic Communications Regulations** that need some modest amendments. These are largely technical and address mostly the issue of "bogus" consent. This seems to have been a major issue in these cases, albeit that the **ICO** was ultimately able to address it under the current regulations. Greater clarity in the regulations may have enabled the **ICO** to act more swiftly, so as to prevent illegal activity being celebrated on TV.

We welcome efforts by [Which?](#) and [Mike Crockart MP](#) to draw attention to the need for **DCMS** to swiftly introduce these changes. These efforts are the focus of a major self publicity campaign by **Which?** and a Private Members Bill that will be presented to parliament shortly and debated in November. We are disappointed that so much fuss is being made over such relatively modest tweaks to the existing regulations. The hype and the slogans "**No to Nuisance Calls**" and "**Calling Time on Nuisance Calls**" imply something much more radical than what has come out.

The **fair telecoms campaign** sees the issue of Nuisance Calls much more widely and urges those concerned about it not to be distracted by efforts that are focussed very narrowly.

Our proposal for the consumer and citizen facing aspect of this matter to be focussed in a single agency has apparently not yet been accepted by those who shout loudly about these matters. This agency would be able to apply a consistent focus on the victims of telephone nuisance, providing them with a single point of contact. It would also be able to ensure that the necessarily wide variety of regulatory powers were properly configured and applied by the respective bodies.

We are pleased that some have drawn attention to the role that the **Ministry of Justice** could be playing as the regulator of those who provide legal services and their agents. Although it appears that one such firm was involved in this action by the **ICO**, there is no report of the **MoJ** having been involved in enforcement action. We believe that the **MoJ** could address the 'PPI claims' issue much more effectively than the **ICO**, although it is only the **ICO** that is acting at present.

We are also pleased that **Citizens Advice** has sought to get the **FCA** involved by calling for it to prohibit telemarketing (see [this release](#)). The same release also implies that **HM Treasury** should consider extending some of the provisions of the forthcoming **Consumer Rights Bill** to the Financial Services sector. Although the provisions of this Bill do not cover that sector, there is no reason why parallel legislation could not be brought forward to apply those provisions which are appropriate and needed to the Financial Services sector also.

We would be interested to hear of what progress **Citizens Advice** has made in discussions with the **FCA** and **HMT**. We trust that it has advanced considered proposals and is not just 'grandstanding'.

We are very disappointed that little attention is drawn to the breadth of the relevant powers available to **Ofcom** and the way in which it continues to misuse them.

