fair telecoms campaign briefing

'Ineffective tweaks' to the regulations said to be intended to "rid society of the plague of nuisance calls"

In its news release, "No escape for company bosses responsible for nuisance calls", the government lays out the series of measures it has taken over recent years as part of its intention to "***rid society of the plague of nuisance calls***".

We quote each of these below, with comments and links to comments made at the time of their introduction. See also - Pressing on with our 'campaign to end nuisance calls'.

The Government has already:	Our comment
• ***Introduced a measure in the Digital Economy Act 2017 to make it a requirement for the Information Commissioner to issue a statutory code of practice on direct marketing;***	If this code of practice formed part of an acknowledged and recognised set of industry standards there might be some hope that it compliance would be expected.
• ***Amended the Privacy and Electronic Communications Regulations (PECR) to require all direct marketing callers to provide Caller Line Identification;***	What is provided is commonly invalid. It is absurd to expect a law-breaker to add some means of identifying them in the course of committing their offence. – See Our comments on the nonsense over the provision of caller line identification
• ***Lowered the legal threshold at which the ICO may impose a monetary penalty on organisations breaching PECR;***	This was a needless response to a misunderstanding. See - Our comments on the nonsense over a removed "threshold"
• ***Made it easier for the ICO to more effectively share information with Ofcom in relation to nuisance calls through an amendment to the Communications Act 2003;***	A valuable administrative tweak. The only noticeable effect was to see both organisations target the same offenders. The desirable single reporting platform was not provided.
• ***Given the ICO the power to issue monetary penalty notices up to £500,000 for serious breaches of PECR;***	The ICO is constrained in that the limit of any penalty must be seen be within the capacity of the target to pay – i.e. it cannot shut down a company.
• ***Introduced a ban on cold calling in relation to claims management services through the Financial Claims and Guidance Act 2018, except where the receiver has consented to such calls being made to them. The 2018 Act also includes powers to ban cold calls from pension providers; and***	These measures (both of which have been taken) simply change the rules in respect of Pensions and Claims Management, for attended voice calls, to require opt-in. This is the same as for automated calls, text messages and emails. For all other attended calls opt-out, through the TPS, continues to be the way to cancel assumed consent. It must be noted that this so-called "ban" does not affect the position of victims already registered with the TPS. See Comments on a House of Commons debate covering measures to "ban pensions cold calling".
• ***Given £500,000 to Trading Standards to help install call blocking devices installed in the homes of vulnerable people.***	Providing selected "vulnerable" people with **trueCall** devices cannot be said to be a bad move. A far better move would be to ensure the protection of the **trueCall** approach is made available to all, through its deployment on all telephone networks.

Most importantly, no evidence has been offered to indicate that any one of these measures has had even the slightest effect on the extent to which we all suffer from the nuisance of unsolicited direct marketing calls. See The 'campaign to end nuisance calls' - our three demands.

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