



MEDIA POLICY BRIEF 8

Nuisance Calls

A Case for Concerted Action

Claire Milne

The London School of Economics and Political Science
Department of Media and Communications

ACKNOWLEDGMENTS

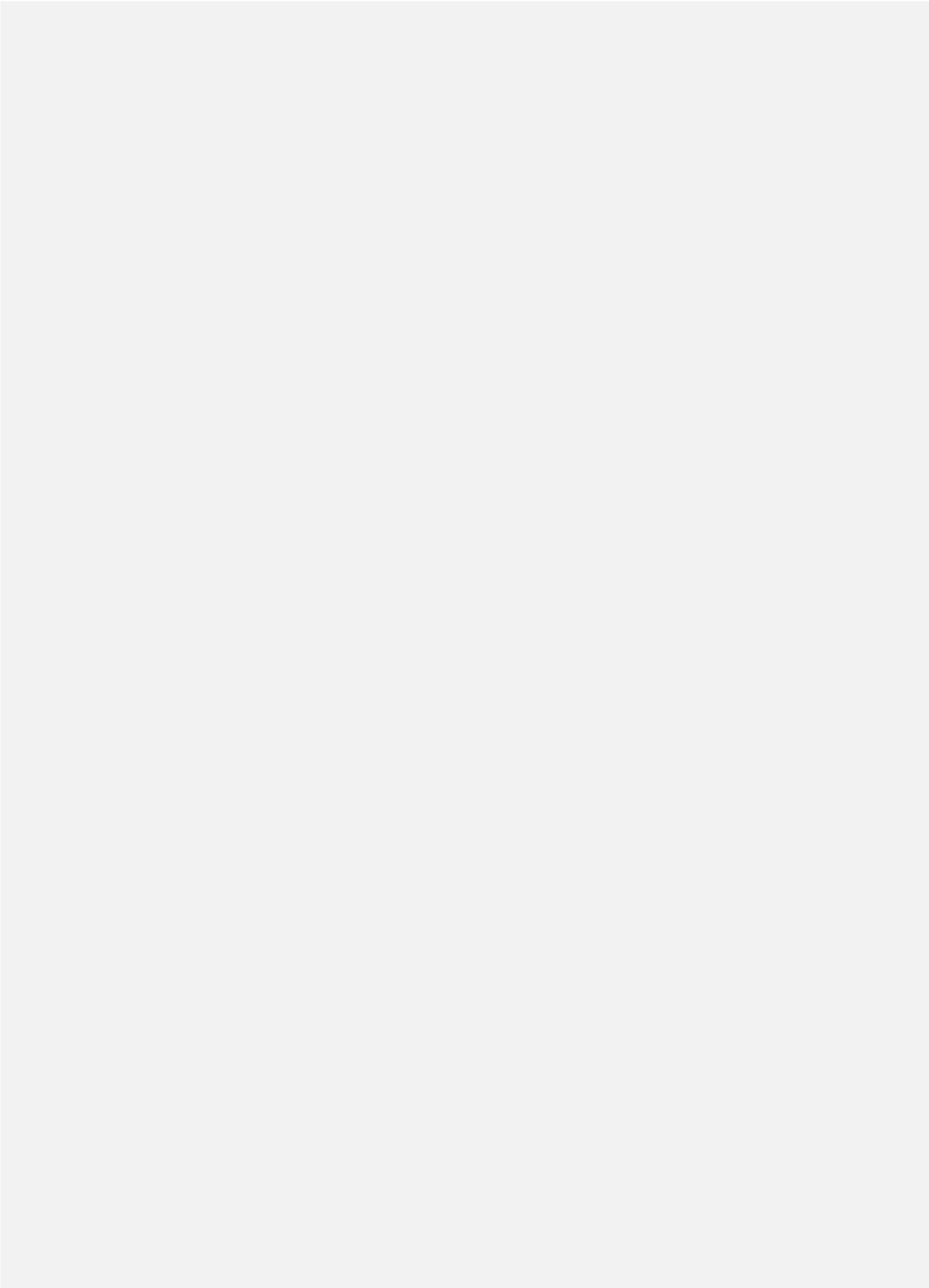
The author would like to thank members of the Media Policy Project at the London School of Economics and Political Science (LSE) for their comments on this brief. The author has benefited from discussions with many colleagues, including several in the Consumer Forum for Communications and also BT, Ofcom, ICO, DMA, CMA, and especially Steve Smith of trueCall. She would like to thank all these, Silvia Elaluf-Calderwood of the LSE Department of Management, and others who provided advice or comments on this report.

The LSE Media Policy Project is funded by the Open Society Foundation and the Higher Education Innovation Fund 5.

**LSE Media Policy Project Series Editors: Sally Broughton Micova
and Damian Tambini**

KEY MESSAGES

- Rising numbers of complaints and surveys of consumer experiences show that nuisance calls are an increasing problem in the UK.
- Enforcement of regulations on nuisance calls has not been sufficient: illegal nuisance calls, such as recorded messages and repeated silent calls, as well as spam texts to mobile phones, are widespread and form a significant problem according to consumers.
- Calls which are legal but which consumers still find a nuisance are also a problem. To deal with these, various filtering technologies will be needed; the range of these should be improved and consumers must be properly informed about them. A review of the regulations may also be required.
- An integrated plan is needed, with a single point of overall control. Consumers will continue to suffer unless Government takes urgent action to enable coordination between the regulatory agencies responsible for dealing with nuisance calls and also the telephone companies who carry them. These bodies need to make it easier for consumers to complain, and work with Government to review existing rules.



INTRODUCTION

In recent years there has been a marked rise in the number of complaints received about nuisance calls and the issue is finally getting the attention of policy makers. An All Party Parliamentary Group on Nuisance Calls was launched on 15 July 2013. The group immediately called for written evidence, and the House of Commons Select Committee on Culture, Media and Sport also launched an inquiry into the issue. This could be seen as a success for citizens advocacy groups like Which? and Citizens Advice that had been campaigning on the issue. Complainants typically demand just that “the calls should stop” and MPs tend to echo this by asking the Government “to take action”.

Receiving unsolicited calls at home, or now even on their mobiles, is obviously bothering consumers a great deal. However taking action is not straightforward. For one thing there is no exact definition of “nuisance calls” and many of the calls that annoy people are actually legal. There are rules that determine what kind of calls are legal, but enforcement faces a variety of challenges.

Despite these challenges the size of the problem and the consistency of consumer complaints mean that the problem must be tackled. This brief examines the scope and shape of the problem of nuisance calls. It then considers actions that are under way and provides some specific proposals for adding to them. Most of all, it concludes, an integrated plan is needed, with a single point of overall control.

DEFINING THE PROBLEM & CHALLENGES

There are no generally accepted definitions of the term “nuisance calls” or its close cousins, “unsolicited calls” or “unwanted calls”. In this brief the term “nuisance calls” is used to mean phone calls that their recipient experiences as a nuisance or worse. These can of course include personal calls, for example during the breakdown of a relationship. But the vast majority of nuisance calls of public policy concern are from strangers, have commercial motives, and may be termed “unsolicited telemarketing calls”. There are also nuisance calls which aim to deceive and/or defraud recipients. Though fewer in number, these can have much worse consequences than mere nuisance¹.

How people experience such calls varies. Reactions range from not being bothered or even mild enjoyment (typically from using some gambit²), to distress and worry. The latter reactions are often provoked by repeated “silent calls”. These are calls in which nothing is said and the receiver hears only silence or perhaps unidentified sounds. These can lead people to suspect

Unless someone has opted-in recorded telemarketing calls and text messages to mobile phones are illegal.

that they are being monitored, and possibly on the way to becoming crime victims. More common reactions of annoyance may be provoked by, for example: the interruption, perceived bad manners of the caller, lost time, and the line being blocked to other calls. People for whom the effort of answering the phone is considerable (for example, if they have a disability), or who are anxious to receive certain calls (for example, in a family crisis), report disappointment and even anger when the call turns out to be unwanted.

A variety of calls can be considered a nuisance by consumers, and many of them are legal.

There is a raft of regulations relating to nuisance calls, with two main regulators involved in enforcement. Under the “persistent misuse” provisions of sections 128 to 130 of the Communications Act 2003, Ofcom is responsible for enforcement on silent and abandoned calls³; while under the Privacy and Electronic Communications Regulations 2003 (PECR) the Information Commissioner’s Office (ICO) is responsible for enforcement for live and recorded telemarketing calls and spam texts. In brief⁴, the main general provisions on unsolicited telemarketing, defining what constitute illegal calls, are:

- Predictive automated diallers (often used in call centres) must be calibrated so that on average no more than 3% of answered call attempts will be abandoned because no live agent is available at the call centre, and when this happens a recorded information message must be played⁵.
- When a call to a number has been identified by Answering Machine Detection equipment as being picked up by an answering machine and therefore hung up⁶, at least 24 hours must pass before another attempt is made to call that number without the assured presence of a live agent.
- Recorded telemarketing calls (where an agent is only available after the recipient has pressed some button) are illegal unless the recipient has opted in to receiving them.
- Marketing texts are illegal unless the recipient has opted in to receiving them.
- The Telephone Preference Service (TPS) holds a register of numbers which are opted out from receiving unsolicited telemarketing calls. For live “cold”⁷ telemarketing calls to be legal, calling lists must have been checked against the TPS register and opted-out numbers removed from the list. Callers must also remove called numbers from their lists on request.
- All calling lists must have been correctly sourced, in accordance with data protection rules and with customers’ consent to whatever handling of their personal data has taken place.

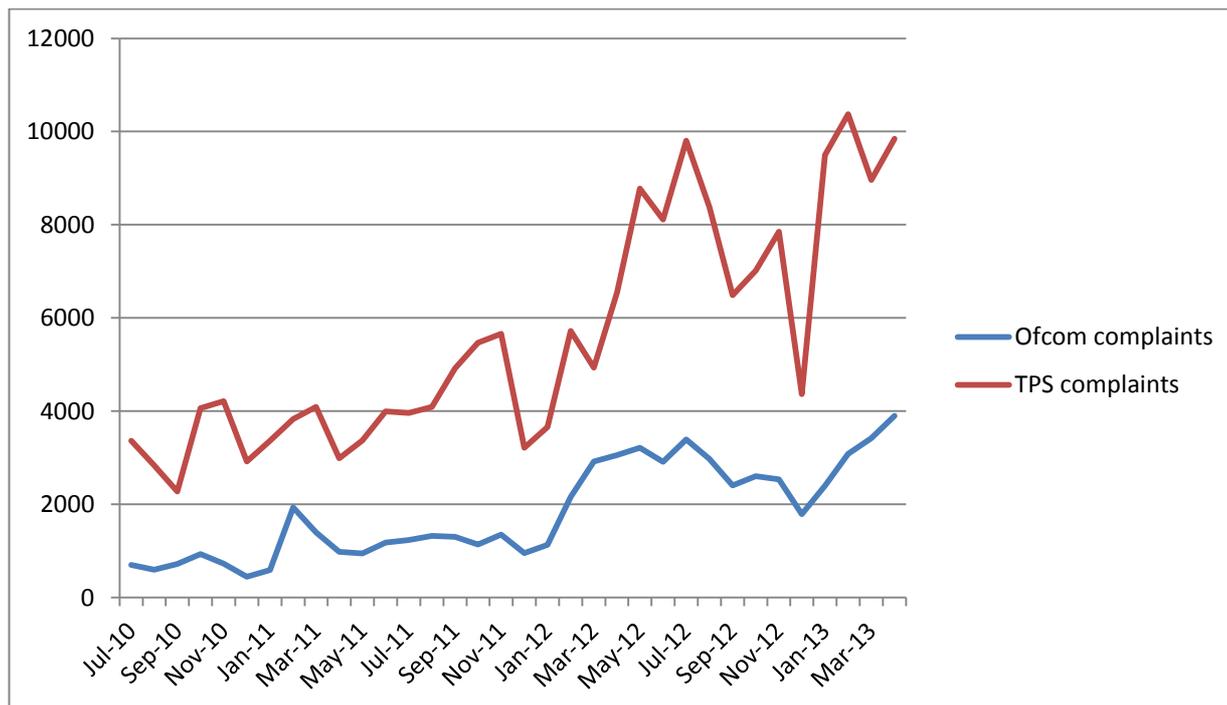
There are also various sector-specific restrictions on marketing activity which may affect nuisance calls. For example, claims management companies, which have been blamed for a lot of the recent problems, are regulated by the Claims Management Regulator within the Ministry of Justice. Since 1 April 2013 referral fees have been banned in personal injury cases, and it is expected that this will “over time materially reduce the volume of marketing calls”⁸.

Consumers should not be receiving unsolicited marketing texts, multiple silent calls, recorded telemarketing messages, or any “cold” calls at all if they have opted out.

The Size of the Nuisance Call Problem

The number of complaints from consumers regarding nuisance calls has been rising. British Telecom (BT) alone reports over 50,000 complaints a month to its Nuisance Calls Advice Line⁹. Both Ofcom and the Telephone Preference Service receive and track complaints regarding nuisance calls. As the chart below shows, the number of complaints they have received has increased significantly since 2010.

Figure 1 Nuisance call complaints received by Ofcom and TPS since July 2010



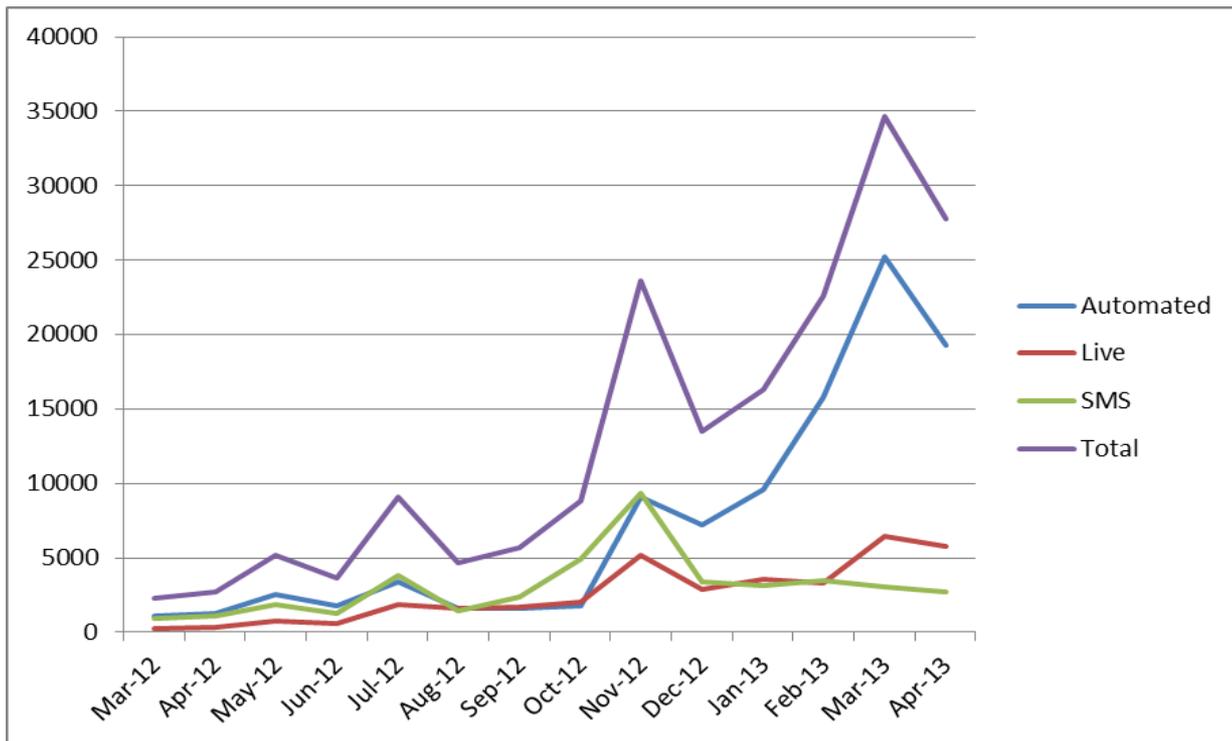
Source: The author, based on published Ofcom and TPS data

The number of complaints about nuisance calls has clearly been on the rise.

The ICO also accepts complaints about nuisance calls. In March 2012 the ICO introduced a new streamlined method for accepting online complaints known as its “snap survey”¹⁰. As the chart below shows, this has proved very popular (in its brief lifetime so far it has received over 200,000 reports). It is hard to separate the size of the underlying problem that people are reporting from the effect of the new reporting mechanism; however it appears that the mechanism is filling a need and consumers are increasingly making use of it.

ICO’s new reporting mechanism has supported an increasing number of complaints.

Figure 2 The types of nuisance communication reported to the ICO's Snap Survey since March 2012



Source: The author, based on ICO reported data

Recent consumer surveys give an idea of the scale of the phenomenon. They also show that illegal forms of calls and texts are a significant part of the problem, though we cannot yet quantify this proportion exactly. Ofcom’s panel diary research published in May 2013¹¹ showed 82% of adults with fixed lines experiencing nuisance calls during a four-week period, with an average of 8.4 calls over the period for those who received any such calls. About a quarter of the sample received 11 or more nuisance calls during the period. 86% of the calls were found annoying, 10% worrying or distressing, and 8% not a problem (or even useful).

A Which? survey¹² in early 2013 has found that 70% of those questioned had received unsolicited marketing calls in the previous 3 months, and 40% unwanted texts; both the percentage of people receiving any of these calls, and the number of calls that those people

claimed to receive, had increased significantly since a previous similar survey in 2010.

82% of fixed line subscribers received nuisance calls

- 2013 Ofcom panel diary research

40% of mobile users reported unwanted texts

- 2013 Which? survey

The latest Ofcom data are consistent with previous findings, and even show a slight increase in the nuisance in the past year. In 2012 an Ofcom omnibus survey showed that among people with fixed lines 71% said they had received live telemarketing calls, 63% had received recorded

telemarketing calls and 47% had received silent calls. 43% of those with mobiles had received spam texts¹³ in the previous six months.

Some devices for blocking nuisance calls can record calls received and blocked, thereby providing valuable information about the nature of the problem. A small-scale but detailed trial of call-blocking equipment with vulnerable adults found that about 40% of the calls they received were unwanted¹⁴. This figure is consistent with a much larger sample of calls received by people who bought one particular call screening and blocking device¹⁵.

Elderly or disabled people may suffer more from receiving unwanted calls than the general population because they tend to spend more time and may have more difficulty answering the phone. They are also thought to be more susceptible to commercial exploitation or fraud.

Our understanding of the incidence of the calls is improving, but designing counter-measures properly still requires more information on the types of calls and experiences of those receiving them.

Overall, it's clear that the problem is sizeable, and that it has worsened in recent years. What's more, already mobile phones are also affected, and we can foresee this getting worse. Spam texts are on the increase¹⁶, and lower charges for calls to mobiles are likely to lead to a growth in unwanted voice calls to mobiles too.

The Cost of Nuisance Calls

On top of a cumulatively large nuisance to individuals (and their spending on equipment and services to protect themselves), the overall cost to society of nuisance calls is likely to be considerable, in a similar manner to that of email spam¹⁷. Calculations for the cost to society of nuisance calls have not been conducted to date, but there are some indications already of the costs to the telecommunications sector. For example:

- The phone companies and regulators incur direct costs in handling complaints. (Phone companies also get some revenues from delivering the calls, but say that this does little to offset the overall negative effect for them of nuisance calls¹⁸).
- Two thirds of UK residential lines are now ex-directory¹⁹, largely to avoid marketing calls. This reduces the value of the directory, a facility that has traditionally been seen as so important to social cohesion that it is required as part of the EU universal service framework.
- Perhaps most important and insidious, trust in and reliance on the phone is being undermined. Partly because of the spread of telemarketing calls, people may no longer

routinely answer their fixed phones; and the nuisance factor must add to the increasing trend of people deciding to give up fixed phones altogether.

In addition to these costs to the companies offering telephony services, there are the costs to the public purse for the TPS and the divisions of Ofcom and the ICO that handle the increasing number of complaints and the regulation of nuisance calls.

Costs of handling complaints are increasing while the value of fixed lines and the telephone directory seems to be decreasing, but more research is needed into the true costs to society of nuisance calls.

Those Who Benefit from Nuisance Calls

The only people who really benefit from nuisance calls are the companies that instigate them and the call centres serving those companies²⁰. The decreasing costs of both network and human resources for calling, and hunger for revenues in the current economic climate may have motivated more calling. Call centres outside the UK are increasingly used, which creates challenges for enforcement.

Call centre operations are sustained by three main supports, so efforts to reduce illegal calling need to weaken or remove these supports:

- The driver is profitable operations, which depend on cheap communications and labour, and on a certain success rate in generating sales or leads²¹. Fines may directly reduce profitability, or more likely encourage care to avoid them.
- Network connectivity is essential to enable calls to reach their destinations. Network operators therefore play a key role in combating nuisance calls; but must square this with their general obligations to carry and deliver calls.
- Targeted calling relies on data - at least, phone numbers of likely prospects. Data originates with customers, who may release it willingly or unintentionally. It is gathered, handled and sold by a host of intermediaries, subject to data protection rules that may or may not be observed.

Making the calls is getting cheaper and increasingly moving overseas contributing to both the size of the problem and difficulties with enforcement of the relevant rules.

Regulation and Enforcement Issues

As mentioned above, Ofcom and the ICO have some regulatory obligations in relation to nuisance calls and the TPS has been in place for over a decade. The regulators have come in for a good deal of criticism for apparent inactivity. Disregard for the TPS and other rules went largely unpunished for several years. This can lead businesses that might generally be law-abiding to put little effort into compliance, and others that are less scrupulous to exploit the position. Arguably, lack of enforcement has led to a vicious spiral, whose direction now needs to be reversed.

Under the current system, however, enforcers need to get complaints (to justify legal action); and enforcement requires tracking down suspects. Both are challenging, partly because they depend on knowing the number from which an offending call was made. Although modern phone networks normally transmit this number (known as the Calling Line Identity or CLI), a caller can easily withhold it or even fake it. International calls are normally presented as just “international”. Rules, guidance and practice in this area are badly in need of an overhaul²².

In November 2012 the ICO imposed fines totaling £440,000 on two directors of a company for the company's sending of spam texts.

Recently enforcement has gathered both pace and force, given the increased penalties that those charged with enforcement can now levy in cases of violations.

For example, in September 2010, the maximum fine that Ofcom can impose for persistent misuse went up from £50,000 to £2m. To date, Ofcom has proceeded against 12 companies. Between 2007 and 2009 nine companies were fined a total of £318,500 (averaging about £35,000 each); and since April 2012, 3 companies have been fined a total of

£1,560,000 (averaging £520,000 each).

In May 2011, ICO was empowered to fine up to £500,000 for serious breaches of the PECR. It recently boosted its PECR enforcement team to 5 people and created an ‘Intelligence Hub’ to support enforcement activity. In November 2012 it imposed fines totalling £440,000 on two directors of a company for spam texts, and in March 2013 a fine of £90,000 for live telemarketing infringing the TPS.

It is unclear yet what impact these recent larger fines have had, but they do make headlines, and therefore may serve as a deterrent.

In addition to larger fines, other initiatives are also under way:

- ICO and Ofcom have sent out a warning letter²³ to the industry about their enforcement activities and the importance of keeping the rules.
- Ofcom has announced that it is working with network operators on improving the availability of CLI and traceability of calls, and has carried out new customer research on the incidence of nuisance calls²⁴.
- ICO is leading a multi-agency initiative to clamp down on misuse of personal data and wrongful dealing in leads (Operation LINDEN)²⁵.
- An industry working group chaired by the Direct Marketing Association, and including regulators, has opened participation to consumer representatives, and set up three “hubs” to focus on specific aspects of the problem²⁶.

Clearly, the regulators are responding to the growing need and pressure for action to reduce nuisance calls. But unfortunately, for the following reasons, their efforts are unlikely to achieve desired results:

- **The rules favour the callers.** Before they can act, regulators need to gather large amounts of evidence of wrongdoing, which must be kept scrupulously confidential and can even hinder the sharing of information among those charged with regulating. Before regulators can fine, the company must have had every opportunity to mend its ways and fines must not be so heavy as to put the company out of business. Following the processes often takes years²⁷.
- **The enforcers’ resources do not measure up to the problem.** The two main relevant regulators, ICO and Ofcom, appear to have fewer than 20 full-time equivalent staff members between them to deal with many thousands of complaints a month and many hundreds, at least, of potential miscreants. What’s more, the resources that exist are divided between different organisations, making co-ordination harder, and confusing consumers as to who is responsible.
- **Many calls that annoy people are actually legal.** The proportion is not easy to estimate, but may be well over half of all calls that people regard as unwanted or a nuisance²⁸. So even perfect enforcement might leave a lot of people still unhappy.

Enforcers need lower evidence thresholds, sufficient resources and better organisation.

Related Nuisances and How They are Connected

Three other related areas of concern for public policy and enforcement are worth mentioning here.

- **Unsolicited email (spam).** There is a clear parallel between unsolicited calls and unsolicited email (spam). The latter has been addressed internationally for over a decade now, for example by the industry Messaging Anti-Abuse Working Group²⁹. Estimates of the prevalence of spam vary, but are generally well over two-thirds of all email. However, filtering and blocking techniques routinely used by service providers now intercept most of the junk, keeping the end-user nuisance tolerable. There may be a lesson here for handling unsolicited calls.
- **Fraud, scams and cyber-security threats**, which may be embodied in malware or other forms of abuse, and may break through protective barriers by adopting disguises such as apparently innocent messaging. This is a major criminal phenomenon affecting business and government as well as consumers, and is the province of the Telecommunications UK Fraud Forum³⁰, working with the police. Fortunately, the large majority of nuisance calls have commercial rather than criminal motives; but the criminal minority can have serious consequences. Clearly, specific efforts to combat these crimes must continue unabated. But it also is reasonable to expect that a major reduction in nuisance calls, as a bonus, will reduce the success rate of criminal behaviour of this kind.
- **Targeted advertising and marketing** using whatever data a person may have revealed about himself or herself, for example through shopping, travel or internet use, may be welcome or unwelcome. New European rules for data protection in the internet age are currently the focus of intense debate³¹. But there is little disagreement that people should be able to make conscious choices about release of their data, with an understanding of likely and possible consequences – and to change those choices in the light of actual consequences. Better control by individuals of their personal data should, in principle, reduce unsolicited phone calls.

Co-ordinating with and learning from efforts to combat other forms of nuisance communication would be a useful part of dealing effectively with the nuisance call problem.

RECOMMENDATIONS

Since early 2012, several consumer organisations have been grappling with the challenges to regulating nuisance calls and have come up with ideas for actions³². The recommendations grouped below by timescale are on top of the actions mentioned above that are already under way, and build on the work done by the consumer group members. Who needs to carry out each action should be clear from its content. Ideally, the central point called for in the first action would carry full government authority to manage all the following actions, encouraging or requiring others to act as necessary in order to achieve the overall targets. All of these steps can and should be undertaken immediately, but they are grouped here according to how quickly they are likely to be achieved.

Short term steps

- Set up **a central point to plan, monitor and manage these various activities**, setting sensible targets and monitoring results against them.
 - Planning should be based on objective study of the varied actions that could be or are being undertaken, leading to better understanding of expected costs, benefits, timescales, side-effects and interactions among them. Experience gained in other countries should feed in to such work³³.
 - Monitoring of results depends on regularly published and easily available measurements of the incidence of unwanted calls.
- Provide reasoned justification of what is and is not being done; enable interested members of the public to understand the position, through maximum openness of documentation.
- Provide **a single easily found web portal for online complaints**, which also links to other relevant information (on self-protection³⁴ and action being taken) and to the online facility described next.
- Identify a preferred online crowd-sourced facility, where people can enter a number that has recently called them and find out about others' experience with the same number, and possibly who it belongs to³⁵.

Medium term steps

- Speed up the availability of **calling line identification on all commercially originated calls**, and on calls from other countries.

- Provide a single memorable short code for telephone complaints, backed by an Interactive Voice Response system that will feed information gathered directly in to regulators.
- Reconsider how existing call filtering and blocking services and products are priced and packaged; in particular, include calling line identification by default in all packages without extra charge³⁶.

Long term steps

- Introduce legal changes:
 - To make enforcement easier, and more efficient and effective, at least by **reducing the burden of proof on enforcers and ensuring that all desirable intelligence sharing can take place**; and possibly by combining all enforcement function in this area into a single agency.
 - To clarify and improve rules on consumer consent to commercial use of their data (both by companies they deal with directly and by third parties), ensuring that people exercise informed control, and allowing for expiry of consents after reasonable periods.
 - Consider the option of making the rules on nuisance calls stricter
- Make observance of **a code of good telemarketing practice** compulsory.
- Modernise in-network call filtering and blocking services.

Protecting consumers effectively from nuisance calls and maintaining the value of telephone services requires using a variety of different tools in a cohesive co-ordinated manner with strong overall management.

NOTES

¹ Some sad examples appear in the article *Fraud that proved fatal*, May 2012, TS Today (magazine of Trading Standards Institute).

² See for example <http://conversation.which.co.uk/consumer-rights/tips-deal-with-nuisance-calls-texts/> (imaginative gambits include speaking in Manx Gaelic or pretending to be a sex chat line). At <http://www.saynotocoldcalls.com/> Richard Herman tells of his success in winning £1,000 compensation for cold calls in the Small Claims Court.

³ Ofcom also has responsibility for interpreting what is meant by the term “persistent misuse”. In the context of silent and abandoned calls, changing technology requires periodic review and re-interpretation. The consultation and outcome of the last review, in 2010, are available at <http://stakeholders.ofcom.org.uk/consultations/silent-calls/>; a further review is currently in progress.

⁴ A fuller summary of the provisions is contained in the March 2013 letter by ICO and Ofcom to industry at http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/ICO_Ofcom_letter_200313.pdf, and more detail still within the consumer guide at <http://stakeholders.ofcom.org.uk/enforcement/nuisance-calls-guide>.

⁵ And no repeat call may be made to that number within 72 hours without the assured presence of a live agent.

⁶ Automatic answering machine detection (AMD) equipment can and does make mistakes. When it mistakes a live human being for an answering machine, it hangs up and the person experiences a silent call. Silent calls also have a variety of other causes.

⁷ “Cold” here means calls from companies with which the person called does not already do business. Permission to call a company’s customers is assumed, but can be withdrawn. The TPS rules apply only within the UK jurisdiction.

⁸ Letter dated 25 April 2013 from Kevin Rousell, Head of Claims Management Regulation, to Claire Milne.

⁹ See press release dated 6 February 2013 for BT6500 call blocking phone <http://www.btplc.com/news/articles/showarticle.cfm?articleid=%7B96214bfb-17d1-44ab-af6c-065ab08f34a3%7D>

¹⁰ Available at <https://www.snapsurveys.com/swf/surveylogin.asp?k=134674895144>.

¹¹ <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/nuisance-calls-research/>

¹² Some information on this is provided at <http://www.which.co.uk/campaigns/technology/stop-nuisance-calls-and-texts/> and a fuller report is forthcoming.

¹³ Ofcom’s Consumer Experience Policy and Research Reports 2012, at <http://stakeholders.ofcom.org.uk/market-data-research/market-data/consumer-experience-reports/consumer-experience/>, both contain relevant information.

¹⁴ The trial has been conducted by Angus Council Trading Standards Department among adults who through age, disability or a combination of such circumstances have been deemed vulnerable to commercial exploitation; findings are forthcoming.

¹⁵ Steve Smith, 2013, *Using network call blocking to solve the nuisance call problem*, trueCall paper; draft available at <https://www.truecall.co.uk/reports.aspx>. The trueCall device includes an online call logging option which provides data on the patterns of calls received and blocked.

¹⁶ Spam texts can be combated by network techniques which detect large numbers of texts sent from a single source, and can then block that source. The international mobile operators’ association, the GSMA, is leading co-ordinated efforts to detect and block illegal texts. See for example a report on activity in Argentina: <http://www.gsma.com/newsroom/personal-adopts-gsma-spam-reporting-service-to-identify-spammers-and-protect-subscribers>.

¹⁷ Though no serious attempt to quantify it is known to this author. A 2012 paper by Justin Rao and David Reiley: *The Economics of Spam* (<http://www.davidreiley.com/papers/SpamEconomics.pdf>) looks at the parallel phenomenon of email spam and estimates social costs at around 100 times the size of private benefits.

¹⁸ This is a view expressed informally by company representatives, but not (to this author’s knowledge) publicly documented or supported by evidence.

¹⁹ BT kindly provided the following information. The percentage of residential lines showing as ex-directory in BT’s directory database is 67.6%. This is from the information BT is sent by Communication Providers, and some customers choose not to have any information passed to the database. BT do not have the reasons for why customers choose to go ex-directory. They also do not have any data on why customers give up their fixed line.

²⁰ The UK contact centre industry as it was in 2004 is described in a report for BERR, available at <http://www.berr.gov.uk/files/file32884.pdf>. At the time it provided around half a million jobs; inbound calls (from customers) outnumbered outbound calls (to customers) roughly 2 to 1. Outbound calling was a higher proportion of the workload of smaller contact centres. More recent reports by the same agency (www.contactbabel.com) suggest continuing growth in employment by UK contact centres.

²¹ Enlightened business practice recognises that there are better ways to generate sales than cold calling. See for example <http://www.nevercoldcall.com> or <http://www.harrisonjilloyd.com/2013/03/02/10-alternatives-to-cold-calling/>.

-
- ²² At the time of writing, NICC, the UK Network Interoperability body, was about to start addressing this situation. Its website is at <http://www.niccstandards.org.uk/>.
- ²³ http://www.ico.org.uk/news/latest_news/2013/~media/documents/library/Privacy_and_electronic/Notices/joint-ico-ofcom-letter-20130320.ashx
- ²⁴ Ofcom's January 2013 Five Point Plan: <http://media.ofcom.org.uk/2013/01/08/action-plan-to-tackle-nuisance-calls/>; May 2013 update: <http://media.ofcom.org.uk/2013/05/17/ofcom-research-reveals-extent-of-nuisance-calls/>
- ²⁵ See the blog entry of 6 June 2013 at <http://www.ico.org.uk/news/blog/2013/top-five-myths-of-unwanted-marketing-calls-and-texts>.
- ²⁶ Consumer communications, fixed networks and mobile networks.
- ²⁷ See for example a full penalty notice by ICO at http://www.ico.org.uk/news/latest_news/2013/~media/documents/library/Data_Protection/Notices/dm_design_bedrooms_monetary_penalty_notice.ashx (20 pages) and one by Ofcom at http://stakeholders.ofcom.org.uk/binaries/enforcement/competition-bulletins/open-cases/all-open-cases/cw_905/RWEnpower130.pdf (138 pages)
- ²⁸ Steve Smith, inventor and supplier of the trueCall call filtering and blocking device (www.truecall.co.uk), has estimated this proportion by analysing a database of calls blocked by more than 5,000 of his customers. On his reckoning, half would be a conservative estimate; but we do not know how well the database represents calls received by all recipients of nuisance calls.
- ²⁹ This original name has now been extended to Messaging, Malware and Mobile Anti-Abuse Working Group (M³AAWG), with a website still at <http://www.maawg.org/>.
- ³⁰ <http://www.tuff.co.uk/home.asp>
- ³¹ Formal details may be found at [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0011\(COD\)#tab-0](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0011(COD)#tab-0)
- ³² A blog post by the present author (advicetooofcom.org.uk/blog/2013/03/action-needed-nuisance-calls-and-texts) links to two letters which include some of these ideas and identify all the consumer organisations involved. The full list is continually developing, and is available on request. Not all the consumer organisations concerned necessarily support all the ideas.
- ³³ Among these might be the USA (where the regulator FTC has recently held a competition for ways to deal with robocalls), Canada (where the regulator CRTC levies large fines), and Australia (where the regulator ACMA handles complaints about spam as well as nuisance calls and texts). All these countries and others belong to the International Do Not Call Forum, an offshoot of the London Action Plan international cybersecurity enforcement network <http://londonactionplan.org/>. Other countries, including India and Pakistan, have introduced specific measures for handling unsolicited calls and texts to mobiles.
- ³⁴ The regulators' guide at <http://consumers.ofcom.org.uk/2012/10/tackling-nuisance-calls-and-messages/>, published in September 2012, significantly improves on the previous situation, but some feel could be considerably better; the consumer organisation Which? already provides extra and alternative information, and is currently further improving how this is presented.
- ³⁵ Several such websites already exist; the best known, whocallsme.com, is based in the USA. They share the potential problem of innocent numbers being entered (whether in error or in malice); a UK site, telepest.co.uk, appears to have a sensible approach to dealing with this.
- ³⁶ As proposed by the Communications Consumer Panel on 17.05.2013 (see <http://www.communicationsconsumerpanel.org.uk/>).

LSE MEDIA POLICY PROJECT

ABOUT:

The Media Policy Project aims to establish a deliberative relationship between policy makers, civil society actors, media professionals and relevant media research. We want policy makers to have timely access to the best policy-relevant research and better access to the views of civil society. We also hope to engage the policy community with research on the policy making process itself. We plan to examine how policy issues emerge on the agenda and how networked communications may aid stakeholder consultation.

MEDIA POLICY PROJECT BLOG:

<http://blogs.lse.ac.uk/mediapolicyproject/>

TWITTER:

<http://twitter.com/LSEmediapolicy>

FACEBOOK:

<http://on.fb.me/dLN3Ov>

CONTACT:

Media.policyproject@lse.ac.uk

