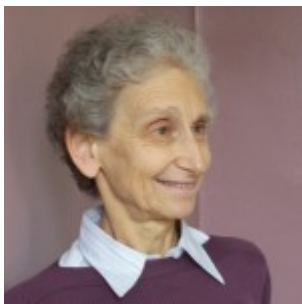


Nuisance Calls Update Part 2: The Less Positive Developments



In July 2013, we published [a policy brief on nuisance calls](#) by Claire Milne, who has been involved with developments on combating nuisance calls and texts since early 2012. In the second of this two part series of posts she describes what she views as negative developments since the brief was published.

(Continued from [Part 1](#)) The ICO and Ofcom both now say that a decreasing proportion of the nuisance calls problem is attributable to the kind of company that UK level enforcement is likely to influence – those with presence in this country and a reputation to preserve. They say that the nature of the problem is changing, and express doubts about the ability of enforcement to solve it. This implies that, as with email spam, technical solutions (in networks or equipment) have to be more thoroughly explored and exploited.

The less positive developments and those likely to appear in the upcoming parliamentary reports, are:

- BT's recent announcement of [price rises for Caller Display](#) and related services which can help people handle nuisance calls. As Ofcom has remarked, this plan sits ill with BT's claimed desire to do all it can to help customers deal with the nuisance. It is hard to see how ongoing charges are right for what are essentially one-off costs. In the APPG hearing, the BT representative explained that BT's intention was to simplify customers' choices. But as MPs asked, wouldn't it be simpler still just to include Caller Display in the basic package, without additional charge, and switched "on" by default?
- The recent disappointing [appeal decision](#) which came down against ICO's £300,000 penalty on an acknowledged "industrial scale" text spammer will add to the weight of opinion for lowering the legal threshold that the ICO needs to show for a contravention, from its current level "of a kind likely to cause substantial damage or substantial distress". The judgement found that this level of contravention had not been shown, since ICO chose to rely on 286 specific complaints rather than the hundreds of thousands of unwanted texts that had been sent. This again underlines the importance of making it easier for consumers to complain.
- The suggestion of a dedicated short code, to make it easy to complain straight after an offending call (preferably, with caller ID captured automatically from the network), is still on the table. This idea finds favour with consumer groups and, if Ofcom allocated a common code for this purpose, it could be implemented by network operators on a voluntary basis. Strangely, if BT's oral contribution to the Select Committee is to be taken at face value, it appears that BT can't implement such a code, although other networks can. Both this and BT's new charging structure for delivering caller ID should be opportunities for other networks to compete. Of course, in parallel with easier complaints, proper systems are vital for following up complaints, with urgent priority for the ones that could point to fraud or scams.

Identifying callers remains a key problem in combating nuisance calls. Suggestions that all telemarketing calls should be required to carry a meaningful caller ID have been neither accepted nor rejected. DCMS acknowledges that this idea is "an interesting proposal, which may make a further difference and Government will consider this further". Concerns have been expressed about whether telemarketers can be required to identify themselves given their rights under European privacy rules. Luckily, the Privacy and Electronic Communications Directive explicitly allows overriding of Caller ID suppression when a subscriber requests tracing of malicious and nuisance calls, even if the UK implementation leaves it to the network operator to decide whether or not to override suppression. This clarifies that privacy rules are not intended to help nuisance callers to hide.

Targets and leadership



No one has yet ventured to set a target for reduction in nuisance calls, or even to suggest how progress might be measured. This may be because an increasing part of the problem is coming from other countries; still, it should be possible to report separately on the situations for calls which can be identified as UK-originated and non-UK-originated. Two sets of targets seem appropriate – one focusing on the nuisance experienced by those who receive high levels of telemarketing calls (say, the top 20%), and another focusing on groups likely to suffer most seriously from the calls (say, disabled and elderly people).

At the moment, “co-ordination” in the area appears to consist of compiling lists of things that people are already committed to doing, and then publicising what gets done. While welcome, this is a far cry from the sustained leadership and proper management that are needed. Ministerial round tables apply occasional high-level pressure, but there is no overall plan which shows how the various activities combine, what impact they should jointly have on the problem, what should take priority, or what resources are needed. A clear account of useful experience from other countries would be useful here, and no one seems to be looking at that. Nor has anyone suggested how and when we can tell if we need to go further, for example to license call centres, or to combine relevant complaints handling or regulatory functions in a single body. Is it too much to hope that DCMS, with all the support that it should be able to muster, could deliver a real plan that includes all these missing elements?

This article gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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