

## Consultation questions (response)

*Q1 Do you agree that consumers are concerned by silent calls and that Ofcom is right to take enforcement action against the companies that make them?*

Yes. For some reason, you have neglected to address the cost and disruption to small businesses caused by repeated silent, abandoned, recorded or nuisance calls

*Q2 Do you agree with Ofcom's proposed approach to taking enforcement action, guided by a sense of administrative priority?*

Yes, if there is a free and simple mechanism for the victim to report violations, and rules/laws/penalties are actually enforced. Missing or forged Caller ID should not be a barrier to enforcement. The approach must **not** follow the model employed by the Information Commissioner in the handling of TPS, FPS or Spam law violations. In such cases, hardcopy complaint forms must be submitted (victim pays postage). Processing is refused unless the victim allows their contact details to be passed to the offender, putting them at risk of revenge, threats and abuse. No fines or prosecutions have occurred, even against repeat offenders.

*Q3 Do you agree that the range of procedures proposed in the statement will be effective in reducing the degree of anxiety, annoyance and inconvenience caused by silent calls?*

No. You have also neglected to include the words 'disruption' and 'cost' in the question. An abandoned rate of three percent is an enormous number of calls. How do you intend to measure it? Will the call originator ever admit they have exceeded the threshold? The use of automated or predictive diallers is an inherently abusive practice. The only reason such systems exist is to reduce costs for a small segment of the Direct Marketing Industry, all the negative effects being passed on to the innocent call recipients. With the current government emphasis on stamping out disruptive and antisocial behaviour, a small but vocal segment of industry should not be exempt. The use of automated/predictive dialling systems for commercial purposes should be completely banned.

The potential migration to offshore call centres should not be a factor in any Ofcom decision. Organizations will do this anyway if they decide it is more cost effective. In my experience many UK companies already initiate direct marketing contact (phone/fax/e-mail) from overseas, as they wrongly believe it allows them to ignore the law (TPS, FPS etc.).

*Q4 Are there any additional procedures which call centres could adopt to reduce the degree of anxiety, annoyance and inconvenience caused by silent calls?*

Yes, don't make them. Any responsible and ethical organization knows it does not make business sense to alienate a large segment of their potential market.

### **General Comments**

My response is from the position of both a private individual and someone who operates a small software engineering business. My personal and business lines are all registered with the Telephone/Fax Preference Service. This has proved quite effective in reducing disruptive and silent calls, but a small number of organizations still believe the law does not apply to them, enough to cause a problem. I appreciate that there are some silent calls which don't fall within the scope of the Ofcom consultation. These are usually caused by people who dial wrong numbers, and are too rude to say sorry before hanging up. Such calls are normally obvious due to background noise, sound of handset being slammed down etc.

Ofcom should take seriously my comments regarding victim confidentiality during the enforcement process. I am personally willing to cooperate in any enforcement action, but NOT if this just entails 'take this complainer off your marketing list' type solutions, this never fixes the underlying problem.

It is unfortunate that there are a small number of companies/individuals who feel the need to take revenge on anyone seen as an obstacle to their activities. On several occasions, in my business role, I have been subjected to a flood of abusive or silent calls, for the simple reason that I refused to listen to a telesales pitch while busy working on an urgent project.

It is important to avoid victim's personal details being passed to criminals who abuse telecommunication systems. The URL below is an example, albeit a rare one, where I, and a number of other individuals, tried to get the Information Commissioner to take enforcement action against an individual engaged in serious (e-mail spam/fraud) abuse. Despite being told that this person was threatening any victims who complained, the Information Commissioner's office insisted they had to pass on contact details as part of any enforcement. Fortunately this individual is now serving a six year prison sentence, and still facing further charges.

See -> <http://www.nominet.org.uk/news/latest/?contentId=2278>

Finally, I have also seen the effects that predictive diallers and silent calls have had on my elderly mother. She used to have a private phone in her room at a nursing home. She became extremely worried and upset by the number of calls with 'nobody there', or when the ringing stopped before she managed to reach the phone. Her mobility problems meant she put herself at risk of a fall on some occasions, because there were no staff available to help her answer the calls. When I tried to explain predictive diallers to her she found it hard to believe people would be so rude and selfish to use such things. There must be a significant number of other elderly and mobility impaired people who suffer this problem on a regular basis, and deserve protection.

