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Consultation questions

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?

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

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?

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

Q1. Agree – they are concerned by all forms of unsolicited marketing calls and nuisance calls in general.

Q2. The proposed approach would seem appropriate when dealing with the vast majority of legitimate call centre operators, but may not be so suitable for those at the fringes of legitimacy or those with criminal intent.

Furthermore, it is not clear how the proposed controls will work for calls made using VoIP, since the “source” of such calls may be more difficult to establish and their CLI might normally display as “International”, even if they originated from within the UK.

Q3./Q4. The proposed procedures represent a significant step forward in regulating the nuisance aspect of unsolicited telemarketing calls, but it remains difficult for a called subscriber to identify offenders, especially those who have not complied with the CLI or recorded announcement procedures.

Those who have registered with the TPS may continue to receive nuisance calls that originate from abroad and, with the increased access to computer systems and broadband services, it is likely that, even domestically, smaller unscrupulous operators may attempt to enter this market to make quick killings and then move on. The existing rather slow and measured enforcement mechanisms may not deal adequately with such fleet-of-foot operators and the complaint mechanism makes use of post-hoc reporting, which may make tracing such calls effectively difficult or impossible.

My office receives many complaints about recorded marketing calls, which can monopolise the called subscribers line for many minutes and are difficult to terminate as the caller tends to hold onto the connection, even if the called party attempts to clear.

Perhaps it is worth considering whether it is feasible to require telephone service providers to make available a simple technical means for the called party to terminate a call prematurely [e.g. by dialling a code] in such a way that would automatically report it as a nuisance call, thereby enabling the automated capture of the system parameters – such as the time, date, duration and origin of the offending call – even if presentational CLI had been withheld.

Such a facility, if widely publicised, would also be of particular help in identifying and tracing malicious calls as the vital call details would be preserved, without the need to apply tracing or interception to the subscriber's line after the event.