

Reference: 294944

27 July 2016

Julia Snape  
Information Requests

[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

## Freedom of Information: Right to know request

Thank you for your request for information dated 29 June, about mobile phone users texting their email addresses to the number 85095 for the purposes of opting out of receiving unsolicited telesales calls. Your request has been considered under the Freedom of Information Act 2000 ('the Act').

Your request states

*“I see that OFCOM are, once again, tweeting “Calling all mobile users...text ‘TPS’ & your email address to 85095 to reduce #nuisancecalls <http://ofcom.in/295yXjW>”*

- 1. Please advise the number of email addresses collected by OFCOM and/or their agents the TPS who maintain a register on OFCOMs behalf in accordance with section 26 of the The Privacy and Electronic Communications (EC Directive) Regulations 2003.*
- 2. Please advice the purpose for which such email addresses are collected.*
- 3. Please provide copies of minutes of meetings and correspondence and policies and procedures relating to the (unnecessary) collection of data such as email addresses, and specifically the reason for collection and processing of such data and how it is in accordance with the Data Protection Act 1998.”*

We have taken your request to refer to information pertaining specifically to the recently publicised text-to-register scheme which is managed by the Telephone Preference Service Limited ('TPSL') on behalf of Ofcom. Please find below our response to each of your questions on this basis.

- 1. Please advise the number of email addresses collected by OFCOM and/or their agents the TPS who maintain a register on OFCOMs behalf in accordance with section 26 of the The Privacy and Electronic Communications (EC Directive) Regulations 2003.*

The TPSL have advised that, between 27 May (the launch date of the text-to-register scheme) and 29 June (the date of your request), a total of 331,074 emails had been received via the TPS text-to-register scheme.

*2. Please advise the purpose for which such email addresses are collected.*

The reason that email addresses are collected is for the purposes of Ofcom undertaking its duties under Regulation 26 of the Privacy and Electronic Communications (EC Directive) Regulations 2003, to maintain a register of telephone numbers where the relevant subscribers have notified us that they do not wish to receive unsolicited direct marketing calls.

As you know, the Telephone Preference Service ('TPS') allows consumers to opt out of receiving unsolicited calls by registering their landline and/or mobile telephone numbers on the TPS register. Until the launch of the text-to-register scheme, registration could only be done by phone or online. Since the introduction of this scheme, however, mobile phone users can now also add their number to the TPS register by texting 'TPS' and their email address to 85095.

The reason that the TPSL ask for an email address is because it helps ensure that the TPS operates as effectively and efficiently as possible. The TPSL may, for example, use such addresses to verify individuals' identities when considering their complaints, or, alternatively, use such addresses for the purposes of sending consumers additional information which they require. If, however, a person wants to register on the TPS but does not want to provide an email address, they may still do so.

*3. Please provide copies of minutes of meetings and correspondence and policies and procedures relating to the (unnecessary) collection of data such as email addresses, and specifically the reason for collection and processing of such data and how it is in accordance with the Data Protection Act 1998.*

We do not hold minutes of meetings and correspondence and policies and procedures relating specifically to the collection of data, such as email addresses, for the purposes of the text-to-register scheme. This is because the collection of such data by the TPSL was already established standard practice by the time that the text-to-register scheme was introduced. The text-to-register scheme simply introduced a new method of enabling subscribers to register their mobile telephone numbers, namely SMS, as opposed to introducing new types of data collection.

In collecting this information, Ofcom ensures that it complies with the Data Protection Act 1998, as set out on our website here: <http://www.ofcom.org.uk/about/policies-and-guidelines/data-protection/> and under our Data Protection Statement here: <http://www.ofcom.org.uk/about/policies-and-guidelines/data-protection/data-protection-statement/>. Ofcom also ensures that the requirements of the Data Protection Act 1998 are met by requiring the TPSL to comply with these obligations under the terms of its contract.

Yours sincerely

Julia Snape

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter.** There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings  
The Secretary to the Corporation  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF