

Amendment to the statement entitled Revised statement of policy on the persistent misuse of an electronic communications network or service – published 10 September 2008

On 10 September 2008, Ofcom published the statement entitled Revised statement of policy on the persistent misuse of an electronic communications network or service (the ‘Statement’)¹.

Following preliminary research carried out by Ofcom and representations received from industry, Ofcom has found some evidence that the contents of its guidance as to the timing of when an information message needs to be played in the event of an abandoned call may unnecessarily diminish the effectiveness of Answer Machine Detection technology.

Ofcom is therefore amending paragraph 4.16.2 of the Statement to allow for different call centres who use different types of technology to choose from two options with regards to when an information message needs to be played in the event of an abandoned call.

Therefore Ofcom proposes to:

1. revert to its original wording in the Statement of policy on the persistent misuse of an electronic communications network or service published 1 March 2006² (the “2006 Statement”) i.e. **within two seconds of the call being answered**; and
2. in a footnote set out two options for interpreting this provision:
 - 2.1. maintain a first option as set out in the Statement i.e. **no later than two seconds after the telephone has been picked up**;
 - 2.2. introduce a second option which was consulted on in December 2007³ when Ofcom set out its proposed revisions to the 2006 Statement i.e. **no later than two seconds after an individual begins to speak**.

Amendment to the Annex 1 paragraph 4.16.2 of the Statement

Annex 1 paragraph 4.16 of the Statement sets out the steps Ofcom will be guided by when deciding whether to take enforcement action. Paragraph 4.16.2 sets out when a recorded information message must be played.

The original text at paragraph 4.16.2 states:

“in the event of an ‘abandoned call’, a very brief recorded information message is played no later than two seconds after the telephone has been picked up [...]”

The text now reads:

“in the event of an ‘abandoned call’, a very brief recorded information message is played ~~no later than two seconds after the telephone has been picked up~~ **within two seconds of the call being answered [FOOTNOTE][...]”**

[FOOTNOTE] Within two seconds of the call being answered means either:

- **no later than two seconds after the telephone has been picked up; or**
 - **no later than two seconds after an individual begins to speak,**
- whichever is more applicable to the technology deployed.**

¹ http://www.ofcom.org.uk/consult/condocs/persistent_misuse/statement/misuse_statement.pdf

² http://www.ofcom.org.uk/consult/condocs/misuse/misuse_state.pdf

³ http://www.ofcom.org.uk/consult/condocs/persistent_misuse/misuse.pdf

The changes have immediate effect.

30 October 2009