

Tackling nuisance calls and messages: Update on the ICO and Ofcom Joint Action Plan (December 2016)

Introduction

In January 2013, the Office of Communications (Ofcom) and the Information Commissioner's Office (ICO) announced a joint action plan to address the consumer harm caused by nuisance calls and messages.

Since then, Ofcom and the ICO have published regular updates to the plan, with the last one published in December 2015. That update stated that in 2016 Ofcom and the ICO would continue to:

- take targeted enforcement action;
- work with communications providers (CPs) to develop and refine technical measures to prevent nuisance calls from reaching consumers;
- share intelligence and work together to fight nuisance calls;
- enhance consumer awareness of TPS.

As this update for 2016 shows, we have made progress in each of these areas.

Background

Nuisance calls and messages take many forms, ranging from unsolicited and unwanted sales calls and messages (both live and recorded), to silent and abandoned calls.¹ Ofcom estimates that UK consumers receive around 5 billion nuisance calls per year: 1.7 billion live sales calls, 1.5 billion silent calls, 940 million recorded sales calls, and 200 million abandoned calls.²

We are working strategically and focussing our efforts on those measures we believe have the most positive impact in reducing these call volumes. Our research and complaints data shows that some progress has already been made – see below and Annexes A and B - although we recognise there is still more work to do.³

¹ An abandoned call is one in which the caller connects to the called party, but then ends the call when the called party answers, in which case Ofcom expects the calling party to play a brief recorded information message to identify itself and provide a means for the called party to opt out of receiving further calls. These calls are often the result of a call centre placing calls using automatic dialling systems (ACS). A silent call is, at its name suggests, one where the called party hears nothing. This can be the result of a call centre failing to play an information message.

² https://www.ofcom.org.uk/_data/assets/pdf_file/0015/80700/annexes_7-8.pdf

³ Complaint volumes can fluctuate for a number of reasons for example during holiday periods when fewer consumers are likely to complain.

Research and complaints data

Ofcom's assessment of the problem is informed by its own consumer research. For the past few years, Ofcom has carried out annual diary research and bi-monthly face-to-face surveys.⁴ Both of the studies carried out in 2016 show declines in certain call volumes.⁵

The 2016 diary research (consumers' experience in January-February 2016) showed that around four out of five (83%) participants reported that they received a nuisance call on their landline phone over the four-week period. About three out of five reported receiving a live sales call (60%) and a similar proportion a silent call (61%). Over two in five (44%) reported receiving a recorded sales call and nearly one in five (17%) reported receiving an abandoned call.⁶ The level of recorded and live sales calls had fallen compared to levels reported over the same four-week period in 2015, when 70% and 52% of participants received live and recorded calls, respectively.

The bi-monthly tracker shows the proportion of UK adults with a landline and/or mobile who reported having received a nuisance call on their landline or mobile phone in the previous four weeks. In November 2016, 58% of UK adults with a landline phone reported having received a nuisance call on their landline phone in the previous four weeks⁷ and 42% of UK adults with a mobile phone reported having received a nuisance call on their mobile over the same period.⁸ In both cases, levels of nuisance calls have fallen compared to those reported during the same time period in November 2015 and November 2014.⁹

Ofcom received fewer complaints about silent and abandoned calls in 2016 compared to previous years. In 2015, Ofcom received 46,648 complaints about silent and abandoned calls, or on average 3,887 each month. For the period January to November 2016, Ofcom received 40,220 such complaints, or on average 3,656 each month. It is also worth noting that monthly complaints fell to around 2,500 in October 2016 - the lowest since February 2014.¹⁰

From the period June 2016 to September 2016, the ICO saw repeated reductions in the number of complaints about recorded calls from 10,518 to 3,071. This was due to a significant decrease in the number of calls concerning PPI. The ICO believes this reduction was as a result of various investigations into this area.

Ofcom's 2016 diary research reveals the industry sectors driving nuisance calls. It found that payment protection insurance (PPI) remained the most common subject of nuisance calls, making up about a fifth of all calls where the product or service was identified. Calls about home improvements increased compared to the same time period in 2015, to about 10% of all calls where the product or service was identified.

⁴ The former involves consumer participants making a record of all nuisance calls they receive on their home landline phone during a four-week period in the study year; the latter involve consumers reporting their recollection of their experience with nuisance calls during the previous month.

⁵ https://www.ofcom.org.uk/data/assets/pdf_file/0025/49471/Nuisance_calls_2016.pdf

⁶ https://www.ofcom.org.uk/data/assets/pdf_file/0025/49471/Nuisance_calls_2016.pdf

⁷ Annex A, figure A.1

⁸ Annex A, figure A.2

⁹ Annex A, figure A.1 and figure A.2

¹⁰ Annex B, figure B.4

Concerns reported to the ICO show that accident claims, energy saving and home improvement and PPI remained the most frequently complained about topics, as in the previous year. Complaints about calls/messages relating to all these topics increased from the start of 2016, peaking in June. However, since June, complaints about accident claims and PPI have fluctuated. Complaints about energy saving and home improvement peaked in June at 4,979, but fell to 1,103 in September, rising again to 3,488 complaints in November. This significant reduction in June to September may partially be due to regulatory activity in this sector at that time.

A. Taking targeted enforcement action

ICO and Ofcom have continued to undertake enforcement activity throughout 2016 and have brought more than 25 enforcement actions since the last update.

Ofcom has also begun to expand its enforcement role by developing a process for and issuing what are known as 'blocking directions'. This involves Ofcom instructing providers to block certain calls identified as a nuisance so they do not get through to consumers.

ICO enforcement action

The ICO's enforcement activity is focused on those organisations that are contravening the Privacy and Electronic Communication Regulations 2003 (as amended) ("PECRs") by making live or automated telesales calls or sending unsolicited marketing SMS texts to consumers. It provides monthly updates on its enforcement action on its website.

The ICO said that, following the Government's change of the law in April 2015, it expected to issue more monetary penalties than in any previous year and for a greater total amount. In 2015, it issued ten monetary penalties for just over £1 million. So far this year, the ICO has issued 22 monetary penalties, amounting to £2,050,000.

In February, the ICO served its largest penalty of £350,000 for unlawful marketing against Prodiol Limited, for making over 40 million unlawful automated marketing calls. Recent penalties of £30,000 against Carfinance 247 Limited and £130,000 against Intelligent Lending trading as Ocean Finance, have involved the use of third parties or 'affiliates' to conduct marketing on behalf of organisations.

The ICO undertakes a programme of monitoring and compliance work and is currently monitoring 14 organisations for compliance with the PECRs and, to date this year, has held compliance meetings with 21 organisations to discuss concerns and demand improvements.

The ICO has also commenced compliance work and investigations in respect of lead generation or list broking companies which have supplied data to organisations making nuisance calls. The aim is to identify contraventions of the Data Protection Act and take action to prevent the supply of personal data to organisations which then make nuisance calls. This follows on from work the ICO did late last year, when over 1,100 organisations that identified themselves as trading or sharing personal data were contacted.

The ICO held two 'Week of Action(s)' this year, working with partner agencies in Scotland in July, and then local Trading Standards offices on the south coast in early November. It publicised planned enforcement action, along with compliance work including public

education and awareness sessions aimed at helping consumers understand how their information is passed or sold on to other companies and avoid 'scams'.

Ofcom enforcement notifications and blocking directions

Ofcom's enforcement is rooted in its "persistent misuse" powers in sections 128-130 of the Communications Act 2003.¹¹ Ofcom has identified silent and abandoned calls as forms of persistent misuse, and its enforcement work has focused on such calls. Since the last update, Ofcom has issued formal notifications to three entities for making silent or abandoned calls: The Hearing Clinic, Organise Consulting Limited, and Verso Group (UK) Limited. In June, Ofcom issued a provisional penalty against Organise Consulting. These cases are on-going.

In addition to this enforcement action Ofcom began, in 2016, to expand its enforcement role by exercising its powers to issue call-blocking directions to communications providers (CPs). Ofcom's General Condition (GC)¹² 20.3 states that CPs must block access to telephone numbers, and withhold associated revenue, when requested to do so by Ofcom on the basis of fraud or misuse. In May and June 2016, Ofcom learned that millions of calls, presenting 084 telephone numbers, were being made on a given day to some CPs' customers, and being disconnected either before or shortly after being answered.¹³ In addition to the general annoyance at receiving unwanted calls, the call recipients were prompted to return the calls to determine who had called them, incurring call charges in the process. Ofcom therefore issued directions to CPs under GC 20.3 to block access to the numbers in question, to prevent consumers receiving further calls, and stop the harm.

Ofcom intends to continue to use this power in future and plans to consult on the formal process for doing so early in the New Year, in order to make it swift and effective.

In addition to formal blocking directions, Ofcom has also contacted the holders of number ranges on an informal basis; where those numbers appear to be the subject of misuse; to encourage them to address the problem. Responsible CPs have communicated our concern to their customers (who may be either other CPs to whom the range holder transferred the numbers in question, or the ultimate end-user of such numbers), and where necessary, have terminated service. Since May 2016 Ofcom has dealt successfully with nine CPs on this basis, leading to a likely reduction of millions of calls.

¹¹ A person "misuses" a network or service within the meaning of section 128 of the Communications Act 2003 if the effect or likely effect of his use of the network or service is to cause another "unnecessarily to suffer annoyance, inconvenience, or anxiety," or if he uses the network or service to engage in conduct the effect or likely effect of which to cause such harm. A person "persistently" misuses the network or service when his misuse is repeated enough so as to constitute "a pattern of behaviour or practice" or "recklessness as to whether persons suffer annoyance, inconvenience or anxiety." Ofcom has published a general statement of policy about persistent misuse, per section 131 of the Act, and identified silent and abandoned calls as such.

¹² The rules that apply to companies wishing to provide a telecoms service in the UK.

¹³ Ofcom learned this through the data from the monthly measurement exercise, provided by CPs that are part of a strategic working group organised by Ofcom to address nuisance calls.

Ofcom tracing

Ofcom closely monitors the most complained about telephone numbers. We are increasingly finding many of these to have been ‘spoofed’. For example, 12 of the 15 most complained-about numbers (80%) in a recent week appeared to have been spoofed.¹⁴

Spoofed calls are harder to trace as the caller deliberately uses a false number to hide their identity and avoid enforcement action. Ofcom does however, regularly conduct call tracing via CPs, to identify those making nuisance calls.

During Quarters 1-3 of 2016 (January to September), we attempted to identify the origin of calls presenting 64 specific numbers, and issued more than 100 separate tracing requests for those numbers. We were able to identify the caller in many cases, however, we found that in around half of the cases, the calls originated from overseas. In these cases, we look to address the behaviour through formal or informal means, engaging with CPs and international regulators to co-ordinate information and intelligence to combat the nuisance calls.

Revised Statement of policy on ‘persistent misuse’

Ofcom is today publishing its revised policy statement on persistent misuse. As indicated, Ofcom’s enforcement work against those who make nuisance calls is based on this policy. Ofcom intends to take a case-by-case approach to persistent misuse, prioritising those cases that cause the most consumer harm, and having regard to our administrative priorities as set out in our Enforcement Guidelines.¹⁵ This means that:

- actions against those making silent and abandoned calls are likely to continue to be priorities. Ofcom will no longer include a specific abandoned call rate (e.g., 3%) as a prioritisation criterion, but may consider the rate at which calls are made, among other factors, to assess the level of harm being caused to consumers;
- misuse for dishonest gain, misuse of a Calling Line Identification (CLI) facility¹⁶, and misuse of allocated telephone numbers are also examples of misuse against which we may take action; and
- it may be appropriate to take action against a CP where it is responsible for, or involved in, perpetrating the misuse. This could occur, for example, where the calling party has spoofed its number and the provider was complicit in spoofing, or where the provider participates in an arrangement that it knows involves artificial inflation of call traffic in order to cause consumers to incur inappropriate charges by making calls to revenue-sharing numbers.

The new statement is in many ways similar to the prior statement, but is intended to clarify our case-by-case approach to persistent misuse. The new statement will come into force on 1 March 2017.

¹⁴ A spoofed number is where the caller has deliberately falsified the phone number that is displayed, to hide their identity and try to avoid enforcement action.

¹⁵ https://www.ofcom.org.uk/_data/assets/pdf_file/0034/79846/enforcement_guidelines.pdf

¹⁶ A “calling Line Identification” (CLI) facility is one by which the telephone number of a calling party is presented to the called party before the call is established and helps called parties identify who is calling them

B. Working with communications providers to prevent nuisance calls

Enforcement is just one tool used to tackle calls. As the UK's telecommunications regulator, Ofcom has also been engaging with CPs to encourage them to develop network solutions to prevent nuisance calls from reaching consumers in the first place. Ofcom is also active in developing ways to make Calling Line Identification (CLI) more useful.

Strategic Working Group and blocking

As reported in the 2015 update, Ofcom formed a Strategic Working Group (SWG) with 10 of the UK's largest CPs to cooperate on developing and implementing technical measures to reduce the impact of nuisance calls on consumers, as set out in a Memorandum of Understanding (MoU).¹⁷ Among other things, the MoU embodies a collective agreement amongst the signatory CPs to carry out a monthly network monitoring and call volume measurement exercise, and to report data from that exercise to Ofcom. It is this data that formed the basis for the blocking directions Ofcom issued earlier this year.

Some members of the SWG have progressed towards blocking or filtering calls at the network level voluntarily. For example, both TalkTalk and Vodafone are blocking certain calls at the network level. Vodafone says it blocked 425,000 calls during the test of its nuisance call blocking system.¹⁸ In response the offending parties reduced substantially the volume of calls placed to Vodafone numbers. BT, meanwhile, announced earlier this year that it will be deploying a new filtering service,¹⁹ which will identify problematic calls at the network level, and divert them to a junk voicemail service. Customers will also be able to "blacklist" additional numbers. BT estimates that it will divert 25 million calls weekly.

Ofcom welcomes these CPs' efforts, and encourages others to deploy similar solutions to address nuisance calls. CPs must also work to ensure that they have checks and processes in place to prevent blocking or disrupting legitimate calls, and to correct any mistakes promptly.

Calling Line Identification (CLI)

In terms of network solutions to nuisance calls, Ofcom is also taking steps to improve the usefulness of Calling Line Identification (CLI). CLI facilities are those by which the telephone number of a calling party is presented to the called party before the call is established, and helps called parties identify who is calling them. The growth of spoofing has compromised the usefulness of CLI facilities. Ofcom is proposing to change the General Condition relating to CLI facilities. This would require CPs to provide CLI facilities unless they can demonstrate that it is not technically feasible or economically viable for them to do so. In addition, CPs must take all reasonable steps to identify and block calls that have invalid or non-diallable CLI data.²⁰

¹⁷ https://www.ofcom.org.uk/_data/assets/pdf_file/0026/31859/nuisance_calls-tech-mou.pdf

¹⁸ <http://mediacentre.vodafone.co.uk/pressrelease/vodafone-uk-now-blocks-scam-calls-mass-scale-entering-network/>

¹⁹ <http://home.bt.com/news/bt-life/bt-offers-breakthrough-service-to-divert-huge-numbers-of-nuisance-calls-11364039280071>

²⁰ To be "valid," any UK telephone number included in the CLI data must be a number from the National Telephone Numbering Plan with a leading zero, and any international number included in the

Ofcom has also continued to engage with the Internet Engineering Task Force (IETF) on standardising methods of CLI authentication. CLI authentication will help ensure that the CLI provided by the caller, and presented with a call, is accurate, thereby reducing CLI spoofing. The technical standards, which specify the required changes to IP-based voice services to allow them to support CLI authentication, are largely complete.

Ofcom is now working closely with CPs to understand how the new authentication mechanisms can be used in the UK as we transition from the traditional telephone networks (legacy PSTN voice platforms) to internet based (IP) voice over the next 5 to 10 years. It is expected that existing UK telephone number allocation processes will have to change significantly, and new functions will be needed, such as issuing digital certificates to prove the right to use a particular number. Ofcom is also exploring whether there are elements of the CLI authentication approach that can be used with the current legacy PSTN networks so the benefits of reduced CLI spoofing can be felt more quickly.

C. Sharing intelligence and working together

Intergovernmental coordination in the UK

ICO and Ofcom routinely share intelligence with each other about general investigative approaches as well as specific targets on a case-by-case basis, and continue to explore other ways of working together to maximise the impact of their nuisance call work. In 2016, ICO and Ofcom shared information on several investigations, and jointly interacted with a company connected with a significant nuisance caller on an informal basis.

Both ICO and Ofcom also engage regularly with the Government on nuisance calls issues. For example, the ICO and Ofcom have participated in DCMS-hosted roundtables, and both contributed to and were supportive of the Government's change to PECRs requiring direct marketing callers to display CLI.²¹ In addition, ICO and Ofcom participated in the Scottish Government's Nuisance Calls Summit in June 2016, and are currently participating in its Nuisance Calls Commission, which has the aim of finding practical solutions to the problem of nuisance calls, particularly as they affect Scottish consumers.²²

The ICO works closely with the Ministry of Justice Claims Management Regulator (CMR), and has attended a number of audits this year, and provided advice on compliance with the Data Protection Act and PECRs to the CMR and the organisations being audited by them. Through the multi-agency work on nuisance calls – see Operation Linden below – the ICO and Ofcom have relationships with regulators of industry sectors that are commonly linked to making nuisance calls. These include the Solicitors Regulatory Authority, Financial Conduct Authority, the Market Research Society, the Insurance Fraud Bureau, the Gambling Commission, the Pensions Regulator, the Charity Commission, and the Fundraising Regulator.

CLI data must conform to the international public numbering plan contained in a particular ITU recommendation. To be "diallable," the telephone number presented to the called party must either be a UK telephone number in a range that has been issued to a CP and in service.

²¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518819/CLI_consultation_GR_version_PDF.pdf

²² <https://beta.gov.scot/groups/nuisance-calls-commission/>

The ICO undertakes a programme of “mystery shopping” to find out more about how data is traded and shared in relation to certain sectors and issues, and published information about this project earlier in the year. This was accompanied by awareness videos - ‘Meet Stanley’, which aimed to demonstrate how personal data is collected and passed between companies. One of the videos was aimed at the public, and the other video was aimed at reminding organisations about their compliance.

Ofcom has also shared information with Trading Standards.

Direct Marketing Guidance

The ICO updated its Direct Marketing Guidance in May 2016, and also revised its direct marketing checklist for SME businesses. The main guidance provided greater clarity on use of third parties in the marketing chain, and more examples aimed at charities which undertake fundraising activities involving electronic direct marketing.

Operation Linden

The ICO leads Operation Linden, a multi-agency group of stakeholders (including regulators, consumer groups, trade associations, and the telecommunications industry) that work together to share intelligence and identify opportunities to tackle nuisance calls. Regular contributors to the group include, Ofcom, Citizens Advice, Which?, British Telecom representing the telecommunications industry, The Direct Marketing Association, the CMR, National Trading Standards and the Gambling Commission. The group reports on initiatives aimed at preventing or disrupting nuisance calls, and sharing information. This group last met on 17 October 2016 to review progress.

International Co-ordination and Engagement

The ICO is a member of the executive committee of the Unsolicited Communications Enforcement Network (UCENET, formerly the London Action Plan), along with the US Federal Trade Commission, the Canadian Radio-television and Telecommunication Commission, the Korean Internet and Security Agency, the Australian Communications and Media Authority and the New Zealand Department of Internal Affairs (Ofcom has observer status in UCENET). This group of international regulators co-ordinates information and intelligence sharing to combat nuisance calls and unsolicited messaging.

A key focus of UCENET this year has been the development and delivery of the new operational plan. This is based around four pillars of activity – Intelligence, Enforcement, Communication and Training. One of the main aims this year has been to undertake a ‘Sweep’ in respect of affiliate marketing activity in each jurisdiction. The results of the Sweep should be published in 2017.

Law enforcement

In 2016, Ofcom also convened meetings between CPs who are signatories the SWG MoU and law enforcement agencies to address spoofing.

Consumer awareness

Telephone Preference Service

The Telephone Preference Service (TPS) - is the UK's "do-not-call" service. It is illegal for organisations to make unsolicited sales and marketing calls to numbers registered with the TPS, unless they have a person's consent to do so. Ofcom research in November 2014 found that less than half (48%) of the public familiar with TPS knew that they could register their mobile phone numbers with the service, compared to almost 9 in 10 knowing that they could register their landline numbers (88%). This translated into significantly lower levels of mobile phone registrations. As a result, Ofcom asked TPS Ltd, which administers the service on Ofcom's behalf, to accept registration of mobile phone numbers by SMS. This functionality was launched on Friday 27th May 2016, along with publicity to raise awareness.²³ Registration is a simple process. Those who wish to register simply text their email address to a short code and their mobile number will be registered.

As a result of this initiative, the number of registrations rose from 2,604,783 in October 2015 to 3,580,795 in September 2016. In June 2016, straight after the launch, registration peaked at 461,380 and numbers have been rising steadily since.

Summary

The ICO and Ofcom continue to give high priority to combatting nuisance calls from an enforcement, technical, and consumer-education perspective. Joint priority areas for 2017 will be:

- Continuing to take targeted enforcement action;
- Continuing to work with CPs to develop and refine technical measures to help prevent nuisance calls from reaching consumers in the first place; and
- Continuing to share intelligence and work together with other agencies involved in the fight against nuisance calls.

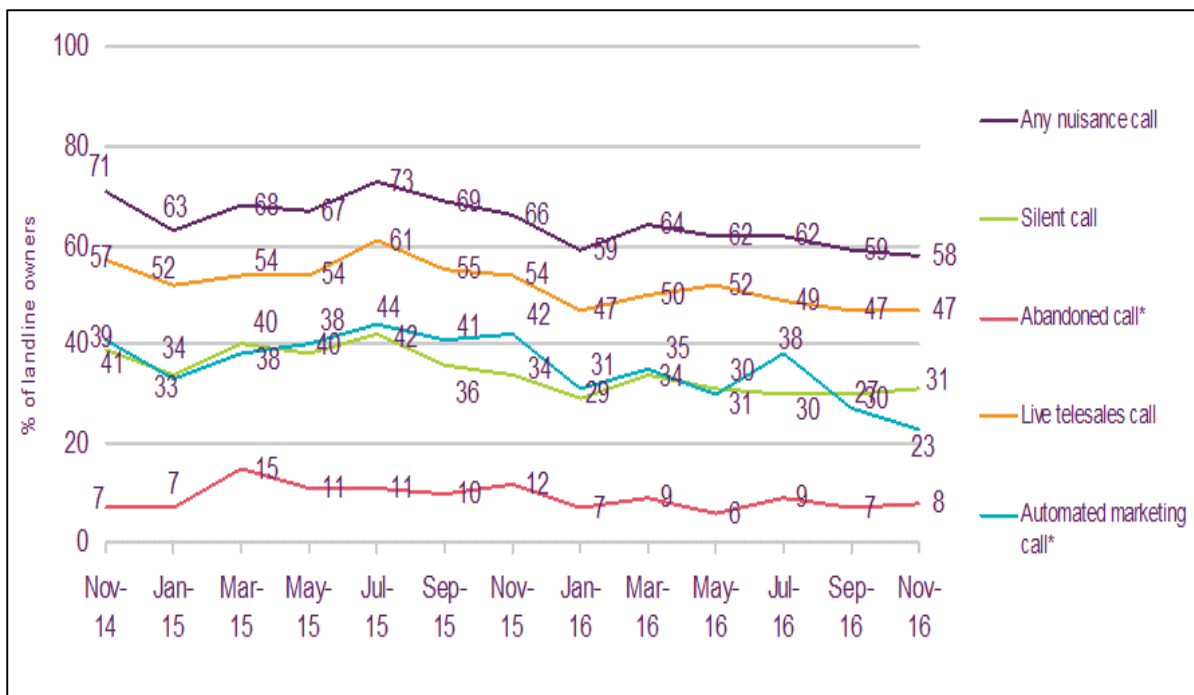
We intend to publish another update on our work in this area by the end of 2017.

²³ <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2016/tps-text-to-register-service>

ANNEX A: Ofcom's bimonthly omnibus survey on nuisance calls received in last four weeks

Figure A.1: Unwanted calls received on a landline in the last four weeks

Figure A.1 shows that, in November 2016, 58% of UK adults with a landline phone reported experiencing a nuisance calls on their landline in the previous four weeks. Comparing November 2016 with the same time period over the previous two years, a lower level of nuisance calls on landline was reported (November 2015: 66%; November 2014: 71%). Live telesales calls are consistently the most commonly reported nuisance call.



Source: Kantar Media face to face omnibus

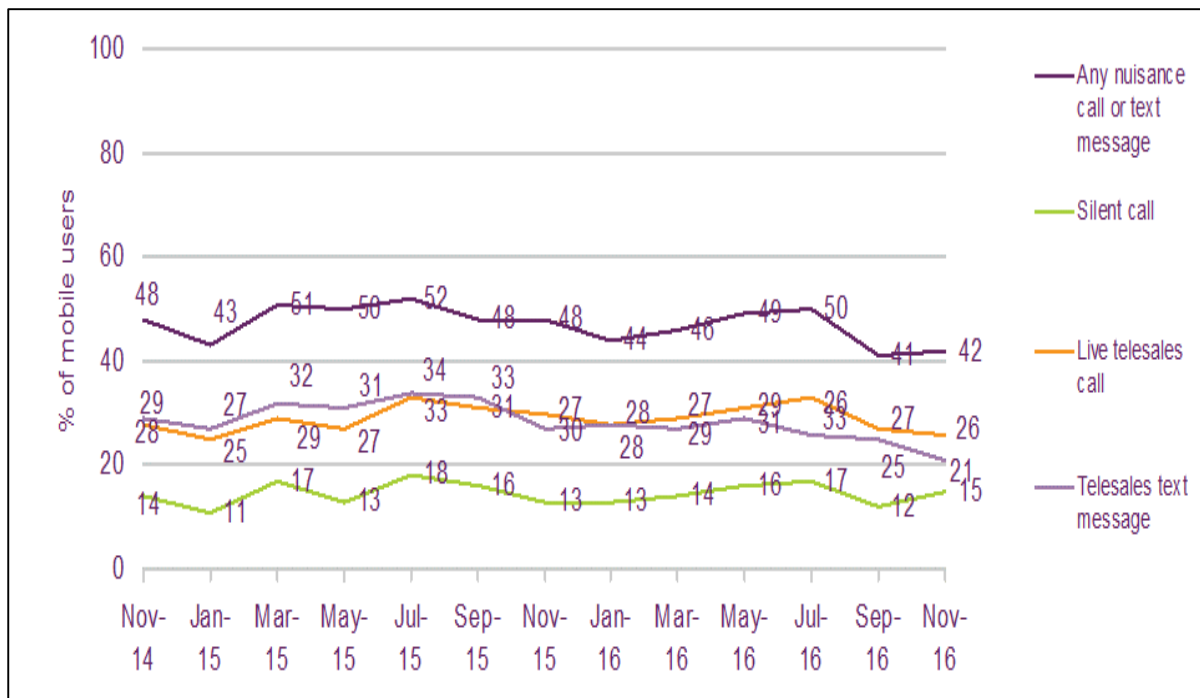
Base All with a landline phone (Nov 2014, 786); (Jan 2015, 833); (Mar 2015, 713); (May 2015, 740); (July 2015, 848); (Sept 2015, 771); (Nov 2015, 727); (Jan 2016, 741); (Mar 2016, 716); (May 2016, 728); (July 2016, 780); (Sep 2016, 751); (Nov 2016, 749)

*These percentages are derived from a low base size- indicative only

Q. Thinking about the following issues related to your home landline phone, please tell me whether they have happened to you personally in the last 4 weeks? Please mention all that apply.

Figure A.2: Unwanted calls or messages received on a mobile phone in the last four weeks

Figure A.2 Figure A.1 shows that, in November 2016, 42% of UK adults with a mobile phone reported experiencing a nuisance calls on their mobile in the previous four weeks. Comparing November 2016 results with the same time period over the previous two years, a lower level of nuisance calls on mobiles was reported (November 2015: 48%; November 2014: 48%).



Source: Kantar Media face to face omnibus

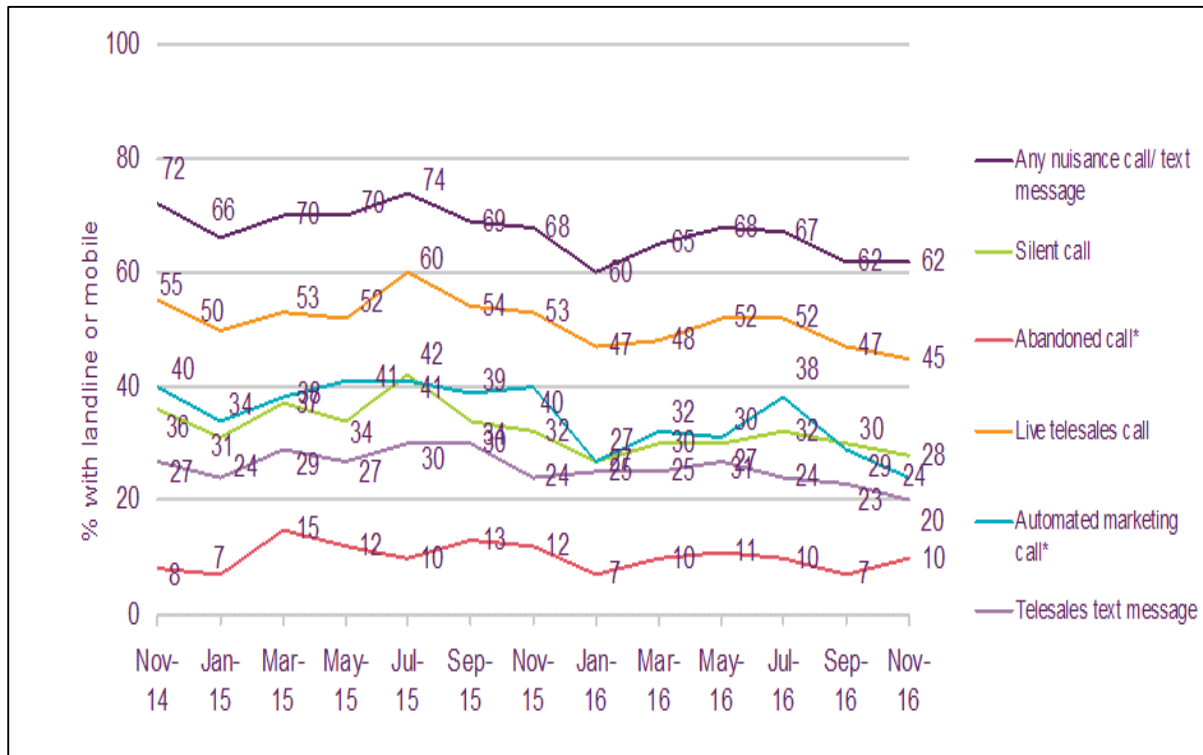
Base: All with a mobile phone Nov 2014 (923); (Jan 2015, 938); (Mar 2015, 861); (May 2015, 872); (July 2015, 947); (Sept 2015, 934); (Nov 2015, 941); (Jan 2016, 933); (Mar 2016, 925); (May 2016, 905); (July 2016, 936); (Sept 2016, 912); (Nov 16,937)

NB: base size too low to calculate abandoned calls and automated marketing messages

Q. Thinking about the following issues related to your mobile phone, please tell me whether they have happened to you personally in the last 4 weeks. Please mention all that apply.

Figure A.3: Unwanted calls received on landline or mobile in the last four weeks

Figure A.3 shows that in November 2016, 62% of UK adults with a landline and/or mobile phone reported experiencing a nuisance calls on either device in the previous four weeks. Comparing November 2016 results with the same time period over the previous two years, a lower level of nuisance calls on mobiles was reported (November 2015: 68%; November 2014: 72%).



Source: Kantar Media face to face omnibus

Base All with a landline phone or mobile phone (Nov 2014, 1036); (Jan 2015, 1063); (Mar 2015, 992); (May 2015, 1003), (July 2015,1069), (Sept 2015, 1041); (Nov 2015, 1030); (Jan 2016, 1055); (Mar 2016, 1038); (May 2016, 1015); (July 2016, 1049); (Sept 2016, 1012); (Nov 16, 1036)

* These percentages are derived from a low base size- indicative only

ANNEX B: Complaints about nuisance calls and messages

Figure B.1: Complaints to the ICO online reporting tool about live and automated telesales calls and SMS

Complaints to the ICO about live and automated telesales calls and SMS peaked in June 2016, with this likely partially due to the launch of the ICO's new online reporting tool on 17 May 2016. The subsequent fall in reports may be due to regulatory activity and usual seasonal variation.

To date, there remains a year on year decrease in concerns reported about nuisance calls to the ICO. Between 1 January and 30 November 2016 141,262 concerns were received. For the same period in 2015, a total of 157,941 concerns were received. This is a decrease for this year of approximately 11%.

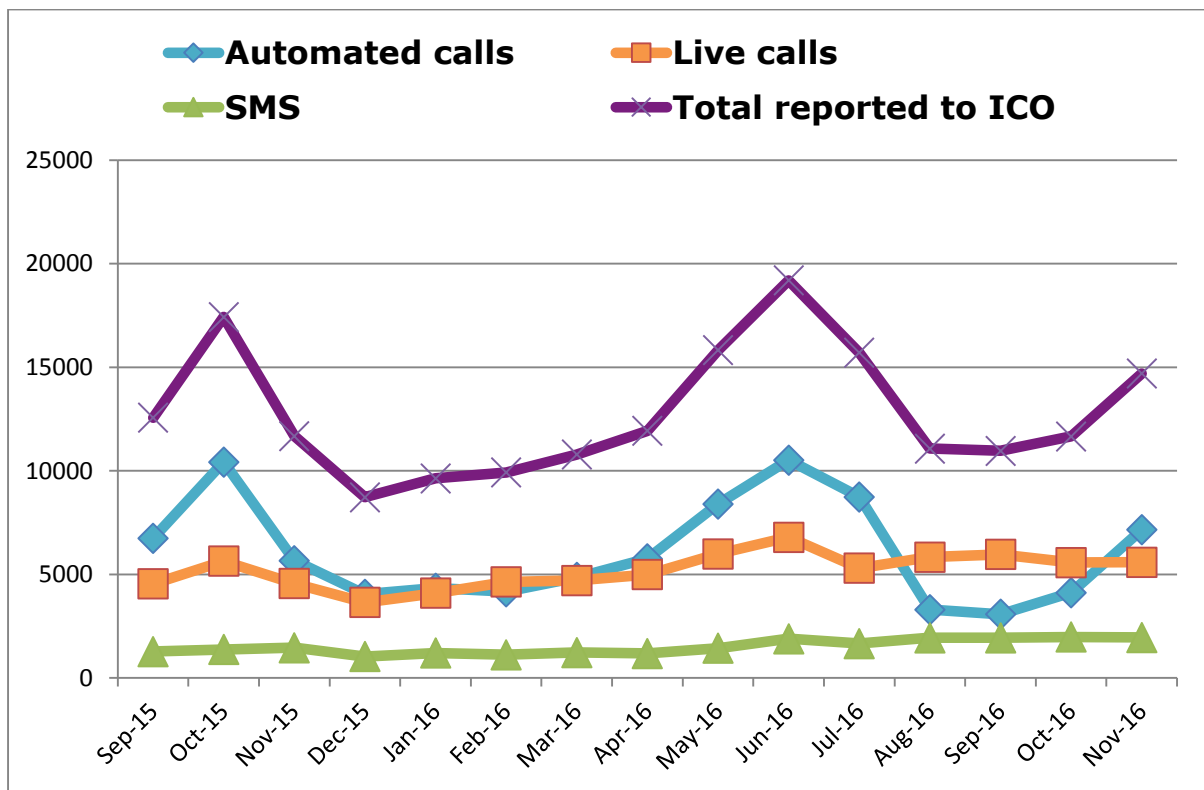


Figure B2: Complaints to the ICO online reporting tool about nuisance calls and messages by subject

Concerns reported to the ICO show that accident claims, energy saving and home improvement and PPI were the most frequently complained about topics during the past year (which was also the case in the previous year). Complaints about calls/messages relating to all three topics increased from the start of 2016, peaking in June. However, since June complaints about accident claims and PPI have fluctuated and reduced. Energy saving and home improvement peaked in June at 4,979 complaints, but had reduced to 1,103 in September, with a rise again to 3,488 complaints in November. This significant reduction June to September may be due to regulatory activity in this sector, however the increase again is likely to be seasonal.

(Note: Individuals may select more than one topic in relation to a call/message, or may not select a topic at all. Therefore, totals may not equal the total numbers of concerns received.)

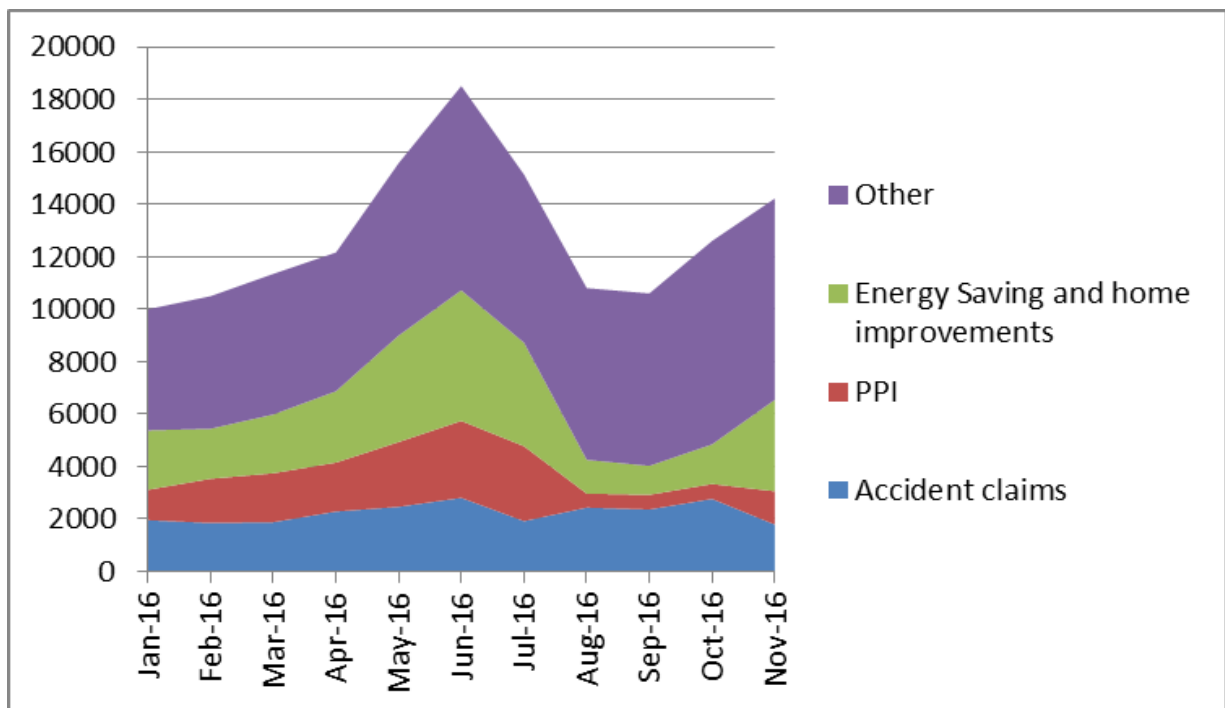
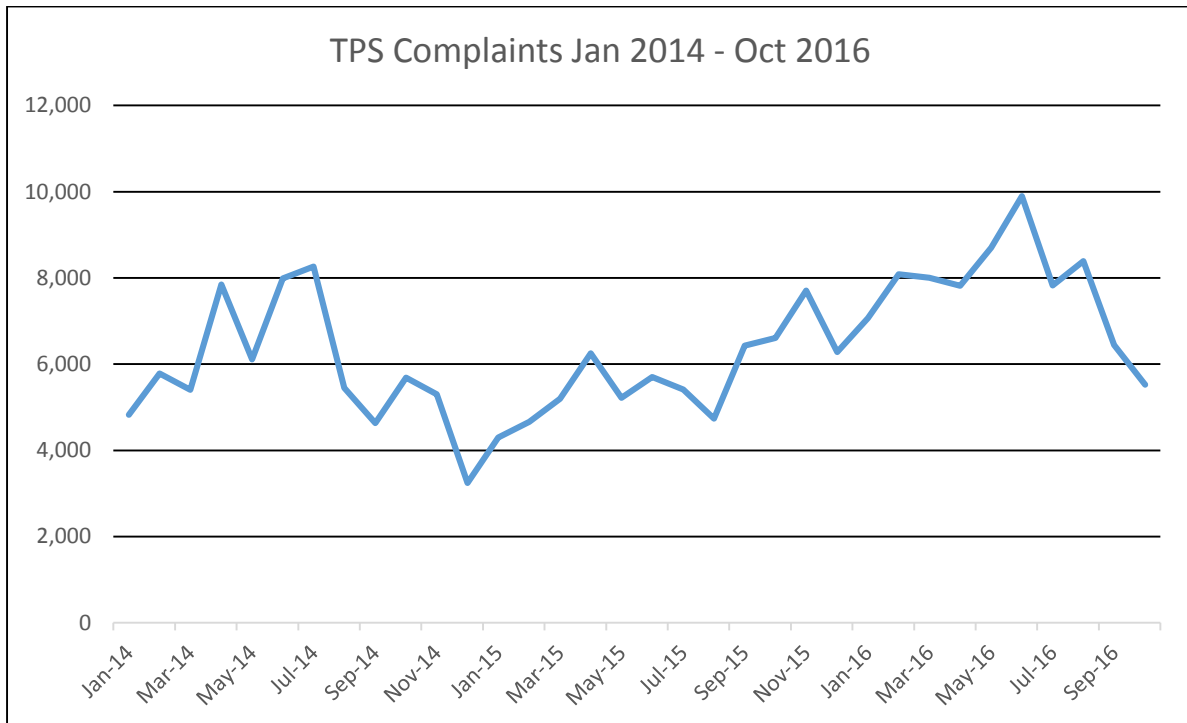


Figure B.3: Complaints to the Telephone Preference Service

The TPS maintains on behalf of Ofcom, a register of persons who do not want to receive marketing calls. Complaint volumes since January 2014 are set out in Figure B.4. In 2016 the complaint average was 7775 per month.



The ICO will be responsible for overseeing the TPS from 30 December. The TPS is a free service for mobile and landline phone users that allows them to opt out of receiving cold calls.

The Department for Culture, Media and Sport stated “by placing responsibility for the service with the ICO, which currently dishes out fines to nuisance call crooks, it will be even easier for the ICO to go after rogue companies in breach of the Privacy and Electronic Communications Regulations”.

Minister of State for Digital and Culture Matt Hancock added: “This transfer is one of a number of measures introduced by Government in its on-going campaign against rogue callers. This measure will enable complaints arising from nuisance calls and faxes to be dealt with even more quickly.

The Information Commissioner, Elizabeth Denham welcomed the move: “Transfer of the TPS to us will mean complaints to it about rogue cold callers will be passed even more efficiently to our enforcement officers. That will give us more information about the culprits and help in our bid to come down hard on the law breakers and stop nuisance calls.”

Figure B.4: Complaints to Ofcom

Figure B.4 shows the number of complaints that Ofcom has received about abandoned and silent calls from November 2014 to November 2016. Ofcom received 40,220 such complaints in the period January 2016 to November 2016 - an average of 3,656 each month.

