



**Notification under section 128
of the Communications Act 2003
regarding persistent misuse of an
electronic communications
network or an electronic
communications service**

Notice served on
Complete Credit Management Ltd by the
Office of Communications (“Ofcom”)

This is the non-confidential
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and data have been redacted.

Redactions are indicated by [§<]

Date: 29 November 2007

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Notification under section 128 of the Communications Act 2003

1. This Notification is issued to Complete Credit Management Limited (“CCM”), whose company number is 04690658. It sets out Ofcom’s determination pursuant to section 128(1) of the Communications Act 2003 (the “Act”), specifying:
 - a) the use of an electronic communications network or electronic communications services that Ofcom considers constitutes persistent misuse; and
 - b) the period during which CCM has an opportunity to make representations about the matters notified.

Section 128 of the Communications Act 2003

2. Section 128(1) of the Act enables Ofcom to issue a notification to a person where Ofcom has determined that there are reasonable grounds for believing that a person has engaged in persistent misuse of an electronic communications network or electronic communications services.
3. Section 128(5)(a) states that “misuse” occurs if the effect or likely effect of use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety. Section 128(5)(b) states that “misuse” occurs if the network is used to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.
4. Section 128(6) defines persistent misuse as misuse which represents a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.¹

Ofcom’s determination

5. Ofcom hereby determines that there are reasonable grounds for believing that, between 1 October 2006 and 18 April 2007 (the “Relevant Period”), CCM misused an electronic communications network or electronic communications services with the effect or likely effect of causing another person unnecessarily to suffer annoyance, inconvenience or anxiety within the meaning of sections 128(1) and 128(5)(a) of the Act. Ofcom further determines that there are reasonable grounds for believing that during the Relevant Period the misuse engaged in by CCM was persistent as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice within the meaning of section 128(6)(a) of the Act.
6. The reasons for Ofcom’s determination are set out in the Explanatory Statement accompanying this Notification which, read together with the annexes, sets out the evidence on which Ofcom has based its determination.

The use Ofcom considers to be persistent misuse

7. In making this determination, Ofcom has had regard to its *Statement of policy on the persistent misuse of an electronic communications network or service*, published on 1

¹ Full definitions of sections 128(5) and 128(6) are set out in paragraphs 2.8 and 2.9 of the Explanatory Statement.

March 2006 in accordance with section 131 of the Act (the “Persistent Misuse Guidelines”).

8. Applying the principles set out in the Persistent Misuse Guidelines², Ofcom considers that CCM, by virtue of its use of an Automated Calling System (“ACS”), has persistently misused an electronic communications network or electronic communications services, with the effect or likely effect of causing another person unnecessarily to suffer annoyance, inconvenience or anxiety. Specifically, Ofcom considers that CCM has used an ACS to make and repeat, on a sufficient number of occasions so as to represent a pattern of behaviour or practice, an Excessive Number of Abandoned Calls.³

Representations concerning this Notification

9. CCM has until 7 January 2008 (the “Deadline”) to make representations to Ofcom about the matters set out in this Notification and the accompanying Explanatory Statement.

Other matters

10. If, prior to the Deadline, CCM does not secure that any persistent misuse by it of an electronic communications network or electronic communications services, contrary to section 128 of the Act, as set out in this Notification, is brought to an end and is not repeated then Ofcom may issue to CCM a further notification under section 129 of the Act.
11. If CCM has, in one or more of the ways set out in this Notification, persistently misused an electronic communications network or electronic communications services, Ofcom may impose a penalty on CCM under section 130 of the Act. Under section 130(5) of the Act, in making a determination as to the amount of the penalty to be imposed, Ofcom must have regard to:
 - a) any representations made by CCM;
 - b) any steps taken by CCM for securing that the notified misuse is brought to an end and is not repeated; and
 - c) any steps taken by CCM to remedy the consequences of the notified misuse.

Interpretation

12. Words or expressions used in this Notification and/or the Explanatory Statement have the same meaning as in the Act, except for those defined as follows:

“Abandoned Call” means a call that is terminated by an ACS after the called person answers it;

“Abandoned Call Rate” means the proportion of Abandoned Calls to Live Calls over each 24 hour period calculated using the following formula:

² See paragraphs 6.11 to 6.16 of the Persistent Misuse Guidelines as regards misuse by making silent or abandoned calls, and in particular, paragraph 6.16 of the Persistent Misuse Guidelines in relation to the collective procedures a call centre can adopt which will mitigate the seriousness of a particular act of misuse.

³ Defined below in paragraph 12.

Abandoned calls (x)/(abandoned calls (x) + calls passed to live operator (y)) x 100/1

“Automated Calling System” (ACS) means a system which is capable of automatically initiating a sequence of calls to more than one destination in accordance with instructions stored in that system;

“CLI” means ‘calling line identification’, which is a facility that enables identification of the number from which a call is being made;

“Excessive Number of Abandoned Calls” means, for any 24 hour period, Abandoned Calls made in excess of an Abandoned Call Rate of 3%;

“Information Message” means a very brief recorded information message which is played within two seconds of the call being answered, which contains at least the following information:

- the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);
- details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company; and
- includes no marketing content and is not used as an opportunity to market to the called person;

“Live Call” means a call which is answered by an individual; and

“Silent Call” means a call where the person called hears nothing on answering the telephone and has no means of establishing whether anyone is at the dialling end.

Neil Buckley

Director of Investigations

29 November 2007

Section 2

Explanatory Statement

Summary

- 2.1 This Explanatory Statement sets out Ofcom's reasons for its determination in paragraph 5 of the Notification that CCM has misused an electronic communications network or electronic communications services with the effect or likely effect of causing another person unnecessarily to suffer annoyance, inconvenience or anxiety within the meaning of section 128(5)(a) of the Act. It also sets out Ofcom's reasons for its determination that such misuse is persistent as it is repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice pursuant to section 128(6)(a) of the Act.
- 2.2 Abandoned Calls typically occur when an ACS is used to generate outgoing calls. If a number is dialled by an ACS and answered by a live individual, the call is terminated by the ACS if there is no call centre agent available to handle it, thereby becoming an Abandoned Call. When an Abandoned Call is not followed by a message explaining why the Abandoned Call has occurred, the person receiving the call hears silence. Such calls are commonly known as "Silent Calls".
- 2.3 Ofcom's Persistent Misuse Guidelines express Ofcom's policy that repeatedly making Abandoned Calls (or making Abandoned Calls that are Silent Calls) constitutes persistent misuse for the purposes of section 128 of the Act.⁴ The Persistent Misuse Guidelines also set out Ofcom's policy governing the use of ACS and outline the factors that Ofcom will take into account in deciding in particular cases whether or not to take enforcement action under the persistent misuse powers.
- 2.4 On 22 June 2006, Ofcom began an own-initiative programme of monitoring and enforcement of rules preventing annoyance caused to consumers by Silent and Abandoned calls. As part of this programme (which was extended on 20 June 2007 for a further six months), Ofcom investigated CCM's compliance with Ofcom's policy as set out in the Persistent Misuse Guidelines and with section 128 of the Act.
- 2.5 On the basis of the evidence gathered during its investigation Ofcom has concluded that, during the Relevant Period, CCM engaged in misuse of an electronic communications network or electronic communications services by making an Excessive Number of Abandoned Calls on multiple occasions, and that this misuse is persistent. Ofcom has therefore issued this Notification under section 128 of the Act. Ofcom has not made any finding at this stage with respect to the question of whether CCM is engaging in persistent misuse on an ongoing basis.
- 2.6 CCM now has until 7 January 2008 (the "Deadline") to make representations to Ofcom on the matters contained in the Notification. If, as at this date, CCM has not secured that any persistent misuse still occurring in respect of which it has been notified is brought to an end, and is not repeated, Ofcom may issue a further notification to CCM under section 129 of the Act. Ofcom may also impose a penalty on CCM under section 130 of the Act in respect of the persistent misuse notified by Ofcom.

⁴ See the Persistent Misuse Guidelines, paragraphs 5.1, 5.2 and 6.15.

Legislative framework

2.7 The Notification is issued under section 128(1) of the Act which enables Ofcom to issue a notification to a person where it has reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications service.

2.8 Section 128(5) defines “misuse” as follows:

“(5) For the purposes of this Chapter a person misuses an electronic communications network or electronic communications services if –

(a) the effect or likely effect of his use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; or

(b) he uses the network or service to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.”

2.9 Section 128(6) defines what constitutes “persistent” misuse as follows:

“(6) For the purposes of this Chapter the cases in which a person is to be treated as persistently misusing a network or service include any case in which his misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents

(a) a pattern of behaviour or practice; or

(b) recklessness as to whether persons suffer annoyance, inconvenience or anxiety.”

2.10 Section 128(7) provides further guidance on determining whether misuse occurring on a number of different occasions is persistent as follows:

“(7) For the purpose of determining whether misuse on a number of different occasions constitutes persistent misuse for the purposes of this Chapter, each of the following is immaterial:

(a) that the misuse was in relation to a network on some occasions and in relation to a service on others;

(b) that different networks or services were involved on different occasions; and

(c) that the persons who were or were likely to suffer annoyance inconvenience or anxiety were different on different occasions.”

2.11 Section 129 provides that Ofcom may issue a further notification (known as an “enforcement notification”) in specified circumstances, as follows:

“(1) This section applies where –

- (a) a person (“the notified misuser”) has been given a notification under section 128;
- (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and
- (c) the period allowed for the making of the representations has expired.

(2) Ofcom may give the notified misuser an enforcement notification if they are satisfied –

- (a) that he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service; and
- (b) that he has not, since the giving of the notification, taken all such steps as Ofcom consider appropriate for –
 - (i) securing that his misuse is brought to an end and is not repeated; and
 - (ii) remedying the consequences of the notified misuse.

(3) An enforcement notification is a notification which imposes a requirement on the notified misuser to take all such steps for –

- (a) securing that his misuse is brought to an end and is not repeated, and
- (b) remedying the consequences of the notified misuse, as may be specified in the notification.”

2.12 Should the notified misuser fail to comply with the section 129 enforcement notification, then under section 129(6) Ofcom can enforce compliance with the enforcement notification by way of civil proceedings.

2.13 Section 130 provides that Ofcom may also impose penalties for persistent misuse, as follows:

“(1) This section applies (in addition to section 129) where –

- (a) a person (“the notified misuser”) has been given a notification under section 128;
- (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and
- (c) the period allowed for the making of representations has expired.

(2) Ofcom may impose a penalty on the notified misuser if he has, in one or more of the notified respects, persistently misused an

electronic communications network or electronic communications service.

(3) Ofcom may also impose a penalty on the notified misuser if he has contravened a requirement of an enforcement notification given in respect of the notified misuse.

(4) The amount of penalty imposed is to be such amount not exceeding £50,000⁵ as Ofcom determine to be –

(a) appropriate; and

(b) proportionate to the misuse in respect of which it is imposed.

(5) In making that determination Ofcom must have regard to –

(a) any representations made to them by the notified misuser;

(b) any steps taken by him for securing that his misuse is brought to an end and is not repeated; and

(c) any steps taken by him for remedying the consequences of the notified misuse."

2.14 Under section 131 of the Act Ofcom has a duty to publish a statement of general policy with respect to the exercise of its powers under sections 128 to 130. Further, Ofcom must have regard to the statement of general policy when exercising these powers.⁶

Ofcom's Persistent Misuse Guidelines

2.15 In fulfilment of its duty under section 131 of the Act, Ofcom published its Persistent Misuse Guidelines on 1 March 2006.

2.16 The Persistent Misuse Guidelines provide examples of the types of behaviour that Ofcom considers may be forms of persistent misuse. One example is the misuse of ACS by making abandoned calls. Use of ACS (also known as "power diallers" or "predictive diallers"), which can initiate calls to a sequence of pre-stored numbers, means that many calls can be generated initially without the need for human intervention.⁷ If a number is dialled by an ACS and answered by a live individual, the call is terminated by the ACS if there is no call centre agent available to handle it, thereby becoming an Abandoned Call.⁸

2.17 In Ofcom's view, it is undeniable that even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.⁹ Paragraph 6.16 of the Persistent Misuse Guidelines sets out procedures that companies using ACS can adopt which,

⁵ Section 130(4) of the Act as amended by the *Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006*, SI 2006/1032, section 2(1).

⁶ Communications Act 2003 section 131(4).

⁷ See the Persistent Misuse Guidelines, paragraph 6.4.

⁸ See the Persistent Misuse Guidelines, paragraphs 5.1, 5.2 and 6.15.

⁹ See the Persistent Misuse Guidelines, paragraph 6.15.

taken as a package, will act as mitigating factors in establishing the seriousness of a particular act of misuse. These procedures are:

- a) the Abandoned Call Rate shall be no more than three percent of Live Calls on each individual campaign over any 24 hour period;¹⁰
- b) in the event of an Abandoned Call, a very brief recorded Information Message is played within two seconds of the call being answered, which contains at least the following information:
 - the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);
 - details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company; and
 - includes no marketing content and is not used as an opportunity to market to the called person;
- c) calls which are not answered must ring for a minimum of 15 seconds before being terminated;
- d) when an Abandoned Call has been made to a particular number, any repeat calls to that number in the following 72 hours must be made by a live operator;
- e) for each outbound call a CLI number is presented to which a return call may be made which is not charged at a higher rate than the national call rate; and
- f) any call made by the called person to the contact number provided shall not be used as an opportunity to market to that person, without that person's consent.

2.18 Paragraph 6.16 of the Persistent Misuse Guidelines also requires that records that demonstrate compliance with the above procedures be kept for a minimum period of six months.

2.19 In assessing compliance with the Persistent Misuse Guidelines' requirement that the Abandoned Call Rate shall be no more than three percent of Live Calls on each individual campaign over any 24 hour period (as set out in paragraph 2.17(a) above), Ofcom considers that in circumstances where a company is operating multiple campaigns from either one or more call centres, it may be appropriate to calculate the Abandoned Call Rate using an aggregation of data across all campaigns run by and on behalf of the company in any one 24 hour period. This provides one figure for the Abandoned Call Rate for the company as a whole in any given 24 hour period, giving Ofcom an overall picture of the performance of a company's dialling activity operations (whether run internally or outsourced) against the requirements of the Persistent Misuse Guidelines.

2.20 Where Ofcom has aggregated a company's call data and proposes to rely on aggregated figures for the purpose of a notification issued under section 128 of the Act, Ofcom may, in any event, also provide performance figures for the company based on disaggregated data (that is, using results calculated by reference to each of

¹⁰ But see paragraph 2.19 for Ofcom's treatment of companies conducting multiple campaigns and call centres.

the company's calling campaigns and/or call centres) so that a company is able to ascertain the performance of call centre operations for each campaign and/or call centre and target any remedial action as may be appropriate and/or necessary.

Ofcom's programme of monitoring and enforcement

- 2.21 On 22 June 2006 Ofcom opened an own-initiative investigation of monitoring and enforcement of rules preventing annoyance caused to consumers by Silent and Abandoned calls as set out in the Persistent Misuse Guidelines. On 20 June 2007 Ofcom extended this programme of monitoring and enforcement for a further six months.
- 2.22 As part of this extended monitoring and enforcement programme, Ofcom identified a number of companies as having purchased an ACS through manufacturers of ACS equipment, from whom Ofcom had previously obtained client lists. Ofcom identified CCM as one such company.
- 2.23 On 18 April 2007 Ofcom issued CCM with a request for information under section 135 of the Act (the "Information Request"), requiring CCM to provide specified information, namely call centre activity over a period of six months from October 2006 and information on call centre procedures (relative to the procedures set out in paragraph 6.16 of the Persistent Misuse Guidelines).
- 2.24 On 25 April 2007, CCM replied to the Information Request providing the specified information for its two campaigns which operated during the Relevant Period, 'COM1' (which generates calls to commercial customers) and 'DOM1' (which generates calls to domestic customers). The specified information was provided for each campaign for each 24 hour period between 1 October 2006 and 18 April 2007 (inclusive), as follows:
- i) the total number of calls attempted;
 - ii) the total number of calls answered by an answering machine (including BT's 1571 service);
 - iii) the total number of calls answered by an individual;
 - iv) the total number of abandoned calls;
 - v) the total number of calls passed to a live operator;
 - vi) the abandoned call rate (i.e. the rate of calls abandoned relative to live calls); and
 - vii) the number of calls terminated or released by the ACS before being answered by an individual or an answering machine.
- 2.25 In addition, CCM provided information in relation to its compliance with the further procedures set out in paragraph 6.16 of the Persistent Misuse Guidelines and in paragraph 2.17 above.
- 2.26 As set out at paragraph 2.17(a), the Persistent Misuse Guidelines state that the Abandoned Call Rate shall be no more than three percent of Live Calls on each individual campaign over any 24 hour period. As outlined in paragraph 2.19, Ofcom considers that in some circumstances it may be appropriate to aggregate call data across campaigns and/or call centres. Ofcom understands that during the Relevant

Period, CCM operated two campaigns. Accordingly, Ofcom considers that in CCM's case it is appropriate to aggregate its call data in order to reach an overall Abandoned Call Rate for the company as a whole for each of the 24 hour periods in the Relevant Period.

- 2.27 Using the information supplied by CCM on 25 April 2007 in response to the Information Request, Ofcom calculated CCM's aggregated Abandoned Call Rate for each 24 hour period during the Relevant Period using the Abandoned Call Rate formula set out in paragraph 12 of the Notification.¹¹
- 2.28 Ofcom then identified the number of 24 hour periods during the Relevant Period in which CCM made an Excessive Number of Abandoned Calls as defined in paragraph 12 of the Notification.

Ofcom's assessment and decision

- 2.29 In order to exercise its power under section 128(1) to issue a notification, Ofcom must establish:
- a) That the notified person has used an electronic communications network or services;
 - b) That the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse; and
 - c) That the misuse is persistent in that it represents either a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.
- 2.30 This section sets out the basis on which Ofcom has decided to issue the Notification to CCM, taking into account the elements outlined above.

Use of an electronic communications network or services

- 2.31 The Act defines "electronic communications network" to mean:

"(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

(b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals –

(i) apparatus comprised in the system;

(ii) apparatus used for the switching or routing of the signals; and

¹¹ 24 hour periods falling within the Relevant Period, but during which CCM did not attempt to make any calls, have not been included in the data considered by Ofcom. Such periods are therefore not included in the total of 120 24 hour periods set out in Annex 2.

(iii) software and stored data.”¹²

2.32 The Act defines “electronic communications service” to mean:

“...a service consisting in, or having as its principal feature, the conveyance by means of an electronic communications network of signals, except so far as it is a content service.”¹³

2.33 The Act defines “signal” as including:

“(a) anything comprising speech, music, sounds, visual images or communications or data of any description; and

(b) signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus.”¹⁴

2.34 CCM uses voice telephony to make outgoing calls to users of publicly available telephony services. Initiating these calls comprises the use both of one or more electronic communications networks (that being the network of CCM’s provider and/or the network of the provider which provides telephony services to the party being called) and use of electronic communications services (being the use of the voice telephony service provided to CCM by a communications provider).

2.35 The making of calls which result in Abandoned Calls comprises the use of an electronic communications service, since it is a service consisting in or the principal feature of which is, the conveyance by means of an electronic communications network of signals, as defined. The transmissions between CCM and the recipients of these Abandoned Calls, and the data comprised therein, therefore falls within this definition.

2.36 Ofcom therefore considers that, for the reasons outlined at paragraphs 2.34 and 2.35 above, CCM has used both electronic communications networks and electronic communications services as defined in the Act.

The effect or likely effect of this use, or of conduct arising from this use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse

2.37 As stated in paragraph 2.8 above, section 128(5) of the Act sets out what constitutes a misuse of an electronic communications network or electronic communications service.

2.38 Ofcom’s Persistent Misuse Guidelines set out Ofcom’s view that Abandoned Calls may cause unnecessary annoyance, inconvenience or anxiety to those who receive them.¹⁵ The Persistent Misuse Guidelines also note that a persistent failure by a company using an ACS (for example, within a call centre) to ensure that they do not generate more calls than their agents can handle will constitute an act of persistent misuse and may lead to the issue of a notification under section 128.¹⁶

¹² Section 32(1) of the Act.

¹³ Section 32(2) of the Act.

¹⁴ Section 32(10) of the Act.

¹⁵ For the reasons set out in paragraphs 6.11 to 6.14 of the Persistent Misuse Guidelines.

¹⁶ Persistent Misuse Guidelines, paragraph 6.15.

- 2.39 Ofcom has assessed CCM's conduct against the requirements of the Persistent Misuse Guidelines insofar as they relate to the use of an ACS, particularly at paragraph 6.16 of the Persistent Misuse Guidelines.¹⁷ The results of that analysis are contained in Part 2 of Annex 1 to this Notification.
- 2.40 On the basis of the information provided to Ofcom, CCM engaged in misuse by making Abandoned Calls which amounted to an Excessive Number of Abandoned Calls on a total of 29 out of 120 24 hour periods during the Relevant Period¹⁸. Each of these 24 hour periods is identified in Annex 2. Ofcom therefore considers that it has reasonable grounds for believing that misuse has occurred during the Relevant Period within the meaning of section 128(5)(a) of the Act.

The misuse is persistent

- 2.41 As set out in paragraphs 2.9 and 2.10, sections 128(6) and 128(7) of the Act set out the basis on which misuse may be considered persistent.
- 2.42 On the basis of CCM having made an Excessive Number of Abandoned Calls on 29 out of 120 24 hour periods during the Relevant Period¹⁹, Ofcom considers that it has reasonable grounds for believing that the misuse engaged in by CCM has occurred on a persistent basis within the meaning of section 128(6)(a).²⁰
- 2.43 On the basis of the information contained in Part 2 of Annex 1 and Annex 2, and the assessment set out in paragraphs 2.40 to 2.42, Ofcom has decided to issue a Notification to CCM.

Other matters set out in the Notification

- 2.44 CCM has until the Deadline to make representations to Ofcom about the matters set out in this Notification and the accompanying Explanatory Statement.
- 2.45 If, after this time, CCM has not secured that the persistent misuse is brought to an end, and is not repeated, then Ofcom may issue CCM a further notification under section 129 of the Act.
- 2.46 If CCM has, in one or more notified respects, persistently misused an electronic communications network or electronic communications service, Ofcom may impose a penalty on CCM under section 130 of the Act.
- 2.47 Ofcom will also consider any submissions received, and actions taken to end the persistent misuse and/or the remedy the consequences of the persistent misuse when considering the amount of any penalty. The maximum penalty that may be imposed is £50,000 per contravention.

¹⁷ Also set out at paragraph 2.17 above.

¹⁸ On a disaggregated basis (that is, per campaign), CCM made an Excessive Number of Abandoned Calls in [%<] out of a total of [%<] 24 hour periods for COM1 and [%<] out of a total of [%<] 24 hour periods for DOM1. These figures are based on the information provided by CCM to Ofcom on 25 April 2007 in response to the Information Request.

¹⁹ The disaggregated figures per campaign are included at footnote 18.

²⁰ A summary of aggregated campaign activity data sent by CCM covering the relevant 120 24 hour periods is set out at Annex 2.

Annex 1

Summary of relevant information and evidence

Part 1 - CCM	
Company	Complete Credit Management Ltd
Address	2297 Coventry Road, Birmingham B26 3PU
Company number	04690658
Short description	Providers of debt recovery services
Use of ACS	Two campaigns both using ACS for outbound calls, on behalf of Complete Credit Management Ltd.
Part 2 - Persistent misuse	
Individual elements considered in Ofcom's assessment of whether Company's conduct amounts to persistent misuse	
Excessive Number of Abandoned Calls	An Excessive Number of Abandoned Calls were made in 29 of the 120 x 24 hour periods during the Relevant Period. ²¹
Information Message played?	The two campaigns both played an Information Message.
Calls left to ring 15 seconds before terminating?	The two campaigns both allowed calls to ring for 15 seconds before terminating the call.
Calls made within 72 hours of an abandoned call made by a live agent?	Yes
CLI presented	The two campaigns both presented a CLI.
Part 3 - Ofcom's investigation	
Date programme began	22 June 2006
Why information requested	CCM was identified as having purchased an ACS.
Date of information requests	18 April 2007
Date information received	25 April 2007
Deadline for Response to Notification	7 January 2008

²¹ The figures per campaign are included at footnote 18.

Annex 2**Summary of aggregated campaign activity data supplied by CCM²²**

Date	Calls passed to Live Operator	Abandoned Calls (excluding calls answered by answering machine)	Abandoned Call Rate	Abandoned % >3%
01/10/2006	122	12	9.0%	Yes
02/10/2006	249	17	6.4%	Yes
03/10/2006	246	17	6.5%	Yes
04/10/2006	76	0	0.0%	No
05/10/2006	138	1	0.7%	No
06/10/2006	138	2	1.4%	No
09/10/2006	82	16	16.3%	Yes
10/10/2006	12	0	0.0%	No
12/10/2006	68	4	5.6%	Yes
13/10/2006	34	1	2.9%	No
17/10/2006	23	41	64.1%	Yes
18/10/2006	111	19	14.6%	Yes
20/10/2006	10	0	0.0%	No
23/10/2006	113	6	5.0%	Yes
24/10/2006	4	0	0.0%	No
30/10/2006	40	5	11.1%	Yes
31/10/2006	29	0	0.0%	No
03/11/2006	4	0	0.0%	No
06/11/2006	110	4	3.5%	Yes
07/11/2006	142	5	3.4%	Yes
08/11/2006	87	0	0.0%	No
09/11/2006	10	1	9.1%	Yes
10/11/2006	20	0	0.0%	No
20/11/2006	14	0	0.0%	No
21/11/2006	173	2	1.1%	No
22/11/2006	85	2	2.3%	No
23/11/2006	37	0	0.0%	No
24/11/2006	65	1	1.5%	No
27/11/2006	53	2	3.6%	Yes
28/11/2006	123	1	0.8%	No
29/11/2006	74	0	0.0%	No
30/11/2006	42	3	6.7%	Yes
01/12/2006	39	0	0.0%	No
06/12/2006	83	4	4.6%	Yes
07/12/2006	70	1	1.4%	No

²² In response to the Information Request, CCM provided separate call data for each of its two campaigns (COM1 and DOM1) which were operating during the Relevant Period. For the reasons set out in paragraph 2.19 of the Explanatory Statement, Ofcom has aggregated the data for each of these campaigns in order to calculate a single Abandoned Call Rate for CCM as a whole for each of the 24 hour periods listed above. Ofcom has also included the figures per campaign at footnote 18.

Date	Calls passed to Live Operator	Abandoned Calls (excluding calls answered by answering machine)	Abandoned Call Rate	Abandoned % >3%
08/12/2006	17	2	10.5%	Yes
12/12/2006	135	3	2.2%	No
13/12/2006	133	2	1.5%	No
14/12/2006	81	7	8.0%	Yes
15/12/2006	73	0	0.0%	No
18/12/2006	111	4	3.5%	Yes
19/12/2006	80	1	1.2%	No
20/12/2006	43	0	0.0%	No
21/12/2006	12	1	7.7%	Yes
02/01/2007	16	0	0.0%	No
03/01/2007	25	0	0.0%	No
05/01/2007	16	0	0.0%	No
08/01/2007	76	1	1.3%	No
09/01/2007	183	5	2.7%	No
10/01/2007	162	4	2.4%	No
11/01/2007	94	2	2.1%	No
12/01/2007	47	0	0.0%	No
15/01/2007	22	0	0.0%	No
16/01/2007	86	1	1.1%	No
17/01/2007	132	8	5.7%	Yes
18/01/2007	186	6	3.1%	Yes
19/01/2007	156	2	1.3%	No
22/01/2007	82	0	0.0%	No
23/01/2007	274	13	4.5%	Yes
24/01/2007	362	4	1.1%	No
25/01/2007	214	0	0.0%	No
26/01/2007	345	4	1.1%	No
27/01/2007	52	1	1.9%	No
29/01/2007	563	12	2.1%	No
30/01/2007	798	35	4.2%	Yes
31/01/2007	838	36	4.1%	Yes
01/02/2007	738	41	5.3%	Yes
02/02/2007	642	6	0.9%	No
05/02/2007	763	13	1.7%	No
06/02/2007	762	106	12.2%	Yes
07/02/2007	824	10	1.2%	No
08/02/2007	673	10	1.5%	No
09/02/2007	372	9	2.4%	No
12/02/2007	863	27	3.0%	Yes
13/02/2007	806	11	1.3%	No
14/02/2007	476	6	1.2%	No
15/02/2007	355	12	3.3%	Yes
16/02/2007	531	2	0.4%	No
19/02/2007	138	3	2.1%	No
20/02/2007	562	15	2.6%	No
21/02/2007	503	9	1.8%	No
22/02/2007	757	6	0.8%	No

Date	Calls passed to Live Operator	Abandoned Calls (excluding calls answered by answering machine)	Abandoned Call Rate	Abandoned % >3%
23/02/2007	265	3	1.1%	No
26/02/2007	623	6	1.0%	No
27/02/2007	634	10	1.6%	No
28/02/2007	339	6	1.7%	No
01/03/2007	383	14	3.5%	Yes
02/03/2007	318	7	2.2%	No
05/03/2007	651	8	1.2%	No
06/03/2007	699	12	1.7%	No
07/03/2007	704	13	1.8%	No
08/03/2007	753	10	1.3%	No
09/03/2007	978	11	1.1%	No
12/03/2007	481	4	0.8%	No
13/03/2007	481	3	0.6%	No
14/03/2007	425	2	0.5%	No
15/03/2007	503	5	1.0%	No
16/03/2007	267	4	1.5%	No
19/03/2007	380	4	1.0%	No
20/03/2007	469	5	1.1%	No
21/03/2007	501	8	1.6%	No
22/03/2007	519	9	1.7%	No
23/03/2007	365	6	1.6%	No
26/03/2007	245	3	1.2%	No
27/03/2007	624	5	0.8%	No
28/03/2007	978	8	0.8%	No
29/03/2007	303	1	0.3%	No
30/03/2007	998	11	1.1%	No
31/03/2007	503	5	1.0%	No
02/04/2007	81	2	2.4%	No
03/04/2007	749	2	0.3%	No
04/04/2007	325	2	0.6%	No
05/04/2007	172	3	1.7%	No
10/04/2007	269	3	1.1%	No
11/04/2007	156	1	0.6%	No
12/04/2007	138	2	1.4%	No
13/04/2007	66	0	0.0%	No
16/04/2007	37	1	2.6%	No
17/04/2007	276	5	1.8%	No
18/04/2007	325	4	1.2%	No
120 24 hour periods²³				29

²³ 24 hour periods where no calls were attempted by CCM have not been included, as per footnote 11.