
Nuisance calls and messages

Update to ICO / Ofcom joint action plan

[Nuisance calls and messages](#) – Welsh translation

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1. Overview

In 2013, the Information Commissioner's Office (ICO) and Ofcom launched an action plan to tackle the harm caused by nuisance calls and messages. We review this plan every year. This document sets out progress made in the following nuisance calls areas:

- marketing calls (live and recorded), which are regulated by the ICO; and
- silent calls and abandoned calls¹, which are regulated by Ofcom.

The [previous annual update](#), published in May 2020, set out our areas of focus:

- Taking targeted action against people or companies that are not following our rules.
- Raising awareness of and tackling Coronavirus (Covid-19) scams and continuing to support the work of Stop Scams UK.
- Working with telecoms companies to improve how they disrupt and prevent nuisance calls, by reviewing solutions made available to customers by their provider.
- Identifying opportunities to deter and punish organisations and people responsible for nuisance calls and scams by working with other regulators and enforcement agencies.
- Sharing intelligence with others, including international partners and enforcement agencies with responsibility for tackling scams and fraud.

This update reports on the progress made in each of the areas listed over the last 10 months and highlights how our collaborative efforts are making a positive difference to people. Ofcom and the ICO have enforcement tools within our own regimes but we recognise that results can be achieved more successfully through coordination between regulators, with industry and across sectors. This update details the coordinated workstreams in which Ofcom and the ICO are already involved, and our plans for future collaboration.

¹ An abandoned call is one in which the caller connects to the recipient, but then ends the call when the recipient answers, in which case Ofcom expects the caller to play a brief recorded message to identify itself and provide a method for the recipient to opt out of receiving further calls. A silent call is one where the recipient hears nothing.

2. Monitoring nuisance calls

Complaints about nuisance calls are reported to both Ofcom and the ICO. Silent and abandoned calls are logged by Ofcom, whereas live and recorded marketing calls are logged by the ICO. Below is an explanation of the complaints data gathered by Ofcom and the ICO in 2020.

Complaints data

ICO complaints data

In 2020, the ICO received a total of 103,733 complaints about nuisance calls and nuisance text messages. This is a year-on-year decrease of 25,621 complaints, or 20%, since 2019, when 129,354 complaints were reported.

Much of this annual decrease was the result of falling numbers of complaints during the initial coronavirus national lockdown. As 2020 progressed and companies began to adapt to the pandemic and incorporate remote working solutions, complaint numbers not only recovered but are now higher than those seen in the latter months of 2019. From September to December 2019, 36,124 complaints were reported. In the same period in 2020, 45,965 complaints were reported. This is an increase of 9,841 complaints or a 27% rise, and indicates a trend that we anticipate will continue into 2021.

During this time, rising complaint levels were seen across all topics that people can select from when making a report to the ICO about a complaint. This indicates an increase in nuisance calls and text messages more generally, rather than this being the result of one or two specific marketing campaigns. This activity might have been driven by organisations attempting to recover some of the financial losses suffered during the pandemic.

A sharp rise in suspected scam text messages was also noted, many of which attempted to exploit the pandemic and the national response. In addition, nuisance calls and text messages used by organisations to market their services and products, capitalising on the pandemic was also reported, along with companies using related service messaging as a vehicle for additional marketing. The ICO dedicated resource to manage and investigate these concerns (see Coronavirus (Covid-19) scams below).

In future, the ICO anticipates there will be a rise in concerns about payday and business interruption loans and debt management, coinciding with the end of furlough support and the continued financial impact of the pandemic. An increase in complaints relating to energy saving and home improvement scams is also anticipated as the Government's Green Homes Grant scheme progresses.

Looking at longer-term trends over the past five years, complaint numbers have decreased by 62,930 complaints or 38% since 2015, when 166,663 complaints were reported. Nevertheless, complaint numbers were subject to a particular increase between the end of June 2018 and early August 2019, believed to be caused by increased public awareness of the ICO and therefore increased reporting, following the introduction of stronger regulations relating to nuisance call

activity and the General Data Protection Regulation (GDPR). Combined with the drop in concerns during early 2020 caused by the first national lockdown, it is likely that complaint figures across the past three years are far more comparable than the data suggests.

A new ICO online reporting tool has also been established for reporting email marketing concerns. In 2020, 5,130 concerns about these were reported to the ICO.

Figure 1: Total complaints made to ICO per month in 2018, 2019 and 2020

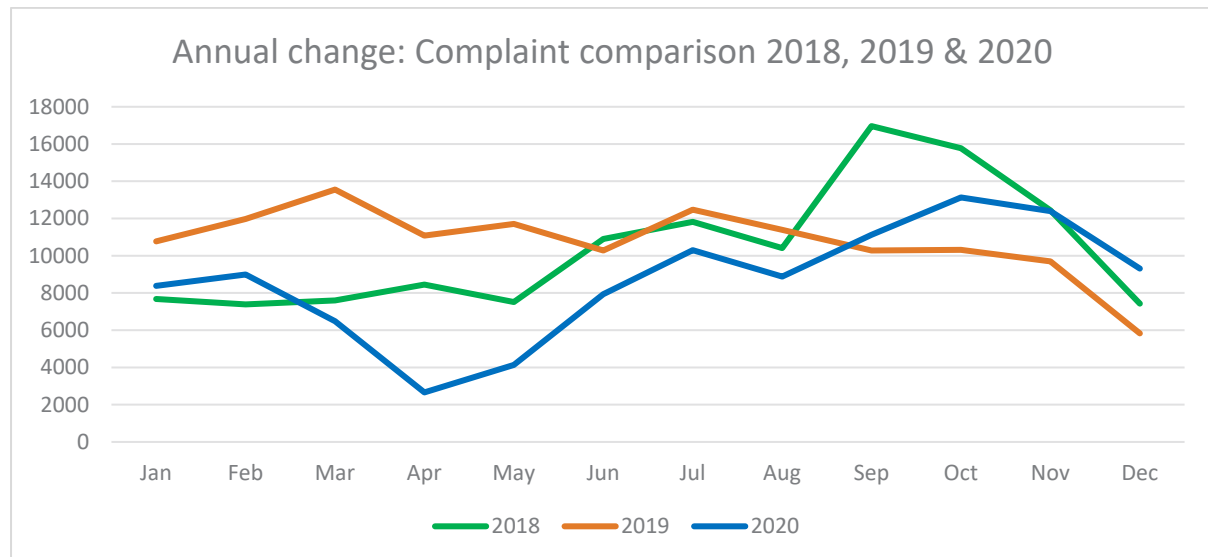
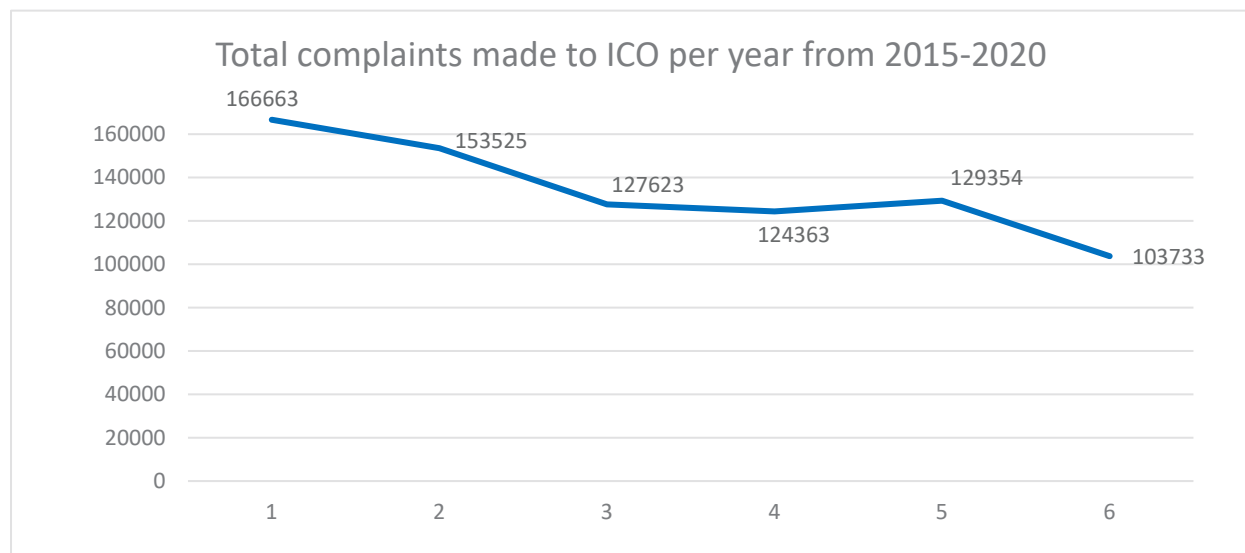


Figure 2: Total complaints made to ICO per year (2015-2020)



Ofcom complaints data

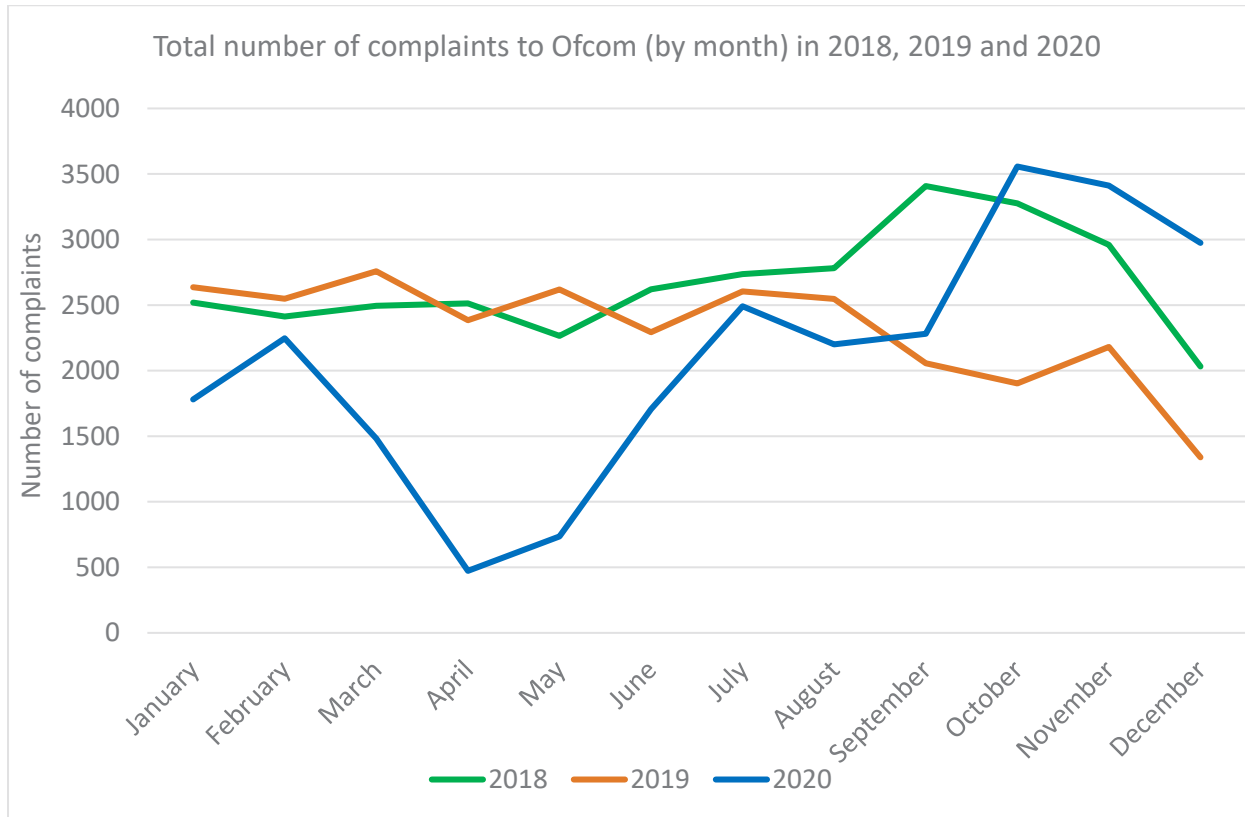
Ofcom receives and records complaints about silent and abandoned calls. In 2020, we received 25,342 complaints about these types of unwanted calls. This is just over half the number received in 2015 when complaints were at their peak (46,648). Complaint numbers are also down 9% compared with the same time last year (27,869).

As the country has dealt with the pandemic in 2020, there has been an impact on the numbers of nuisance call complaints. From the beginning of the national lockdown in March 2020, we began to see a significant decrease in the number of nuisance call complaints compared to previous years (see Figure 4 below).

For example, between April and June 2020, we received a combined total of 2,699 complaints compared to 7,297 complaints for the same period in 2019. This drop in complaints coincided with the start of the first UK national lockdown on 26 March due to the pandemic. Furthermore, from April to June 2020 several other countries around the world went into their own lockdown or imposed working restrictions that might have prevented businesses that generate nuisance calls from operating at their normal capacity, if at all.

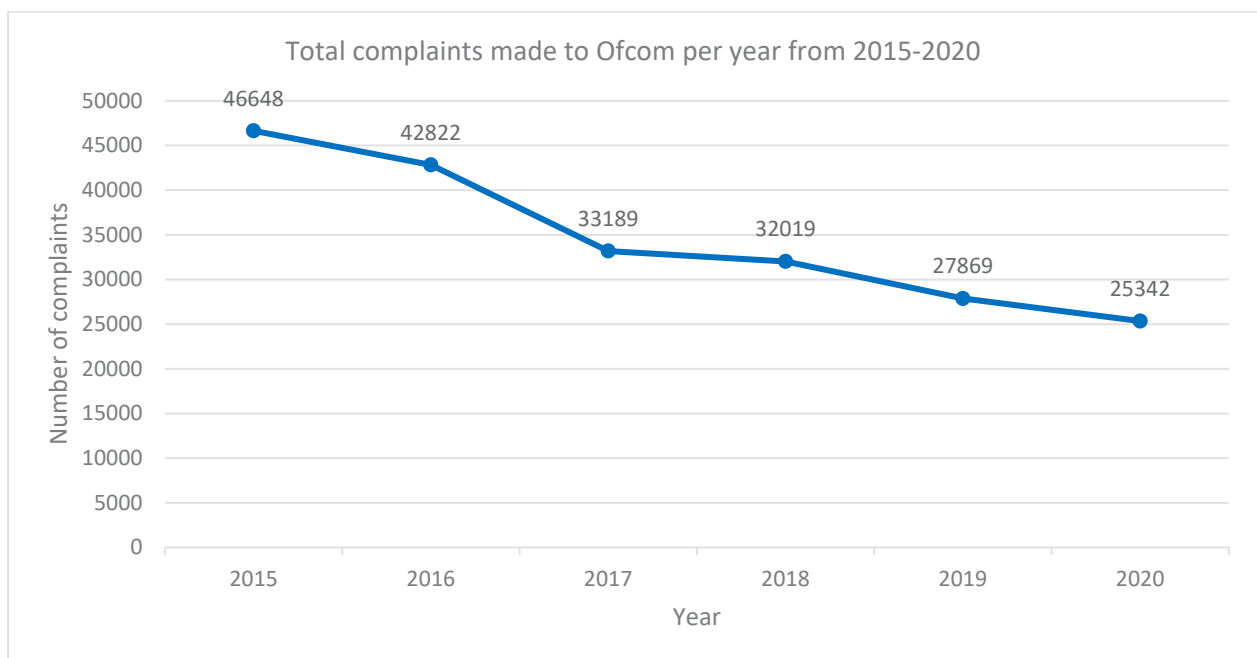
We also noted an 83% increase in the number of complaints between October and December 2020 (9,088) compared to the same period in 2019 (5,421). In October 2020 we saw a surge of 3,557 complaints, which is the highest number of complaints that Ofcom has received in a single month regarding silent and abandoned calls since August 2016 (3,730). This increase in complaints might have been driven by companies responding to the first global lockdowns. Many organisations are now better equipped for remote working and can step up their marketing campaigns to recover financially from the first lockdown.

Figure 3: Total number of complaints to Ofcom for silent and abandoned calls (by month) in 2018, 2019 and 2020.



The following chart breaks down the total complaint numbers received by Ofcom per year since 2015.

Figure 4: Total complaints made to Ofcom about silent and abandoned calls from 2015 – 2020



Nuisance calls tracking research

Ofcom normally conducts tracking research into people's experience of nuisance calls three times a year; in January; May; and September. In this research we ask people to tell us about their experience of receiving a nuisance call on their landline and/or personal mobile phone during the previous four weeks. This research is carried out via face-to-face interviews of a nationally-representative sample of UK adults. However, due to suspending face-to-face research because of the pandemic, we have been unable to carry out fieldwork since we last published the Joint Action Plan in May 2020. We are now considering how we move forward with this research and how it might change if scam calls continue to increase. We will provide updates on this in our Joint Action Plan next year.

3. Punishing those responsible

Monitoring nuisance calls gives Ofcom and the ICO the information we need to take targeted enforcement action against the people or organisations making these harmful calls.

ICO enforcement action

The ICO has lead responsibility for taking enforcement action against companies that contravene the Privacy and Electronic Communication Regulations 2003 (PECR) by making unlawful nuisance marketing calls and sending nuisance text messages or emails. The ICO is also responsible for the Do Not Call Register, also known as the [Telephone Preference Service \(TPS\)](#).

In 2020 the ICO issued 13 fines, totalling £1,685,000. The largest fine, of £500,000, was against CRDNN Limited for making more than 193 million automated nuisance calls.

The ICO also issued two fines of over £200,000 for unsolicited live marketing calls, one fine of over £100,000 for unsolicited pension calls and a further fine of over £100,000 for nuisance emails. It publishes [monthly enforcement updates](#) on its website.

As well as issuing fines, the ICO also issued three enforcement notices, requiring organisations to abide by the law in future marketing activities or risk prosecution.

Informal engagement

Ofcom allocates millions of telephone numbers, usually in large blocks, to telecoms companies. These companies may use the numbers themselves, or sub-allocate them to other companies. We expect all telecoms companies to take reasonable steps to make sure their number allocations are not misused, including by those to whom they have been sub-allocated. This is outlined in our rules (known as the [General Conditions of Entitlement](#)).

Intelligence from our own complaints data, as well as information obtained from other regulators and consumer organisations, allows us to engage with telecoms companies that might be misusing number allocations. In 2020, we engaged with six telecoms companies whose numbers were generating high levels of complaints. We required them to provide explanations for the complaints and what action they would take to tackle the issue. This led, in one case, to the withdrawal of sub-allocated numbers by the telecoms company from the company generating the nuisance calls, while others reviewed their processes and are working more closely with their clients on how they comply with the rules.

Compliance audit

In October 2018, Ofcom's rules were updated to require telecoms companies (where technically feasible) to identify and then block calls where the caller's phone number has suspicious features, such as a phone number with too many digits.

In July 2020, we asked nine of the UK's largest telecoms companies to share what initiatives they had in place to comply with this rule. The companies responded with information about their

networks and systems, their specialist nuisance calls and scams teams, and their future plans for tackling these issues in the long term, including technology upgrades.

We worked through each response and are now considering whether any of these telecoms companies could be doing more to prevent suspicious callers from being connected to consumers, in a bid to reduce nuisance calls. The findings are being used to inform our strategy going forward while we review what action we will take for each company. Additionally, the responses have given us an insight into some of the other ways in which industry is tackling nuisance calls and scams, aside from identifying suspicious phone numbers.

Working with industry to understand technically feasible solutions to nuisance calls has a significant and positive impact on our work. The outcomes of Ofcom and the ICO's collaboration with industry and other regulators are detailed in the next section.

4. Solutions

Technical solutions

Ofcom continues to work with telecoms companies and other regulators to understand emerging trends in nuisance calls and how to stop them. This includes initiatives to help telecoms companies identify invalid telephone numbers and block calls that have these numbers.

Strategic working group

Ofcom chairs a strategic working group that includes 11 telecoms companies. Members of this group submit data to us each month summarising the nuisance calls they receive on a specific day that month. We collate this information and share it with members of the group, and the data is also used to inform our enforcement work.²

Through this group, we also share information with telecoms companies to help them check whether a telephone number associated with a call is likely to be a valid number. Under our rules, telecoms companies are required to take all reasonable steps to identify calls which have invalid or non-dialable calling line identification (CLI – the telephone number and privacy marking that is provided with a phone call) data and prevent these from being connected to the person who receives the call.³ The lists of numbers we share with the working group include:

- **Long-term protected numbers list.** These are numbers which have not yet been allocated by Ofcom and which we do not expect to allocate in the near future. Therefore, no caller has the right to use these numbers and any calls with these numbers are, by definition, unlawful and a nuisance.
- **Blocking list.** These are numbers that have been identified through our monthly reports and other sources as having generated a large number of nuisance calls.
- **Do not originate list.** These are numbers that have been shared with us by other organisations, such as UK Finance and government bodies, where the numbers are allocated but never used for outbound calls. Scammers can deliberately change their CLI, to either hide their identity or mimic the number of a real company to trick people into thinking the call is from a trusted source like their bank. This is known as ‘spoofing’. In 2020, we added 361 numbers to this list. The list is now being adopted by regulators in other countries, [such as Australia](#).

We are currently exploring sharing the do not originate list with a broader group of users, for example third party apps that provide additional information about the identity of callers to its users, or call-blocking services.

² While businesses worked to manage the initial challenges of the pandemic, we put a hold on monthly reports of nuisance calls data between April to August.

³ The General Conditions of Entitlement are the regulatory conditions that all providers of electronic communications networks and services must comply with if they want to provide a service in the UK. General Condition C6 specifies the rules around Calling Line Identity. <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/telecoms-competition-regulation/general-conditions-of-entitlement>

Authentication of CLI data

Telecoms companies are required to make sure any telephone number uniquely identifies the caller. However, with the increasing take up of Voice over Internet Protocol (VoIP) services which involve using the internet to make a telephone call, it is relatively easy for callers to spoof their telephone number. Some callers might also frequently change the number that is shown, to circumvent attempts to block nuisance calls using blocklists.

Checking the lists that are provided to the working group might help to reduce the harm that could be caused by spoofing. However, it does not entirely prevent calls from users spoofing numbers that they do not have authority to use. Further authentication is required to make sure callers are making calls from telephone numbers that they have permission to use.

In the USA, where more calls are carried over VoIP networks, the Federal Communications Commission (FCC) has mandated that phone companies introduce caller authentication by 30 June 2021, using a particular technical standard called [STIR/SHAKEN](#). The implementation of CLI authentication in the UK using this approach will take more time as it is only effective when voice services are migrated to IP, which is due to be completed in the UK by the mid-2020s. We are working with industry to explore whether some aspects of CLI authentication could be introduced sooner.

In the meantime, through the working group, we are also exploring whether more can be done to make sure only calls with valid telephone numbers are connected to the recipient of the call, for example applying more stringent checks on calls that originate from outside of the UK but which use UK telephone numbers.⁴

Intelligence sharing

Ofcom and the ICO routinely share information with each other, as well as other bodies, both in the UK and around the world, to help us tackle nuisance calls. We are in regular contact about matters of mutual interest, sharing intelligence about practices and enforcement targets, as well as investigative methods and techniques.

Operation Linden

The ICO leads Operation Linden, a group that includes regulators, consumer groups, trade associations and industry companies, that work together to share intelligence and identify opportunities to tackle nuisance calls. Regular contributors to the group include Ofcom, Citizens Advice, Which?, BT, the Direct Marketing Association, the Financial Conduct Authority, National Trading Standards and the Gambling Commission. [Minutes and actions from meetings](#) are published on the ICO's website.

⁴ There may be legitimate cases why calls originating abroad will use a UK CLI, for example a UK mobile user making a call when they are roaming abroad or a call centre making calls on behalf of a UK business.

International collaboration

The ICO and Ofcom are members of the executive committee of the Unsolicited Communications Enforcement Network (UCENet), along with the United States Federal Trade Commission (FTC), Canadian Radio-television and Telecommunication Commission (CRTC), Korea Internet and Security Agency (KISA), the Netherlands Authority for Consumers and Markets (ACM) the Australian Communications and Media Authority (ACMA) and the New Zealand Department of Internal Affairs (DIA).

This group of international regulators coordinates information and intelligence-sharing to combat nuisance calls and unsolicited messaging. A key focus of UCENet this year has been the development of a new operational plan and the creation of working groups to maximise collaboration and information-sharing across networks and to enhance compliance and enforcement approaches.

These are based around three priority areas of activity: intelligence and cooperation; communications and engagement; and training and development. The executive committee has routinely followed up to discuss next steps and plans were put in place for each of the area leads to develop work plans and decide on next steps.

In the summer of 2020, the ICO chaired a call to discuss the different approaches taken by UCENet members to the pandemic, and any related trends seen in unsolicited communications and scams. A further session took place in December 2020, chaired by the New Zealand Department of Internal Affairs. This session was well attended, with Ofcom, ICO and FCA presenting a UK perspective.

UCENet members engaged with wider international industry via the Mobile, Malware and Messaging Anti-Abuse Working Group (M3AAWG) in February 2021, to update on threats and current work.

Ofcom also continues to work with its international telecom regulator partner members outside of UCENet – the US Federal Communications Commission (FCC) and the Irish regulatory Commission for Communications Regulation (ComReg), to share intelligence on approaches to dealing with nuisance calls at the company level.

5. Tackling scams

Although Ofcom and the ICO primarily protect people from nuisance calls and messages, we also carry out work to combat the harm caused by scams. The positive working relationships we have already made with industry and other regulators through our nuisance calls work will be useful in achieving this objective. The actions we have taken and initiatives we are involved with are summarised below.

Coronavirus (Covid-19) scams

The ICO and Ofcom are aware of a growing number of organisations using the pandemic to target vulnerable people using nuisance calls, unsolicited emails and spam texts. In some cases, scammers are communicating misinformation about the coronavirus as a means of duping people out of money. The ICO is ready to investigate any business taking advantage of the current crisis and has also [published a statement](#) setting out its regulatory approach during the coronavirus public health emergency.

Consequently, the ICO investigated 73 cases under PECR in 2020 where businesses had taken advantage of the pandemic. Three penalties at £40K, £50K and £60K have been issued and 16 organisations were placed under monitoring for a fixed period to ensure compliance with the regulations.

Ofcom has published advice for consumers to [help raise awareness of coronavirus related scam calls and texts](#), which is being updated regularly and promoted to consumers through our media and social media channels. As new scams emerge in 2021, such as fast-track coronavirus vaccine scams, we will continue to monitor the situation and regularly update our advice to consumers in England, Scotland, Wales and Northern Ireland, while working with organisations such as [National Trading Standards](#) and [Which?](#) to help tackle telephony related scams.

Other scams

Ofcom's focus for a number of years has been on silent and abandoned calls, however, throughout 2020 we have been increasing our focus on the harm caused by scams and have been working with a number of organisations to help tackle this issue.

- **Financial Conduct Authority (FCA).** Ofcom and the FCA have continued to support Stop Scams UK throughout 2020. (See below for more information about Stop Scams UK.)
- **Home Office.** The Home Office is creating fraud charters across several industries, including telecoms. We have worked with and assisted the Home Office in developing a telecoms sector fraud charter and we will continue working with it on proposed actions.
- **National Trading Standards (NTS).** NTS has put together a code of practice for telecoms providers, focusing on telephone scams. We will continue to work with them throughout the implementation period.

- **Which? UK.** Ofcom has supported Which? on its policy work related to scams that take place over telecoms services. We work with Which? regularly to understand the work it is doing and share intelligence to develop our strategy to prevent harm caused by scams.

As part of our compliance audit, we asked the nine largest telecoms companies to outline the work they are currently doing to combat scams and any planned future initiatives. The responses we received indicate that most telecoms companies are undertaking a range of activities to protect consumers from scams perpetrated via phone, text and email.

- All of them are engaged in customer-focused work to tackle scams, such as publishing information about scams and offering additional support to vulnerable consumers who have fallen victim to scams.
- Some telecoms companies have also implemented innovative technical systems and processes to combat scams, for example blocking malicious websites and fraudulent text messages.
- Almost every telecoms company offers scam training to their employees and has set up specialised internal teams for nuisance calls/scams.

The responses indicated that all telecoms companies are eager to work collaboratively, particularly with Stop Scams UK and banks or other financial services. Other organisations telecoms companies told Ofcom they are working with include: ITV; the National Cyber Security Centre; McAfee; TeamViewer; Twitter; and law enforcement agencies. We will continue to work with telecoms companies to find ways to disrupt and prevent nuisance calls and scams.

Stop Scams UK

Ofcom continues to support Stop Scams UK, a cross-industry group focused on stopping scams. Stop Scams UK brings together senior experts from the telecoms and financial services sectors to collaborate on technical initiatives which aim to prevent scams affecting people.

After an initial six-month start-up phase which ended in November 2020, there is now commitment from 13 organisations (the names of these organisations are yet to be formally announced) to work on a number of technical collaboration projects, including data-sharing initiatives and consumer-facing digital products.

In February 2021, a workshop was held with senior representatives of each of the membership organisations to discuss progress and next steps of the outputs, one of which included including online platforms in this work.

We will continue to support this initiative throughout 2021.

6. Plan for 2021

The ICO and Ofcom believe the approaches taken to tackling nuisance calls in 2020 have reduced some of the negative effects of the nuisance calls and scams that have occurred during the pandemic, by reacting quickly in a scenario that is totally unprecedented.

We maintained our pre-existing measures to prevent harm and we supported telecoms companies in their efforts to react to the demands of the pandemic. We plan to maintain our approach and continue to develop our work.

Our focus for 2021 will include the following:

- protecting people from nuisance calls and scams;
- taking targeted action against people or companies that are not following our rules;
- tackling and raising awareness of coronavirus nuisance calls and scams;
- identifying opportunities to deter and punish organisations and people responsible for nuisance calls and scams by working together with other regulators and enforcement agencies; and
- sharing intelligence with others, including international partners and enforcement agencies with responsibility for tackling scams and fraud.

In addition, Ofcom will also be:

- implementing a specific scams strategy to tackle telephony-based scams;
- continuing to support the work of Stop Scams UK; and
- working with industry and cross sector to improve how they disrupt and prevent scam and nuisance calls.