Virgin Media O2 response to Ofcom's 'Improving the accuracy of Calling Line Identification (CLI) data' consultation

26th April 2022

Virgin Media O2 Response

Virgin Media O2 welcomes the opportunity to respond to Ofcom's consultation on "Improving the accuracy of Calling Line Identification data" ("the consultation"), which forms part of Ofcom's policy work on fraud and scams.

We recognise that fraudulent activity and scams targeted at UK customers have increased over recent years, and that the COVID-19 pandemic presented new opportunities or changes in consumer behaviour that scammers have taken advantage of to accelerate and intensify their activity. One such method that scammers can deploy is the spoofing of CLI data, which can be utilised to mislead customers into believing they are being called by a trusted or known number. Ofcom's proposed amendment to General Condition C6.6 seeks to remedy what can be viewed as a gap in the current wording of the regulations, whereby providers are not obliged to prevent calls reaching the end-user when it has CLI data that does not uniquely identify the caller. Virgin Media O2 already has in place a number of measures to this end, and therefore we support the principle of the amendment.

However, the problem of fraud and scams, as well as the subsequent economic harm to consumers and businesses, is not just an issue that effects the telecommunications sector. Scammers have increasingly sophisticated tactics, the ability to rapidly change their line of attack and multiple avenues to reach consumers. Therefore, to effectively implement counter-fraud measures there must be cross-industry collaboration and information sharing.

Virgin Media O2 is committed to this collaborative approach. We worked with the Home Office in the creation of the Telecoms Fraud Sector Charter and have signed up to the commitments within it. This Charter is complemented by Charters for the accountancy sector and retail banking sector. This activity was launched in October 2021 and is progressing with good momentum. Additionally, alongside other communication providers, we called on DCMS to bring fraudulent activity on online platforms into scope of the Online Safety Bill. We therefore commend the new standalone duty for high risk and wide reach platforms to minimise the likelihood of fraudulent adverts being published on their services. We view that continuing this type of cooperation and coordinated action is a vital tool for protecting end-users.

This holistic cross-industry approach is further complemented by activity within individual sectors, such as the specific telecoms initiatives or forums that exist. We are active participants in a variety of these industry working groups, including the Communications Crime Strategy Group ("CCSG"), the Network Security and Information Exchange ("NSIE"), and the Network Interoperability Consultative Committee ("NICC"). We also engage with Ofcom's Strategic Industry Working Group ("SIWG"), as well as with organisations such as Action Fraud. Participation in these groups often give rise to the opportunity to share information, take rapid action, and develop specific interventions that the telecoms industry can implement to play our role in the broad effort against scams.

Alongside this, Virgin Media O2 will continue to monitor, develop and enhance our internal counter fraud measures, such as through consumer awareness-raising campaigns and regular review of our security practices.

We welcome Ofcom's engagement and approach on this topic; working in a collaborative manner with communication providers and leverage existing groups is an effect way of rapidly enacting progress.

Questions

1. *Do you agree with our proposed modification of General Condition C6.6? If not, please give reasons.*
2. *Do you agree with our proposal to bring this modification into force six months after the publication of our statement (planned for Autumn 2022)? If not, please provide reasons why a different date would be appropriate.*

Virgin Media O2 recognises that the proposed amendment to General Condition C6.6 is intended to address what Ofcom currently views as gap within the wording of the current regulations, namely that calls with valid and dialable CLI data but that which does not uniquely identify the caller are not prohibited from being connected to the end user. We are supportive in principle of this objective and acknowledge the potential benefits it can bring to end users.

As under our current obligations, where technically feasible we take all reasonable steps to ensure calls have CLI data that is valid, dialable, and uniquely identifies the caller. In practice, we then take steps to ensure call that do not meet these standards are not connected.

We reaffirm the point Ofcom makes in Annex 2, which is that transit and terminating providers are not currently able to validate whether the CLI uniquely identifies the caller.[1] Any such obligation for a transit or terminating provider to screen the CLI data of ingressing calls to ascertain whether it uniquely identifies the caller would require significant technical development and be dependent on the existence of a national database of active numbers across each network.

Ofcom notes that a reasonable step that transit or terminating providers can take towards ensuring calls with CLI that doesn't uniquely identify the caller are blocked is through utilising any information available to them on whether a CLI should not be used. [▆▆▆▆▆▆▆]

We acknowledge that the proposals made to amend the CLI guidance are intended to help providers take realistic steps towards meeting their obligations and we share our thoughts on those proposals below.

3. *Do you agree with the proposed changes to the CLI guidance? Please provide reasons for your response. Please set out your comments on each of the proposed changes separately.*

Calls originating from a UK network

Clarifying that the format of a CLI should be a 10- or 11-digit number

VMO2 does not object to the guidance clarifying that CLI should be 10- or 11-digit numbers, and anything other than this should be blocked.

Making use of information that identifies numbers which should be used as CLIs

VMO2 has no objection to including within the guidance the expectation that transit and terminating providers should use the Do Not Originate ("DNO") list to identify and block calls made that use the numbers from this list as their CLI.

Calls originating from a non-UK network

Identifying calls originating abroad that do not have a valid CLI and blocking them

VMO2 does not object to including within the CLI guidance the proposal to block calls that originate from a network outside the UK if the provider at the point of ingress considers it to have an invalid CLI. [▆▆▆▆▆▆]

Identify and blocking calls from abroad spoofing UK CLI

VMO2 does not object to the inclusion within the CLI guidance of the proposal that providers should identify and block calls from abroad using UK CLI as the Network Number, bar in the legitimate use scenarios outlined in 4.17 of the draft guidance. [▆▆▆▆▆▆]

Prohibition on the use of 09 non-geographic numbers

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[1] Ofcom, [Draft] Guidance on the provision of Calling Line Identification facilities and other related services [23 February 2022], §4.19.
https://www.ofcom.org.uk/__data/assets/pdf_file/0017/232073/proposed-guidance-provision-of-cli-facilities.pdf

Currently, the guidance states that a Presentation Number cannot be a number that is connected to a Premium Rate Service (e.g. prefixed with 09) or to a revenue-sharing number that generates and excessive or unexpected call charge. In previous consultation submissions to Ofcom, Virgin Media has noted that "excessive" and "unexpected" are vague terms and we encouraged Ofcom to be more specific in the guidance.[2] Whilst we view it as important that the number ranges exist that allow revenue sharing, which we expand on in response to question four, we welcome the clarity Ofcom is providing by removing this language and specifying that a Presentation Number cannot be an 09 non-geographic number.

Use of non-geographic numbers as Network Numbers

As the consultation acknowledges there has been no regulatory imperative to date that precluded the use of non-geographic numbers as Network Numbers CLI. Virgin Media responded to Ofcom's 2019 consultation on this matter and we supported the clarification Ofcom made in the CLI guidance that this was the case.

The new position put forward in the consultation presents a departure from this position. However, VMO2 agrees with the principle that CLI provided with a call should represent the true source of the call and we have no objection to the proposed inclusion within the guidance that calls originating from a fixed access ingress should ensure the Network Number within the CLI data should not be a non-geographic number.

Display name information

Virgin Media O2 does not object to Ofcom's proposal to clarify that CLI data may also include an optional display name field and should only be displayed to the call recipient if the provider is confident that it is accurate.

4. ***Do you have any comments on the use of 084 and 087 non-geographic numbers as Presentation Numbers and/or on the impact if the use of 084 and 087 numbers as Presentation numbers was prohibited in the CLI guidance? Are you aware of any examples of the use of 084 or 087 numbers as Presentation Numbers?***

Virgin Media O2 believes that the CLI guidance should not prohibit the use of 084 and 087 non-geographic numbers as Presentation Numbers. There can be legitimate benefits of a call charge associated with 084 and 087 numbers, which can include allowing consumers to access services that commercially can only afford to operate on a revenue share basis. Yet, the restrictions that cap call charges on 084 and 087 ranges ensure consumers are not left exposed high charges that would result in 'bill shock'. We therefore do not view that consumers face material harm in the continued use of 084 and 087 numbers as Presentation Numbers.

We understand Ofcom is continuing its review of the Numbering Plan, revenue sharing, and the role of 084 and 087 non-geographic numbers.[3] We therefore want to take this opportunity to set out our view that they still play an important part in Numbering Plan. Whilst there has been a reduction in use

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[2] Virgin Media, Response to consultation on the Calling Line Identification guidelines [6 December 2019] https://www.ofcom.org.uk/__data/assets/pdf_file/0034/193957/virgin-media-response.pdf
[3] Ofcom, Statement on geographic numbering [11 March 2022], pg.2. https://www.ofcom.org.uk/__data/assets/pdf_file/0024/233745/Future-of-Numbering-Statement-on-geographic-numbering.pdf

of 084 and 087 numbers, driven by the introduction of the 03 range and changes to the Consumer Contract (Information, Cancellation and Additional Charges) Regulations, there are still services that associate with 0844/0870 ranges and service providers who operate 0845/0870 ranges in parallel with 0345/0370 ranges. This includes a broad range of corporate and public sector organisations, some of which are Virgin Media Business customers.[4]

We believe the continued use of these ranges reflects the fact that the revenue share is useful for some service providers, as it allows them to offer a telephone based service in way that is economically viable for their business or organisational structure. Therefore, the prohibition on 084 and 087 numbers as Presentation Numbers may have a detrimental impact on those organisations.

Additionally, we maintain that this approach does not cause material consumer harm, as the Service Charge associated with these ranges is capped on a pence per minute or pence per call basis and therefore any charge on the customer is also capped. This is a contrast to the 09 ranges, where the service charge can be significantly higher and, as Ofcom rightly identifies in the consultation, the risk for consumer harm is greatest. Given this, we express no objection to Ofcom's decision to prohibit the use of 09 numbers as a Presentation Number.

However, in the case of 084 and 087, we view that instead of making a regulatory intervention to prohibit their use Presentation Numbers, more focus should be spent on creating greater transparency and explanatory material so that consumers understand the associated charges with these numbers. We note Ofcom has produced an overview for consumers[5] and we support further activity in this vein.

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[4] We refer Ofcom to our confidential response to the second consultation on the Future of Telephone Numbers.
[5] Ofcom, Call Cost Guide [31 March 2022]
https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/costs-and-billing/how-much-does-a-phone-call-really-cost