



Digital Economy Bill

Factsheet – Nuisance Calls (clauses 77)

What are we going to do?

- reduce the number of unwanted direct marketing calls and spam emails
- make it easier for the Information Commissioner to take enforcement action against those organisations in breach of the direct marketing code

How are we going to do it?

- introduce a new statutory code of practice on direct marketing, enabling the Information Commissioner to take more effective action against nuisance calls
- the new statutory code will mean that the Information Commissioner's fines will be easier to enforce if marketers have not sought the consent of consumers the Data Protection Act 1998 (DPA) and the Privacy and Electronic Communications Regulations 2003 (PECR) will now impose an obligation on organisations to have regard for the direct marketing rules

Background

Nuisance calls are a major concern for consumers who have not consented to being contacted. Research has shown that unsolicited calls have left 9 million British adults feeling stressed or anxious, and a further 3.2 million adults afraid to answer the phone as a result. The measures in this bill seek to address this by requiring the Information Commissioner to issue a *statutory* code of practice on direct marketing, in addition to the general duty that currently exists to promote good practice and publish guidance. Under the new rules, the Information Commissioner will be required to publish such guidance which

Parliamentary Under Secretary of State for DCMS and Minister for data protection, Baroness Neville-Rolfe said:

“Nuisance calls are incredibly intrusive and can cause significant harm to elderly and vulnerable members of society.

“Government is committed to tackling this problem, and these new measures reinforce the clear message to rogue direct marketing companies. Nuisance calls are unacceptable and we will not hesitate to take action against the companies behind them.”

will make it easier for the Commissioner to take enforcement action against non-compliant firms.

Key Questions and Answers

- **What else is the government doing to stop nuisance calls?**
Since May 2016 organisations making or instigating direct marketing calls are required to provide Calling Line Identification (CLI) so their telephone number appears on caller-ID systems. The government has also taken a number of actions to make it easier for the Information Commissioner to impose penalties and now the Bill will make it easier for the Commissioner to enforce penalties. The Information Commissioner and Ofcom have a joint action plan to tackle this problem, taking joint enforcement action and sharing intelligence.
- **Will these measures ban nuisance calls altogether?**
A balance needs to be struck between ensuring that consumers are adequately protected and also ensuring that the direct marketing industry can continue, as it is a legitimate activity. Our efforts are focused on taking action against companies that deliberately break the rules, rather than penalising legitimate businesses who willingly comply with the regulations.