

**Tackling nuisance calls and messages:
update on the ICO and Ofcom Joint Action Plan
(December 2015)**

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

Since then, Ofcom and the ICO have continued to work together and have published updates on the progress being made under the plan. The last update (December 2014) acknowledged that there was more to do and set out revised priority areas for 2015 as follows:

- **Ongoing, targeted enforcement action** against non-compliant organisations to stop nuisance calls, and messages (including a review of Ofcom's "persistent misuse" policy on how Ofcom is likely to use its persistent misuse powers);
- Continued work to improve the **tracing of nuisance calls** and to pursue other **potential technical measures to help reduce nuisance calls**; and
- **Effective coordination** to share intelligence, facilitate enforcement and improve consumer information to reduce consumer harm.

This update highlights the progress made during 2015 in all of these priority areas.

Background

Nuisance calls can take many forms, ranging from unsolicited and unwanted sales calls and messages (both live and recorded), to silent and abandoned calls. Ofcom estimates that each year UK consumers receive around 4.8 billion nuisance calls: 1.7 billion live sales calls, 1.5 billion silent calls, 940 million recorded sales messages, and 200 million abandoned calls.¹

Ofcom's estimates of the magnitude of the problem are informed by its own consumer research. For the past three years, Ofcom has commissioned diary research, which involves around 1,000 consumer participants making a record of all the nuisance calls they receive during a four-week period in each study year. The research for 2015 showed that 86% of participants received a nuisance call of some kind on their landline phone; 70% received a live marketing or sales call to their landline; 60% received a silent call to their landline; 52% received a recorded sales call to their landline; and 17% received an abandoned call to their

¹ <http://stakeholders.ofcom.org.uk/consultations/review-of-how-we-use-persistent-misuse-powers/> pp. 5-6, 16]

landline.² These statistics are consistent with those of prior years, but do show an increase in recorded sales calls.

Ofcom also conducts bi-monthly face-to-face surveys with consumers, who are asked about their experience with nuisance calls during the previous month. So far in 2015, the face-to-face survey data is generally in line with the year's diary research and shows that an average of about 70% of UK consumers recall having received nuisance calls to their landline or mobile phone. Live telesales calls represent the largest portion of such calls (54%). Again, the 2015 bi-monthly survey data is similar to that for the previous year, but suggests that nuisance calls to mobile phones are increasing.³

Unwanted calls and messages generate many consumer complaints. For the 12-month period ending October 2015, the ICO received an average of 14,343 complaints monthly about nuisance calls (this is an increase of 3.2% over the comparable period last year). Ofcom received an average of 3,887 complaints about silent and abandoned calls each month and the Telephone Preference Service – which manages the register of consumers who have opted out of receiving unwanted sales and marketing calls – received an average of around 5,000 each month in 2015.⁴ Average complaint volume has increased compared to previous review periods.

In terms of the sectors generating nuisance calls, Ofcom's 2015 diary research found that the proportion of nuisance calls relating to payment protection insurance (PPI), solar panels, and accident claims had increased since 2014, sometimes significantly. For example, the proportion of PPI nuisance calls had nearly doubled. The proportion of calls relating to insurance, energy companies, home/loft insulation, financial services and debt repayment/advice/consolidation had all decreased.

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. Complaint volumes in relation to PPI have increased during 2015, peaking at 4,503 complaints in June 2015, the highest level since May 2013. Complaint volumes about energy saving and home improvement, however, have reduced significantly since 2014 (22,391 received January to October 2015, compared with 80,920 in the same period in 2014). This may be due to enforcement activity in this sector as well as changes to the government Green Deal Scheme. Numbers of complaints about accident claims have fluctuated by month.

A). Targeted enforcement action

Taking enforcement action against those making nuisance calls can be challenging, for a number of reasons. The estimated volume of nuisance calls means that the regulatory bodies with enforcement powers must analyse and assess significant amounts of data in

² http://stakeholders.ofcom.org.uk/binaries/telecoms/nuisance-calls-2015/Nuisance_calls_W3_report.pdf.

³ See Annex A

⁴ See Annex B

order to prioritise which sources to target. For example, the complaints made to Ofcom during May to October 2015 alone identified nearly 8,000 different telephone numbers as the source of silent and abandoned, and the 10 most complained about numbers accounted for only 8% of complaints. Once sources are targeted, identifying exactly who is behind the calls from a particular phone number can be further complicated by the offenders withholding or purposefully changing the Calling Line Identification (i.e., phone number) associated with the line from which they are calling, a practice known as “spoofing”. These disguised calls are often routed over the Internet and other countries’ networks, which makes malicious number spoofing an increasingly complex and challenging global issue. Calls traversing international borders can further complicate enforcement. Nevertheless, Ofcom and the ICO have continued to take targeted enforcement action over the past year in a number of cases.

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) (PECR) by making live or automated telesales calls or sending unsolicited marketing SMS texts to consumers. It provides monthly updates on its enforcement action in relation to marketing calls and texts on its website.

So far this year, the ICO has issued a total of two Enforcement Notices and six Preliminary Enforcement Notices along with ten monetary penalties, amounting to £1,026,000. In September, the ICO issued the largest ever monetary penalty of £200,000 for nuisance calls against Home Energy and Lifestyle Management Ltd. Recent penalties of £120,000 and £80,000 have been issued against Oxygen Ltd and UKMS Money Solutions Ltd respectively for sending unsolicited marketing text messages. Following the Government’s change of the law in April 2015, the ICO expects to issue more monetary penalties than in any previous year and for a greater total amount.

In March and July respectively, the ICO executed a number of search warrants at locations in Hove and Greater Manchester. These investigations are ongoing, but the ICO seized documents and other material in relation to automated calls. In the latter case, the ICO received more than 7,000 complaints about calls believed to have been made by the businesses concerned. Ofcom assisted the ICO during the Greater Manchester warrant.

The ICO undertakes a programme of monitoring and compliance work and is currently monitoring 15 organisations for compliance with the PECR and, to date this year, has held compliance meetings with 19 organisations to discuss concerns and demand improvements.

As a result of findings from recent investigations, the ICO has also started a programme of contacting lead generation or list broking companies, with a view to identifying compliance concerns in the trade and sale of personal data. In late November 2015, the ICO contacted over 1,000 organisations that identified themselves as trading or sharing personal data.

During the week beginning 23 November 2015, the ICO and Claims Management Regulator jointly led a nuisance calls ‘Week of Action’. They worked together to publicise planned

enforcement action and undertook compliance work including audits of regulated businesses. They also ran education and awareness initiatives which involved the data cycle and helping consumers understand how their information is passed or sold on to other companies.

Ofcom enforcement action

Ofcom's nuisance call enforcement actions are against those making silent or abandoned calls. An abandoned call is one in which the caller connects to the called party, but then terminates when the called party answers. These calls can be the result of, for example, a call centre placing calls using automatic calling systems (ACS). Sometimes its software can mistakenly interpret a call as being answered by an answering machine instead of a live person, causing it to disengage the line when the called party answers. Wherever calls are abandoned, 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. In the absence of such a message the called party hears either nothing or just unintelligible background noise. This is classified as a silent call.

Ofcom takes action against those making silent and abandoned calls using its "persistent misuse" powers and applying its policy on the exercise of those powers. A person "misuses" a network or service in the meaning of section 128 of the Communications Act 2003, which Ofcom enforces, 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 is 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 statement of general policy about "persistent misuse," per section 131 of the Act, and identified silent and abandoned calls as examples of such. Ofcom's formal enforcement process for silent and abandoned calls involves issuing a "notification" to persons that have persistently misused a network or service, and, after giving them an opportunity to make representations about the matters contained in the notification, imposing a penalty.

Since the December 2014 update, Ofcom has resolved formal enforcement actions against two more entities, bringing the total amount of nuisance callers that have been subject to formal enforcement in the past three years to seven.⁵ In May 2015, Ofcom issued a notification to XS-Remarketing Limited, trading as Debt Masters Direct. An investigation found that, among other things, the company had made multiple silent and abandoned calls, and had failed to include a number in its information message that called persons could call to opt out of further marketing calls. In August, Ofcom imposed a penalty of £150,000 for this conduct. Earlier in the year, in January 2015, Ofcom imposed a penalty of £8,000 on Sambora Communications, after having issued a notification to the company the prior year.

⁵ In total, Ofcom has taken formal enforcement action against 17 organisations for making nuisance calls. http://stakeholders.ofcom.org.uk/enforcement/competition-bulletins/open-cases/all-open-cases/cw_905/

Ofcom has also continued to invest resources into informal enforcement action, which can be an effective and efficient way to bring about compliance and reduce nuisance calls. For example, in the first quarter of 2015, Ofcom opened 21 informal cases, but has since closed all of them, due to the fact that consumers are no longer filing complaints about these organisations. Altogether in the first three quarters of 2015 (January - September), Ofcom engaged with a total of 76 organisations; 55 of these are no longer the subject of any complaints, and two are the subject of substantially reduced complaints. The other 19 organisations remain under scrutiny with the possibility of further action, including formal enforcement action.

Review of Ofcom's "persistent misuse" policy

As indicated, Ofcom's enforcement work against those who make nuisance calls is based on its "persistent misuse" policy. To coincide with the release of this Joint Action Plan update, Ofcom has published a consultation on proposals to reset its policy to reinforce it and ensure that it is designed to address nuisance calls as effectively as possible.⁶ The proposals:

- clarify the definition of silent calls, and make explicit that consumers must not be subject to them under any circumstance, and that enforcement against those who make them will be Ofcom's highest priority;
- make similarly explicit that consumers should not be subject to abandoned calls and that:
 - o Ofcom may take enforcement action in any cases where the caller makes more than three abandoned calls;
 - o where Ofcom has to prioritise enforcement resources, it is likely to take into account the number of abandoned calls made and/or the rate at which they are made (the higher these are, the more likely it is Ofcom would act);
 - o Ofcom is likely to regard cases in which a caller's abandoned call rate is three per cent or more or which also involve silent calls as a higher priority for enforcement action and that callers in such cases can expect Ofcom to act; and
 - o where Ofcom takes enforcement action, it will take into account all abandoned calls a caller makes, not just those on days in which its abandoned call rate is three per cent or more.

The consultation also identifies other conduct beyond making silent and abandoned calls that likely qualifies as "persistent misuse". In this respect, the proposed changes:

- clarify that misuse of Interactive Voice Messaging (a technology that automates telephone contact between humans and machines and typically includes prompts for the consumer to either press a button or speak a response) occurs where either the called party elects to speak to a live agent but experiences a long wait time, or where the calling party, during the wait time, fails to provide any information about the

⁶ <http://stakeholders.ofcom.org.uk/consultations/review-of-how-we-use-persistent-misuse-powers/>

responsible calling organisation, or markets to the called party without following appropriate requirements (e.g. obtaining consent PECR);

- make clearer how persistent misuse can arise from misuse of CLIs, and identify the CLI that callers should present, as well as the information they should present when a called party returns a call to the CLI;
- set out that Ofcom may take action for conduct that breaches PECRs, e.g. telesales calls to numbers registered with the TPS.

The consultation also proposes that Ofcom makes explicit that, in assessing the harm caused by misuse and prioritising cases for action, it will consider:

- whether the misuse is repeated with respect to the same number or recipient, and the time period during which any repetition occurs;
- the time of day the misuse occurs;
- the time taken to connect recorded messages to called parties;
- whether the CLI numbers presented to called parties enables them to make return calls in which they can identify the calling parties and opt-out of future calls, without being subjected to marketing; and
- the management practices and process that calling parties have in place.

B). Improving call tracing and identifying other technical measures to help reduce nuisance calls

As indicated, enforcement against nuisance callers presents many challenges. In addition, enforcement is by its nature only an after-the-fact action to address a harm that has already occurred, as opposed to a preventative measure to prevent it from happening in the first place. Technical solutions are therefore needed in addition to enforcement to combat the problem of nuisance calls.

Technical measures

In April 2015, Ofcom formed a working group with ten communications providers⁷ to help tackle unlawful nuisance calls through effective, co-ordinated action. The aim was to jointly identify the typical characteristics of an unlawful nuisance call and explore the technical and operational measures, including shared reporting methods that could help reduce the impact of unlawful nuisance calls on consumers.

Members of the group have agreed to monitor call traffic on their networks, wherever possible. A number of providers⁸ have also agreed to take steps to implement technical and operational measures, where feasible. This may include measures such as:

- **Blocking calls** from malformed numbers and numbers for which a premium rate is charged to return the call (such as 090, 091 and 098);

⁷ BT, Talk Talk, Virgin Media, Sky, Kcom, EE, Vodafone, Telefonica/O2, Three and Gamma

⁸ BT, Talk Talk, Virgin Media, Sky, Kcom, EE, Vodafone, Telefonica/O2 and Gamma

- **Monitoring call durations** to identify and block numbers that persistently make calls of less than 1 second, and;
- **Providing a monthly report to Ofcom** showing the individual numbers they have blocked or stopped, the reasons for doing so, the volume of calls those numbers were attempting to make and, where possible, information on the source of those calls.

Authentication of Calling Line Identification (CLI) numbers

Ofcom has engaged with the Internet Engineering Task Force (IETF) on standardising methods of CLI authentication to help ensure that the CLI provided by the caller, and presented with a call, is accurate.

CLI authentication will help prevent CLI spoofing, thereby making it easier for consumers to more accurately determine who is calling them, and making tracing the source of nuisance calls quicker and more reliable. It will also help minimise calls from those nuisance callers who wish to hide their identity and make it easier to block or screen unwanted calls.

Ofcom is working with providers to implement CLI authentication in the UK as quickly as possible, but it will only be fully effective when it is adopted on a global scale which may take a number of years.

In addition, Ofcom is updating Ofcom's CLI Guidelines. This document sets out how CLI information is carried through different networks, which may use different technologies, and how it is presented to consumers. Its aim is to improve the consistency of CLI information presented to consumers while the associated privacy rights are protected.

Call tracing

As reported in last year's update, the Network Interoperability Consultative Committee (NICC) – the UK's technical standards-setting body for telecoms – published a new standard to improve call tracing in 2014. Ofcom and the ICO continue regularly to use the standard to trace calls. This tracing has led to greater impact in enforcement work. Over the course of the past year, Ofcom issued trace requests in nearly 30 of its cases, and identified an end-user if around a third of them. Recently, the ICO has successfully used the NICC call tracing process to identify a company that made automated calls to members of the public during the night. Call tracing is not always successful, for a number of reasons. For example, communications providers outside of the UK may not be responsive to call-tracing requests; in such cases, Ofcom and ICO may engage their international counterparts to assist in caller identification.

C). Working together with the Government, other regulators, industry and consumer groups to ensure effective coordinated action

As the Joint Action Plan evidences, tackling nuisance calls is a shared responsibility between the ICO and Ofcom, as well as Government and industry. Due to the global nature

of the problem, UK enforcement agencies also share responsibility with their counterparts in other parts of the world. Coordination between these various parties – on both enforcement and policymaking levels – is essential to ensuring the greatest impact for consumers. Enhancing consumer awareness and education about the problem is also critical to protecting them.

Intergovernmental coordination in the UK

The ICO and Ofcom continue regularly to share intelligence with each other about general investigative techniques as well as specific targets on an as-needed basis, and continue to explore other ways of working together to maximize the impact of their nuisance call work. Ofcom also provides technical advice to the ICO, and Ofcom offered technical assistance to the ICO when it executed a search warrant in a recent law enforcement action.

Both the ICO and Ofcom also engage regularly with the Government on nuisance call issues, attending for example, roundtables including other regulators and industry. One key outcome from this engagement is the Government's announcement that it intends to consult on proposals to mandate that those making marketing calls must provide a valid CLI. The ICO and Ofcom are supportive of this proposal as it will help to identify targets for enforcement action, and help consumers choose which calls they may or may not wish to receive. Ofcom and the ICO have assisted in the development of these proposals, and will continue to do so.

The ICO also works closely with the Ministry of Justice Claims Management Regulatory Unit (CMRU), and has attended a number of audits this year, and provided advice on compliance with the PECR to the CMRU and the organisations being audited. Through the multi-agency work on nuisance calls (see Operation Linden below), the ICO has established relationships with regulators of industry sectors that are commonly linked to making unsolicited communications. These include the Financial Conduct Authority, the Market Research Society, the Green Deal Oversight and Registration Body, the Insurance Fraud Bureau, the Gambling Commission, the Pensions Regulator, the Charity Commission, and the Fundraising Standards Board. The ICO has also undertaken a programme of "mystery shopping" to find out more as to how data is traded and shared in relation to certain sectors, and will be publishing details about this project shortly.

Operation Linden

The ICO leads Operation Linden, a multi-agency group of stakeholders (including regulators, consumer groups, trade associations, and industry) that work together to share intelligence and identify opportunities to tackle nuisance calls. A key work stream is organisations who act as lead generators and, as set out above, the ICO has recently contacted over 1,000 organisations identifying themselves as trading or sharing personal data in order to identify compliance concerns.

Work with Trading Standards on commercial alternatives to the TPS

Ofcom has continued to coordinate work with Trading Standards, the ICO and other consumer organisations to share intelligence and tackle misleading claims by organisations that present commercial alternatives to the TPS.

The ICO initiated a number of investigations into organisations purporting to offer alternatives to the TPS, as there were indications they were contravening the PECR. Some of these investigations have now resulted in formal enforcement action, and the ICO has issued penalties against: Point One Marketing, trading as Stop These Calls for £50,000, Cold Call Elimination Ltd for £75,000, Telecom Protection Service Limited for £80,000, and Nuisance Call Blocker Limited for £90,000.

Overseas coordination

On the international level, Ofcom continues to engage with the IETF on improving the authenticity and reliability of CLI data.

Both the ICO and Ofcom continue to engage with the Do Not Call Forum of the London Action Plan, which includes overseas regulators with responsibility for tackling nuisance calls.

As highlighted in last year's update to the Joint Action Plan, the ICO has become a member of the secretariat at the London Action Plan, and works with other members, including the Federal Trade Commission (FTC) and the Canadian Radio-television and Telecommunications Commission, to drive forward coordinated actions for the group.

In addition, as a result of a roundtable meeting hosted by the FTC and NASSCOM - a trade association representing call centres based in India - the FTC and Ofcom are exploring possible ways to work with relevant regulatory authorities in India.

TPS awareness

In December 2014, the Nuisance Calls and Texts Task Force on Consent and Lead Generation published a report with recommended actions for businesses, industry bodies, regulators, and Government. The report recommended that Ofcom assess the current level of consumer awareness and understanding of TPS, for both landline and mobile users. Based on this assessment, it recommended that Ofcom consider whether and how to enhance consumer awareness.

Research into consumer awareness of the TPS, as part of an Ofcom omnibus survey, showed that when prompted, over half (54%) of respondents were aware of the TPS. The unprompted level of awareness was lower at nearly two in five (38%). There were, however, marked differences when the results were examined by age and socio-economic group. Prompted awareness was high amongst 55–64 year olds (69%), 65-74 (70%) year olds and ABs (70%), but low amongst 16-24 year olds (27%), 25 to 34 year olds (42%) and DEs (41%). In addition, there were differences in awareness as to whether landline and/or mobile

phone numbers could be registered: only half (48%) of those who have heard of the TPS were aware that mobile phone numbers could be registered, compared to almost nine in ten (88%) aware that they could register a landline phone number.

This relative lack of awareness may in part explain the relatively low levels of mobile phone numbers that are registered compared to landline numbers: approximately 18.5 million landline and 2.5 million mobile numbers are currently registered to the TPS. Roughly speaking this suggests that around 80% of landlines but only around 3% of mobiles are registered. Based on the research, Ofcom identified a need to raise awareness of the TPS amongst 16-34 year olds, the socio-economic group DE, and mobile phone users.

In the omnibus research, Ofcom also tested consumer understanding of how the TPS works, i.e., that it is aimed at reducing live telesales calls only, and registration will not stop calls from companies that have that consumer's separate permission to call them. The research found that the majority of respondents who were aware of the TPS understood its purpose broadly speaking, but few were able to spontaneously provide a detailed understanding. Therefore when working to improve awareness, Ofcom will look to clarify the scope of the TPS for consumers, and the impact that consent can have on live marketing calls.

In terms of concrete steps already taken, Ofcom has written to all of the Mobile Network Operators (MNOs) seeking their support in a number of initiatives to increase awareness and registrations of the TPS. The first initiative is to use the SPAM Texts reporting service to inform consumers of the ability to register mobile numbers. To report a spam text, consumers can forward the text to 7726. The software then issues an automated response, thanking the consumer for the report and giving further instructions. This system has already provided investigative and enforcement opportunities for the ICO, as its recent monetary penalty against UKMS Money Solutions Ltd was based partly on consumer complaints reported through the 7726 system to the MNOs. Ofcom has proposed that MNOs use the automated response to inform consumers who report spam texts (and calls) of the ability to register mobile numbers on the TPS. The MNOs have agreed, and are working with Ofcom to supply the service.

The second initiative involves communications providers taking a more proactive approach in seeking consumers' consent to register them with the TPS directly and then raising awareness of the TPS through direct marketing and social media. For example, Vodafone ran a social media campaign in October 2015 to raise awareness of the TPS and EE has advised that it has a process in place to register consumers with the TPS. Ofcom will continue to promote providers' involvement in such initiatives.

Ofcom will also continue to support campaigns by consumer organisations to raise awareness. Ofcom has already supported Which? in its "OPTOUT" campaign by facilitating its request to register consumers directly with the TPS. This has led to over 40,000 new registrations. Ofcom also intends to progress a number of other initiatives over the next few months to raise awareness and make it as easy as possible for consumers to register with

the TPS; these include increased functionality to allow TPS registration by text and an Ofcom-led social media and marketing campaign.

A further omnibus survey will be run so that Ofcom can continue to track levels of understanding and awareness.

Stanley and the Data Cycle

The ICO has published a series of animations – called “Stanley” – aimed at consumers and marketing companies to highlight the risks and issues around the acquisition and sales of people’s personal data. The animations show what can happen when consumers opt in to receiving marketing calls or messages and what can happen to their information. The animation aimed at marketing organisations sets out the ICO’s enforcement powers, and how the ICO expects people’s personal data to be handled.

Usefulness of consumer guides

As reported in last year’s update, in May 2014 Ofcom launched two new consumer guides to promote wider access to tips on preventing and dealing with nuisance calls and messages. The first was an online video that is available with subtitles to help people with hearing impairments. The second gives advice on preventing nuisance calls and was designed in an “Easy Read” format so as to be easily understood by people with learning disabilities. Since Ofcom launched these two guides, they have been viewed more than 27,000 times. Ofcom’s broader selection of consumer guides that offer advice on how to identify, reduce, and report nuisance calls and texts have been viewed more than 500,000 times.

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 2016 will be:

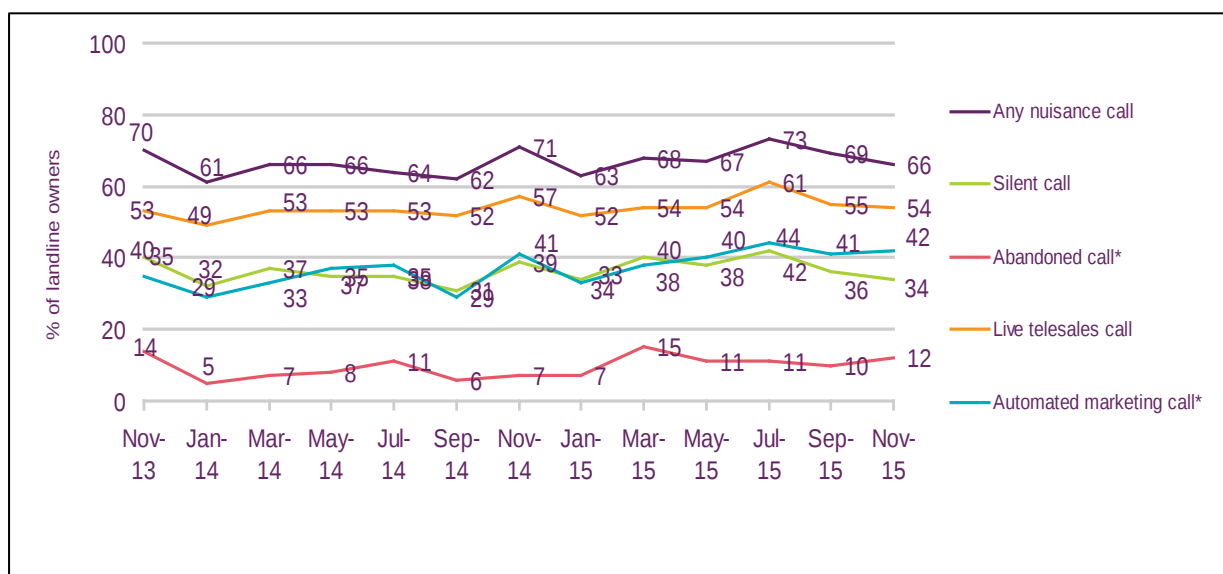
- Continuing to take targeted enforcement action, and following the consultation, publishing Ofcom’s revised policy statement on how it uses its “persistent misuse” powers to combat nuisance calls;
- Continuing to work with CPs to develop and refine technical measures to help prevent nuisance calls from reaching consumers in the first place;
- Continuing to share intelligence and work together with other agencies involved in the fight against nuisance calls;
- Continuing to enhance consumer awareness of the TPS.

We intend to publish another update on our work in this area by the end of 2016.

**Annex A: Ofcom's bi-monthly omnibus survey
on nuisance calls received in the last four weeks**

Figure A.1 shows that, overall, a slightly higher percentage of consumers reported receiving nuisance calls on their landlines during 2015 than the previous year, with the peak occurring in July 2015. Live telesales calls are consistently the most commonly reported nuisance call.

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



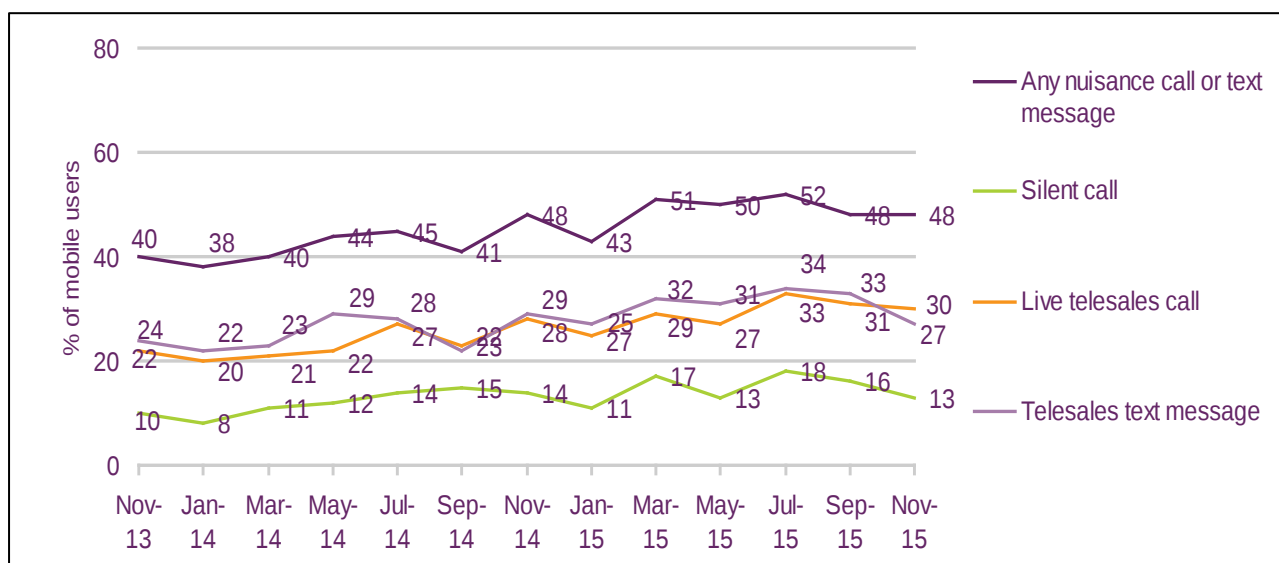
Source: Kantar Media face to face omnibus

Base All with a landline phone (Nov 2013, 786); (Jan 2014, 848); (Mar 2014, 865); (May 2014, 817); (July 2014, 807); (Sept 2014, 808) (Nov 2014, 786); (Jan 2015, 833); (Mar 2015, 713); (May 2015, 740); (July 2015, 848); (Sept 2015, 771); (Nov 2015, 727)

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

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

Figure A.2 shows that more consumers reported receiving nuisance calls or messages on their mobiles in 2015 than they did in 2014 with telesales text messages having been the most common type of intrusion. However, when compared to Figure A.1, consumers experience fewer unwanted calls of their mobile phones than on their landline phones.



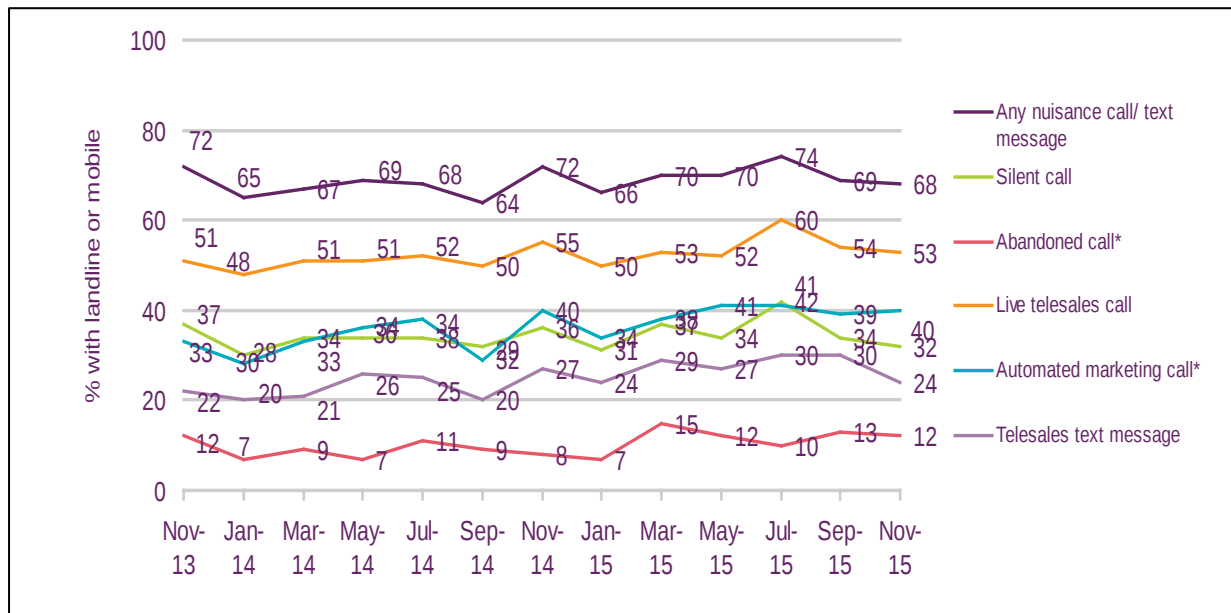
Source: Kantar Media face to face omnibus

Base: All with a mobile phone (Nov, 2013, 838); (Jan 2014, 922); (Mar 2014, 965); (May 2014, 902); (July 2014, 873); (Sept 2014, 903); (Nov 2014, 923); (Jan 2015, 938); (Mar 2015, 866); (May 2015, 875); (July 2015, 947); (Sept 2015, 934); (Nov 2015, 941)

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

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

Figure A3 shows that slightly more consumers reported receiving some kind of nuisance call or message in 2015 than they did in 2014, with almost three in four consumers reporting receiving such a call or message in July 2015.



Source: Kantar Media face to face omnibus

Base All with a landline phone or mobile phone (Nov 2013, 960); (Jan 2014, 1038); (Mar 2014, 1097); (May 2014, 1030); (July 2014, 1003); (Sept 2014, 1011); (Nov 2014, 1036); (Jan 2015, 1063); (Mar 2015, 992); (May 2015, 1003); (July 2015, 1069); (Sept 2015, 1041); (Nov 2015, 1030)

* 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 March 2013 and then broadly declined until January 2014. The number of overall complaints then rose to 19,683 in July 2014 and has fluctuated since, showing no clear trend (Figure B.1). Complaints about spam SMS messages remained relatively stable throughout the period.

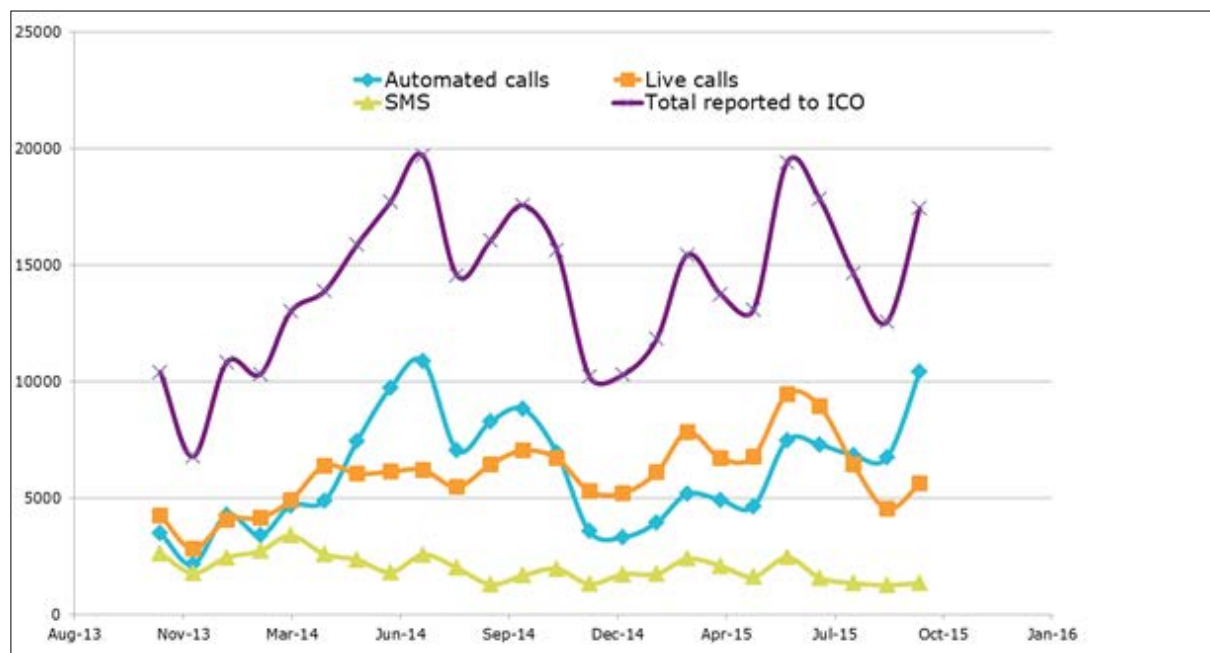


Figure B2: Complaints to the ICO online reporting tool about spam text messages, by subject, (January 2015 – October 2015))

The ICO received complaints about spam SMS on the subject of accident claims, gambling and payday loans more frequently than any other issues throughout the period January 2015 - October 2015.

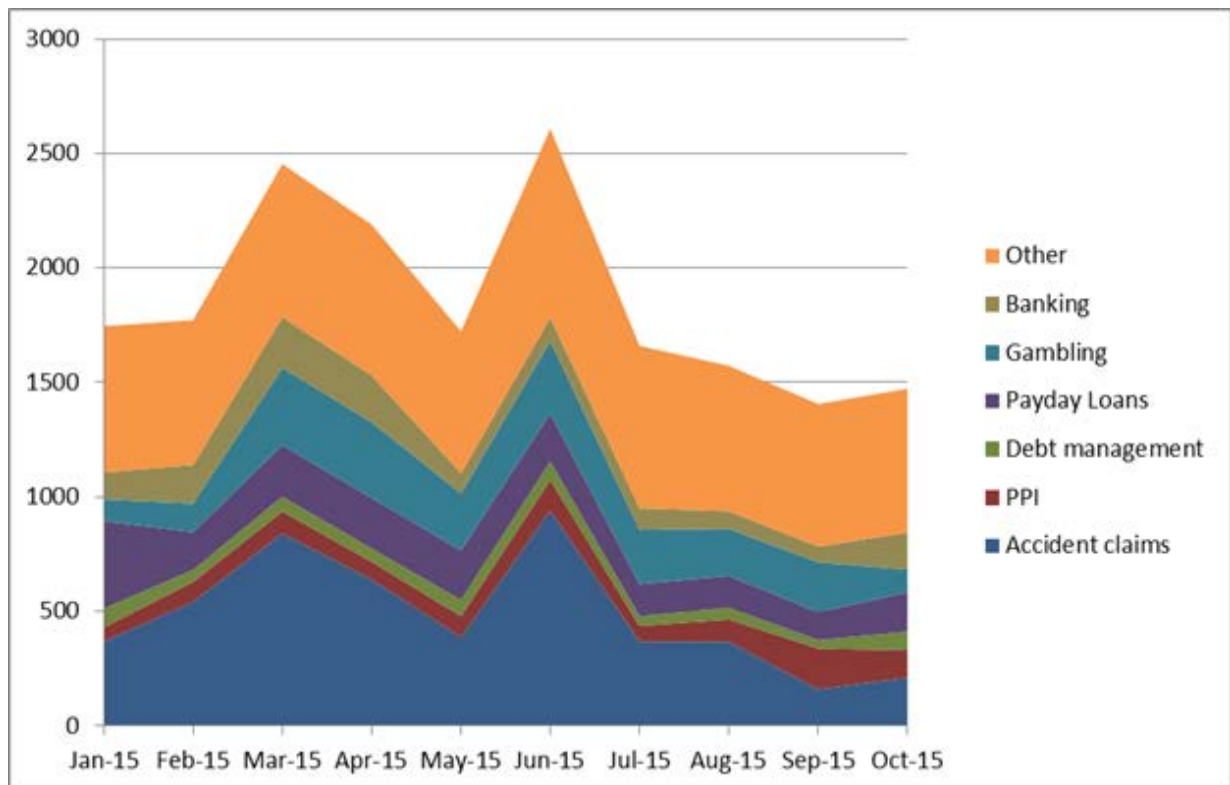


Figure B.3: Complaints to the Telephone Preference Service

The TPS maintains, on behalf of Ofcom, a register of persons who do not want to receive marketing calls. Complaint volumes since January 2013 are set out in Figure B.3. In 2015, complaints averaged around 5,000 per month.

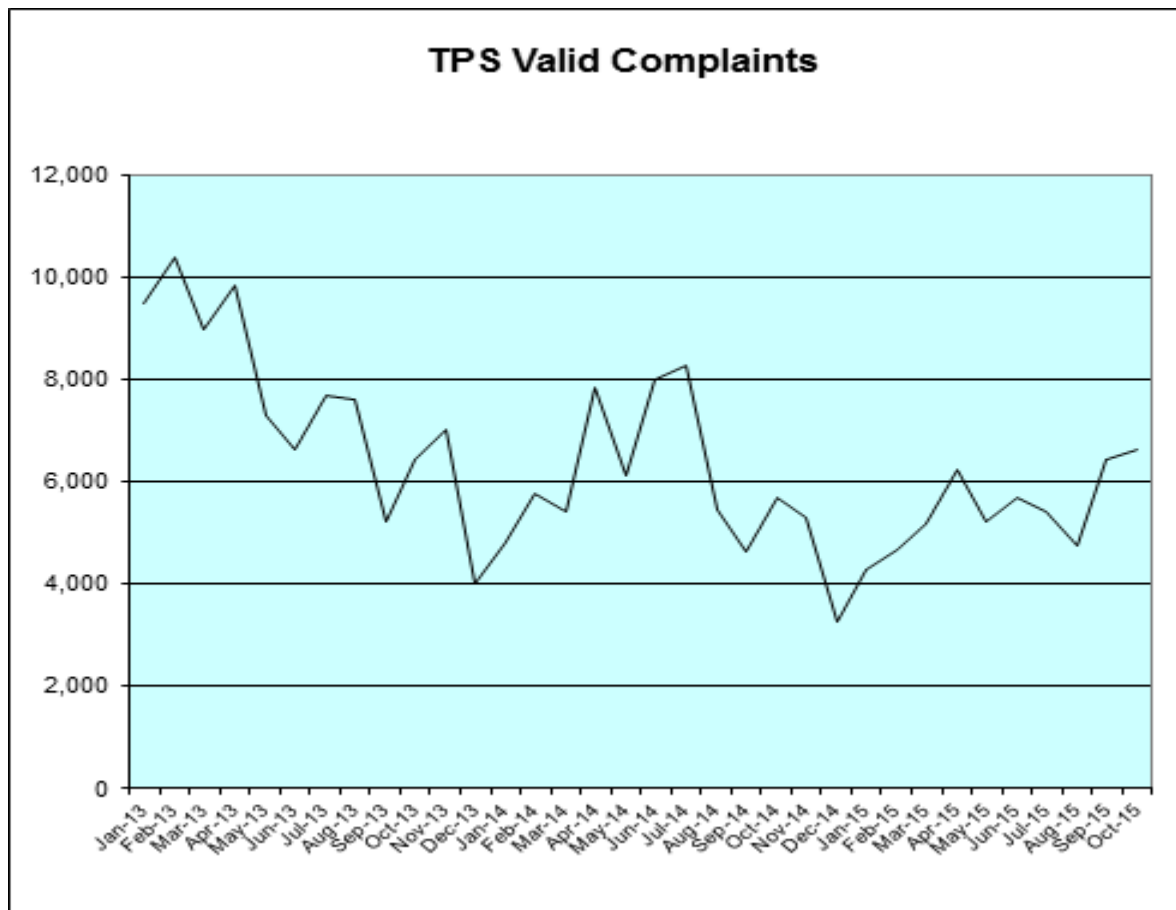


Figure B.4: Complaints to Ofcom

Figure B.4 shows the number of complaints that Ofcom has received about abandoned and silent calls from January 2013 through October 2015. The average number of complaints per month for the 12 months ending October 2015 was 3,887.

