

Press Release



Firms face unlimited fines for cold calling - Data protection Act - are you adhering?

Local businesses are being urged to check that their marketing activities adhere to regulations following the updating of guidance on the sending of direct marketing messages by electronic means by the Information Commissioner's Office (ICO) last month.

All marketers need to be aware of their obligations and rights under the Privacy and Electronic Communications Regulations 2003 (PECR) governing marketing by means of telephone calls, faxes, emails and text messages.

Failing to adhere to PECR can be costly as five firms selling double-glazing, home improvement and telephone services discovered at the end of last year when they were served with Enforcement Notices for aggressive cold calling.

The companies are the first to be the subject of regulatory action after ignoring complaints from people who objected to receiving unsolicited phone calls at home. The ICO has ordered Staybrite Windows Ltd, Zenith Windows Ltd, Bowater Home Improvement Ltd and IDT Direct Limited, trading as Toucan, to stop calling individuals who have already said that they do not wish to be contacted or have registered with the Telephone Preference Service to stop calls. IDT Direct has also been ordered to stop making automated calls unless it has prior consent.

If companies fail to stop making the calls, they can be taken to Court for breach of the Enforcement Notice and given unlimited fines. Failure to pay the fine could lead to a prison sentence.

Last year, salesmen made an estimated 1.5 billion cold calls to UK consumers – most of them during the evening. And in the last two years, the number of calls being made has rocketed as companies use new technology and cheap labour in overseas call centres.

Mick Gorrill, head of regulatory action at the ICO, said: " Most of us have received unwanted direct marketing calls interrupting our private lives. In these cases, the firms have not only

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called people without prior consent, they have continued to call despite being asked not to do so. This is an unacceptable intrusion and we will not hesitate from taking further action if companies fail to comply with the enforcement notices.”

Claire Bell, Director at Actons Solicitors says:

“The reaction by the ICO to the endless barrage of cold calls that most of us receive at home is commendable and hits back at the businesses who make the calls and who have been so far largely unregulated. This action makes it even more important for businesses to ensure that their own marketing activities are not in breach of the regulations.”

For more information or advice on data protection, freedom of information and other related issues, please contact **Claire Bell** on **0115 9 100 200** or email enquiries@actons.co.uk

Notes

1. http://www.ico.gov.uk/upload/documents/pressreleases/2006/en_6_dec_06.pdf
2. http://www.ico.gov.uk/upload/documents/pressreleases/2006/direct_marketing_up_to_date_guidance.pdf
3. The updated guidance on the Privacy and Electronic Communications Regulations can be accessed via http://www.ico.gov.uk/tools_and_resources/document_library/privacy_and_electronic_communications.aspx
4. A full copy of The Privacy and Electronic Communications (EC Directive) Regulations 2003 can be found at: <http://www.opsi.gov.uk/si/si2003/20032426.htm>



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