**Nuisance Calls Commission**

**12:00 – 14:00, Wednesday 30 November 2016**

**New Register House, Edinburgh**

**Minutes**

**In attendance**

Keith Brown MSP – Cabinet Secretary For Economy, Jobs & Fair Work

Elizabeth Denham – UK Information Commissioner (ICO)

Ken MacDonald – Information Commissioner’s Office

David Clancy – Information Commissioner’s Office

Julie McCarron – Trading Standards Scotland (TSS)

Peter Adamson – SCOTTS

Keith Dryburgh – Citizen Advice Scotland (CAS)

Peter Moorey – Which?

Mairi MacLeod – Ofcom Communications Consumer Panel

John Mitchison – Telephone Preference Service (TPS)

Huw Saunders – Ofcom

Claire Mack - Scottish Council for Development and Industry (SCDI)

Mark Dames – BT

Rick Hill – Chair of Nuisance Calls Summit

Lynn Parker – Ofcom

Eva Groeneveld - Which?

Steve Smith – TrueCall

Sheena Brown – Scottish Government (SG)

Laura McGlynn – Scottish Government

Chris Park – Scottish Government

Jamie Steed – Scottish Government (Secretariat)

**Via telephone**

Amanda Williams – Department for Culture, Media & Sport (DCMS)

Bilal Toure – Department for Culture, Media & Sport

**Apologies**

Meg Blight, BT

1. **Commission scope**

The Chair highlighted that the work of the Commission was to tackle a growing problem, and underlined this with recent statistics showing three of the top five cities in the UK receiving nuisance calls were Scottish. As a result, the Commission agreed it was vital to develop solutions that make a real reduction to the impact and volume of nuisance calls.

The Commission signed off their objectives, which were derived from the three key themes identified at the Nuisance Calls Summit in June. They are:

* To empower consumers by raising awareness and helping them to protect themselves;
* To empower and support companies that want to do the right thing, for example, by providing guidance or finding ways to share best practice; and
* To find effective ways to tackle persistently offending companies or individuals and influence the regulatory environment.

The Commission agreed to identify short and long term actions at each meeting which will be published as part of a joint plan following the final meeting. Consideration will be given to how impact is measured.

This notwithstanding, the Chair pointed out that regulation of nuisance calls and texts remains with the UK Government, and expressed a strong wish for their efforts to recognise the severity of the problem in Scotland.

1. **Commission membership**

Commission agreed membership could be strengthened by additional expertise in telecoms and third sector. It was also agreed that it would be desirable to have expertise of a company making outbound calls, though it was accepted this could be gained through engagement at a one off session, rather than as a full member. A presentation from Financial Fraud Action UK on their work to protect vulnerable customers was also requested.

**Action 1: SG to work with members to identify additional members and presenters.**

1. **Definition of nuisance calls**

Commission agreed proposed definition of nuisance calls should reflect the range of harm caused by calls, from annoyance to more serious detriment.

**Action 2: SG to incorporate points and recirculate for comment.**

1. **Empowering Consumers**

A number of suggestions were made by Commission members to help empower consumers, including raising consumer awareness, scam-proofing SG initiatives; and increased use of technology.

Raising consumer awareness

A number of suggestions were made to achieve this:

* joined up campaign led by Which?, for a day or spread over a week to help raise the awareness of the issues and what can be done to tackle them;
* raise awareness of the TPS assured scheme;
* educate consumers about what is a genuine call and what is not, similar to what banks have done to educate their customers;
* consistent ways to consent to marketing calls and terms and conditions;
* time limitations on consent;
* providing clarity on the routes to redress as customers may not be aware or find complex;
* providing consistent information to consumers;
* joining up of tools such as the Which reporting tool;
* publicly commenting when companies are fined to show consumers how their complaints result in action; and,
* making consumers more aware of the consequences of their digital footprint.

It was noted that thought needs to be given to how wide the focus of the campaign should be – too many messages could result in no single message being understood clearly. Wider issues linked to nuisance calls, such as Data Protection and Consent, might be better considered at a different forum. Which? noted that they had led a taskforce in 2014 which considered the issue of consent, and that some of their findings might be relevant.

Commission agreed that much of the discussion involved long term impacts or benefits to those who were in a position to protect themselves. Account had to be taken of those who could not protect themselves and for whom immediate action was needed.

**Action 3 – SG to keep a log of practical solutions to inform the joint action plan and development of the consumer awareness campaign.**

**Action 4 – Which? to review the recommendations made by the consent taskforce and share with the Commission in advance of the next meeting**

Prevalence of SG-related nuisance calls

Commission noted a number of nuisance callers align themselves with government initiatives e.g. replacement boiler schemes. Potential unintended consequences of well-intended schemes must be considered during development. It was suggested it could be made illegal to align with SG fraudulently.

Commission agreed SG should learn from best practice and past initiatives. Should draw up good practice for new SG roll-outs and set out a framework of things SG won't do, so those receiving calls will know to be suspicious if certain behaviours are exhibited by callers.

**Action 5 – SG to develop framework for roll-out of initiatives, including best practice and framework of behaviour which SG-backed schemes will engage in.**

Technology

Commission discussed a range of technological solutions, including call line identification (CLI), which enables people to see what number is calling them. Agreed that companies now use spoof numbers, which is an unintended consequence of legislation. New networks should be able to block call spoofing. However this was a long term measure. It was suggested that telecommunication providers could offer CLI technology for free, although it was noted that implementing this may present challenges for providers in some instances.

The steps which Canadian regulators have taken to tackle nuisance calls were highlighted. While laudable, some members felt the requirement to make major change in a short time scale would have limited success.

**Action 6 – SG to circulate details of the Canadian approach to tackling nuisance calls**

Use of call blocking technology and recent successful Trading Standards Scotland trials to reduce nuisance calls to vulnerable people were also discussed. Some concern was expressed around the UK Government’s distribution of technology funded by a 2015 budget commitment. Officials from the UK Government gave the following update;

* Call blocking technology is expected to roll out in June 2017.
* Stage 1 of a nuisance calls technology competition has been completed -- three bids are at second stage for developing a prototype, expected in March 2017 with £300,000 allocated.
* £700,000 has been allocated for further campaigns on consumer awareness.
* From spring 2017, the ICO can hold directors of companies responsible for illegal nuisance calls and spam texts and issue fines of up to £500,000.
* UK Government will shortly publish a consultation on options to tackle pension scams, including banning cold calling in relation to pensions Some sensitivities around how to increase accountability without burdening legitimate businesses were noted. Consultation will consider scope of the changes and whether it should extend to charity trustees.
* SI expected to be laid this week (w/c 28 Nov 16) transferring responsibility for TPS from Ofcom to ICO. Should streamline landscape.
* Also considering giving ICO compulsory audit powers to use on companies that sell data.

ICO added that they need more regional statistics and will start collecting statistics by postcode via their online reporting tool. This will provide a full picture of the complaints that the ICO receive.

Chair highlighted that given Scotland’s size it was well placed to conduct pilots.

**Action 7 – members to consider piloting projects for Scotland**