**Definition of a Nuisance Call**

**Background**

The Consumer and Competition Policy Unit recently took on responsibility for nuisance calls from the Digital Directorate. The Unit felt it would be helpful to have an agreed definition of a nuisance call as under current legislation the definition is unclear.

**Purpose**

This paper has been prepared to research the definition of a nuisance call. The proposed definition will be shared across the Scottish Government and external stakeholders.

**Sources**

11 sources have been considered in development of this paper; these are 8 definitions for a nuisance call and 1 for cold calling. Also included are definitions of the words unsolicited and unwanted.

**Key considerations**

The report “Nuisance Calls, a cause for concern” by Claire Milne from the London School of Economics (LSE) states that *“there are no generally accepted definitions of the term “nuisance calls” or its close cousins, “unsolicited calls” or “unwanted calls”.[[1]](#footnote-1)*

The Scottish Government’s proposed definition of a nuisance call was expanded from the Information Commissioners Office definition to include that the calls cause annoyance to the recipient. This was discussed at the first meeting of the Nuisance Calls Commission on 30 November 2016.

***“unwanted phone calls that attempt to promote a product, service, aim or ideal that cause annoyance.”***

The group felt that it was useful to have a definition however it should be expanded to reflect the full spectrum that these calls cover from irritation to pernicious and that they can result in detriment.

**Revised definition of a nuisance call**

***“unwanted phone calls that attempt to promote a product, service, aim or ideal that can cause the recipient a range of harm, from annoyance to lasting detriment, including emotional or financial damage.”***

Nuisance calls can also be known as;

* Unsolicited calls
* Unwanted calls
* Cold calling

Nuisance calls can take several different forms, such as;

* **Live marketing/ sales call:** This is when there is a real person trying to sell you something, sign you up to something (including charitable donations) or promoting a product or service.
* **Recorded marketing/ sales call:** This is when you hear a recorded message (rather than a real person) trying to sell you something or promoting a product or a service. The message may also ask you to press a button to speak to someone.
* **Recorded message saying that a business has tried to contact you *(Abandoned call)*:**This is when you hear a recorded message saying that an organisation has tried to contact you, but that when the call was put through there was no one available to speak to you. These normally happen when a call centre dialling system automatically rings you but when you answer there is no operator available to take the call. There is nothing being sold or offered in this message.
* **Silent call:** This is where there seems to be no one on the line, although you may hear someone talking in the background (but they are not talking to you).

**Annex A**

* **Oxford Dictionary** 
  + A telephone call made to threaten, annoy, or sexually harass its recipient.
* **Information Commissioners Office (ICO)**
  + **Nuisance calls** are unwanted phone calls that attempt to promote a product, service, aim or ideal to you.
* **London School of Economics (LSE)**
  + “**Nuisance calls**” is used to mean phone calls that their recipient experiences as a nuisance or worse.
* **Wikipedia**
  + **Nuisance calls** encompass any type of unwanted, unsolicited, telephone call.
* **UK Government**
  + The term “**nuisance calls**” can be applied to a range of different types of calls. However, for most consumers it primarily relates to calls made by telemarketing organisations seeking to sell a product or a service.
* **Collins Dictionary**
  + An unsolicited telephone call such as a prank call or a call for telemarketing purposes.
* **BBC**
  + The term “**nuisance call**” can be used to capture a wide range of types of calls from silent calls to 'live' marketing calls, harassment calls to financial scams.
* **Thames Valley Police**
  + **Nuisance calls** are calls that are not indecent, threatening or offensive, but which cause annoyance or anxiety.
* **Investopedia**
  + **Cold calling** is the solicitation of potential customers who were not anticipating such an interaction.
* **Oxford Dictionary**
  + Define “**Unsolicited**” as not asked for; given or done voluntarily.
* **Oxford Dictionary**
  + Define “**Unwanted**” as not or no longer desired.

1. [Nuisance Calls, a cause for concern. 15 July 2013](http://www.lse.ac.uk/media@lse/documents/MPP/LSE-MPP-Policy-Brief-8-Nuisance-Calls.pdf) [↑](#footnote-ref-1)