

## **Nuisance Calls Commission**

**12:00 – 14:00, Wednesday 18 January 2017**  
**St Andrew's House, Edinburgh**

### **Minutes**

#### **In attendance**

Keith Brown MSP – Cabinet Secretary for Economy, Jobs & Fair Work  
Sheena Brown – Scottish Government (SG)  
Ken MacDonald - Information Commissioner's Office (ICO)  
David Clancy - Information Commissioner's Office (ICO)  
Julie McCarron - Trading Standards Scotland (TSS)  
Brian Smith - SCOTTS  
Keith Dryburgh - Citizen Advice Scotland (CAS)  
Pete Moorey – Which?  
Thomas Docherty – Which?  
Mairi MacLeod - Scotland Ofcom Communications Consumer Panel  
John Mitchison - Telephone Preference Service (TPS)  
Mark Dames - BT  
Jonathan Bunt – BT  
Huw Saunders - Ofcom  
Lynn Parker - Ofcom  
Claire Mack - Scottish Council for Development and Industry (CBI)  
Paul Holland – East Renfrewshire Council?  
David Watt – Institute of Directors (IoD)  
Professor Chris Hodges – Oxford University  
John Downie – Scottish Council of Voluntary Organisations (SCVO)  
Paul Rosbotham – Vodafone  
Christine MacKenzie – Scottish and Southern Energy (SSE)  
Laura McKelvie – Federation of Small Businesses (FSB)  
Steve Smith – trueCall  
Kristian Hicks – CPR Call Blocker  
Laura McGlynn – Scottish Government (SG)  
Jamie Steed – Scottish Government (SG) – Secretariat

#### **Apologies**

Meg Blight - BT  
Amanda Williams & Bilal Toure - Department for Culture, Media & Sport (DCMS)

#### **1. Welcome and Introductions**

Mr Brown welcomed the group and thanked all for attending the second meeting of the Commission and invited round table introductions.

#### **2. Minutes of the previous meeting**

The Commission agreed that the minutes of 30 November (paper 2) were a true reflection of discussion from the first Commission and that they would be uploaded to the Nuisance Calls Commission section of Gov.scot. Updates on the agreed actions were invited from members.

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

**In-progress** – Paul Holland of East Renfrewshire Council Trading Standards has joined the commission. Additional membership has been identified for the third session which will focus on ***finding effective ways to tackle persistently offending companies or individuals and influence the regulatory environment.*** In addition SG officials are exploring with Ofcom how best to engage with Ofcom's telecoms companies roundtable.

**Action 2: SG to incorporate points raised and recirculate the proposed definition of a nuisance call for comment.**

**Completed** – The Commission signed off the definition detailed below. It was agreed that a proposed amendment to limit the definition to illegal calls could conflict with the Commission's aim of empowering consumers to take control of the kinds of calls they receive.

*“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.”*

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

**On-going** - A number of points raised at the first meeting were collated and shared with Which?, who will be leading on the consumer awareness campaign. Which? gave a brief overview of their campaign proposal (paper 3). The Commission felt that it should be a mix of grass roots and top down activity with a prominent role for the Cabinet Secretary. Members' online advice and information should be coordinated and have consistent messaging and advice. There needs to be an element advising businesses involved in making outbound calls of good practice and what they can and can't do. SCDI indicated they would be keen to be actively involved in the campaign.

**New Action 1 – members to send Jamie Steed comments on the consumer awareness campaign proposal and indicate how their organisations could participate by 13 February**

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

**Completed** – Details circulated in paper 4. Recommendation 5c, 11, 14 & 15 were highlighted for particular relevance to the commission.

**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.**

**On-going** – further updates will be provided in due course

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

**Completed**

**New Action 2 - Ofcom have made contact with CRT and will provide an update at the next meeting.**

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

**On-going** – to date no suggestions have been submitted, Mr Brown asked members to consider and action will carry forward to next meeting

**3. Empowering and supporting companies**

Mr Brown updated the commission that the remainder of the session will focus on Empowering and supporting companies (paper 5) and that three speakers have been invited to illustrate themes within the paper.

**a. An ethical approach to nuisance calls**

Professor Hodges gave a short overview of ethical based regulation which is based on behavioural psychology by encouraging business to do the right things and working in partnership.

**Part one: supporting companies to do the right thing**

The Commission noted a number of actions that members have taken on board to help consumers such as reporting tools, call blocking or divert functions. Improvements could be made on how intelligence about nuisance callers is collated and shared amongst members. It was felt that now was the time for network solutions. Consideration should be given to what works and what people actually want.

Privacy and consent was discussed and it was noted that businesses need clarity on what they can and can't do. Recognition was given that businesses struggle to get consumers to read terms and conditions. It was suggested that these should be clear, consistent and in plain English. There has been a move towards two tick boxes – one for the company to process consumers personal data and one consenting for the company to pass on data to third parties. This was felt to be progress and a step in the right direction.

Data Mining was highlighted as a major problem and companies often legitimately sell on data, which is then misappropriated. However, ICO are currently investigating the massive data warehouses to identify malpractices, as consumers' rights are being compromised by these behaviours.

Concerns were raised about relationships with European regulators post Brexit as nuisance calls are a global problem.

### **New action 3 – SG to explore whether there is any scope to incorporate good data processing and consent practice into the business pledge**

Businesses know the value of consumers data but more could be done to make consumers aware of the value of their personal data. It was noted that when people trusted what happened to their data, the business/trader became a trusted source. Highlighting the value of personal data could be considered as part of the consumer awareness campaign.

### **New action 4 – SG and business members to explore scope of business campaign.**

#### **Part two – tackling persistent offenders**

##### **b. Vodafone – Call barring**

Paul Rosbotham, Vodafone, updated the Commission about the work they had been doing to tackle nuisance calls and ensure that they also act responsibly when making outbound calls. They also see this as “doing the right thing”. In September 2016 they launched new technology which bulk blocks nuisance and scam calls from entering Vodafone’s network. To illustrate the point 2.3 million nuisance calls were blocked on 11 January 2017.

##### **c. BT Call Divert function**

Jonathan Bunt, BT gave a presentation on the new BT Call Divert function which was launched on Monday 16 January. This also identifies sources of nuisance calls and diverts them to a junk mailbox, and also allows consumers to add nuisance callers to their personal blacklist to be similarly diverted.

Both technical solutions make use of big data, analytics and algorithms to tackle the source of the nuisance calls. Once nuisance callers have been identified there are internal validation processes to ensure they are being blocked legitimately. It was noted that it might be useful to have an external source of validation.

### **New action 5 - Ofcom offered their support to explore nuisance call number validation**

Technological measures were not felt to be a panacea for nuisance calls but one of a range of tools when tackling them. It was noted that nuisance callers will react to barriers and find ways around the measures e.g. spoofing numbers. It was also noted that more bespoke technological solutions might be needed for people who are particularly vulnerable and more likely to be preyed on by scammers.

The discussion moved towards nuisance calls that are a conduit for serious and organised crime (SOCA). Suggestions were made to form public/private partnerships and codes of conduct to be drafted. It was also highlighted that increased partnership working could tackle the underlying problems – such as loneliness/isolation – that can increase the chances of vulnerable people becoming victims of scams.

**New action 6 – Julie McCarron to invite a representative from Police Scotland to the third meeting to discuss SOCA**

**New action 7 – SG to explore opportunities to build on existing partnership working to improve intelligence sharing and offer more holistic support.**

#### **4. Date and time of the next meeting**

The third and final meeting of the Commission will be held on Wednesday 15 March 2017 in St Andrew's House and will focus on **influencing the regulatory environment to reduce gaps and increase effectiveness.**