



Information Commissioner's Office

Operation LINDEN

Virtual meeting hosted by the ICO: 24 February 2022, 10am-12pm, MS Teams

Any information or statistics herein were correct as of the date of this meeting.

Attendees

Kerry Smith (CHAIR)	Information Commissioner's Office (ICO)
David Clancy	Information Commissioner's Office (ICO)
Stephen Flack	Information Commissioner's Office (ICO)
Emma Iandolo	Information Commissioner's Office (ICO)
Greg Jones	Information Commissioner's Office (ICO)
Charity Commission (CC) Representative	
Data and Marketing Commission (DMC) Representative	
Fundraising Regulator (FR) Representative	
Gambling Commission (GC) Representative	
Insurance Fraud Bureau (IFB) Representative	
Market Research Society (MRS) Representative	
National Fraud Intelligence Bureau (NFIB) Representative	
National Trading Standards Intelligence Representative	
The Office of Communications (OFCOM) Representative	
The Pensions Regulator (TPR) Representative	
Trading Standards Scotland (TSS) Representative	
Solicitor's Regulation Authority (SRA) Representative	
TrueCall Representative	
Which? Representative	

Agenda

- **Introductions** - for those who have not previously attended. (All)
- **Presentation by guest speaker from Blue Telecoms**
- **ICO updates** – including a wrap up of reporting; focusing on a review and update of Q3, recovery actions and what we have planned.
- **Horizon Scanning** – discussion. (All)
- **AOB** - including any intelligence requirements, comms strategy developments for the ICO, minutes and next meeting arrangements.

Presentation by Blue Telecoms

- Blue Telecoms (BT) is a consultancy business, working with call centres and VoIP communications.
- Before taking on new clients, BT are required to undertake a set of due diligence checks
- BT conduct ongoing checks of their clients through monthly status reports, 6 monthly Companies House filing checks and ongoing verification of ASR and ACD levels.
- BT do not accept any clients who are based outside of the UK. There are no industry standards for the checks conducted by BT but as members of the UK Comms Council, they get an indication of what is required. The onus rests on telecom companies to run further checks on clients, as they do in the financial sector.

ICO enforcement update

Operational overview (year to date 2021-22)

20 compliance meetings.

- 85 cases subject to current investigation with potential for formal enforcement action.

Financial Recovery Unit

There have been 27 Civil Monetary Penalty Notices (MPN), and 17 Enforcement Notices issued (YTD) for serious PECR breaches. This is the most MPNs issued for PECR breaches by the ICO in a financial year, with more planned before the year end.

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Of the 27 MPNs, 16 have been paid in full, two have been appealed, five are subject to recovery, and the deadlines for four have not yet passed.

Nuisance contact trends

In the third quarter of financial year (FY) 2021-2022, the ICO received 23,589 nuisance call and SMS complaints to our online reporting tool (OLRT). This is a decrease of 755 complaints or 3% since last quarter. This was not unexpected given that Q3 included December, a month that usually sees a substantial decrease. That said, during last quarter, December in fact saw an unusual spike in complaints, which was caused by public reporting of the nationwide NHS booster jab text. Given this spike, the data suggests that we are continuing to see a steady decrease in complaints to the OLRT.

- In comparison to this time last FY, this quarter's figures represent a decrease of 11,254 complaints or 32%.
- Initial figures recorded in January show that we continue to see a drop in reporting, rather than simply a return to normal levels after the spike in December's reporting. It is possible that a number of regulatory factors are causing this, such as effective regulatory action by the ICO, as well as regulatory changes made by regulators within this group.
- It would normally be anticipated that there would be an increase in reporting in the fourth quarter, before complaints stabilise moving into the new FY. However, taking into account the low figures currently being recorded, we may actually see continually lower figures.
- As COVID-19 restrictions are lifted completely and life returns to a new normal, it will be interesting to see how post COVID reporting levels fall. With the various changes seen across the past two years, including lockdowns, working from home and travel restrictions, reporting has not been stable for long periods of time.
- In Q3, the breakdown of complaints between different contact types deviated from normal trends. Historically, live and automated calls generally accounted for the majority of all complaints with a somewhat equal split, whilst SMS complaints made up a smaller proportion.
- Both live and automated complaints have in fact seen a decrease from the complaints volumes seen this time last year, with

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automated calls seeing a substantial drop of more than 10,000 complaints(-71%) since this time last FY. It should be noted that whilst there was an increase in SMS reporting over the last quarter, and an increase from this time last year (+39%), this was the result of the spike in reporting regarding the NHS service message in December.

- An accurate month on month picture would denote a majority proportion of live calls, with an even split between SMS and automated call complaints.
- Much of the recorded decrease has been seen within the automated call category and as this contact type saw a lot of suspected fraudulent messaging, the data suggests that the public is receiving less of this content, or that they have become more conscious of how to avoid scam contact and the appropriate ways to report it. The complaints within this contact type are often seen within the banking, broadband and 'none of the above' topic categories, and this continues to be the case, but to a much smaller extent.
- We have begun to see a fair proportion of automated call complaints within our energy saving and home improvements category. There is a possibility that automated calls are being made more heavily within this topic than recorded, as raw data suggests that commonly reported callers are using automated messages made to sound like live calls. Reports made to us are categorised by the reporting individual, so cannot be corroborated further.
- The most notable change within other categories is the inclusion of the COVID-19 and Health categories to this top reported list. This should be taken with caution given December's reporting spike.
- Excluding these changes, many of the categories have remained similar to the levels seen in previous quarters; with a continued drop in accident claims calls which was historically our largest topic category outside of the 'none of the above' topic.
- Accident claims has seen a continual drop over the past two years, representing 18% of complaints in 2020-21; so far this FY, Accident Claims makes up just 4% of all categorised complaints. Comparing this quarter with Q3 of last year, complaints for this category have declined 7,060 complaints or 92%. Given that last year's figures were impacted by numerous lockdowns due to the pandemic, this is very surprising with restrictions now lifted and more cars being on the road. Impacts including the rise in Google Ad scams, the whiplash reforms, effective PECR regulation and new rules on FCA authorisation all may play a part in this continued change in reporting.

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- Going forward an increase is expected in nuisance complaints as COVID-19 restrictions have lifted and businesses return to normal or hybrid ways of working, as well as complaints monopolising on financial impact and consequences of COVID-19. We continue to monitor for business interruption claim complaints, with this beginning to enter the public eye once again as banks look to address the repayments of COVID-19 business loans; as yet we have not seen many of these complaints.
- It is anticipated that energy related complaints will continue to increase or stabilise at the current high level as environmental and financial issues regarding energy remain at the fore of public interest and opinion, as well as within government plans and announcements.

Horizon Scanning

- The group noted that recent changes to the Highway Code may lead to a rise in accident claims calls, for example regarding crashes with cyclists or small vehicles.
- The IFB raised that bounce back loans and furlough was something taken advantage of by scammers during the pandemic and as life returns to 'a new normal' it will likely be harder for them to take advantage of this. With the current cost of living crisis becoming a bigger issue, it is expected that there will be more insurance fraud making use of aggressive marketing tactics, as well as data theft, cyber and identity theft. The IFB noted that during the financial crisis of 2008 insurance fraud increased by 36%.

Any other business (AOB)

- Next meeting proposed for June 2022, with the ICO requesting input from members regarding the potential for this meeting to be face-to-face or hybrid, as well as the possibility of an agency being able to host the meeting.

END

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