

Press release: No escape for company bosses responsible for nuisance calls



New legislation comes into force which means the UK data protection watchdog, the Information Commissioner's Office (ICO), can now hold company bosses directly responsible. Previously some had liquidated their firms to avoid big penalties.

Minister for Digital Margot James said:

There is now no hiding place for the small minority of rogue directors who have previously tried to escape justice. We are determined to stamp this menace out and this new law is the latest in a series of measures to rid society of the plague of nuisance calls.

Estimates by Ofcom show British consumers were bombarded with 3.9 billion nuisance phone calls and texts last year. Previously it was only the businesses themselves that were liable for fines of up to £500,000 rather than individuals. Some directors escaped paying by declaring bankruptcy only to open up again under a different name. Now the ICO can hold company directors directly responsible with further fines of up to half a million pounds.

Andy Curry, who heads up the nuisance call enforcement team at the Information Commissioner's Office, said:

We welcome this amendment to the law which will increase the tools we have to protect the public. It will mean we can recover the fine more easily and also make it much harder for unscrupulous operators to set up in business again.

This new legislation is the latest in a long line of measures designed to put an end to unwanted calls and texts. Complaints to the ICO and Ofcom about nuisance calls have fallen for the second year in a row suggesting the action taken is working.

The Government has already:

- Introduced a measure in the Digital Economy Act 2017 to make it a requirement for the Information Commissioner to issue a statutory code of practice on direct marketing;
- Amended the Privacy and Electronic Communications Regulations (PECR) to require all direct marketing callers to provide Caller Line Identification;
- Lowered the legal threshold at which the ICO may impose a monetary penalty on organisations breaching PECR;
- Made it easier for the ICO to more effectively share information with Ofcom in relation to nuisance calls through an amendment to the Communications Act 2003;
- Given the ICO the power to issue monetary penalty notices up to £500,000 for serious breaches of PECR;
- Introduced a ban on cold calling in relation to claims management services through the Financial Claims and Guidance Act 2018, except where the receiver has consented to such calls being made to them. The 2018 Act also includes powers to ban cold calls from pension providers; and
- Given £500,000 to Trading Standards to help install call blocking devices installed in the homes of vulnerable people.

Further Information:

1. For more information call DCMS Press Office on 0207 211 2210
2. ICO will consider the level of fine based on evidence- (whether it applies to company, director or both).
3. If a firm has multiple directors, each could be liable for a fine.
4. In 2016/17, the Information Commissioner issued 23 companies with more than £1.9million of fines for nuisance marketing.

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