

Press release: Nuisance marketing calls lands company director 6-year ban

Shaun Harkin, 48 from Coventry, was the sole director of Easyleads Limited, a company that generated sales leads for other businesses through telephone marketing calls advertising their clients' services and products.

The Information Commissioner's Office (ICO) first received complaints about automated calls from numbers used by Easyleads between October 2015 and July 2016.

Having previously advised Shaun Harkin in connection with a former company he ran about the regulations preventing unsolicited marketing calls to people registered with the Telephone Preference Service (TPS), the ICO warned him in January 2017 of their investigation into the new complaints.

Despite this warning, Shaun Harkin allowed Easyleads to start a brand new advertising campaign using automated calls and this resulted in the ICO receiving further complaints about Easyleads sales practices between January and June 2017.

By September 2017, the ICO notified Shaun Harkin they were issuing a £260,000 fine against Easyleads for making unsolicited marketing calls to people without their specific consent and failing to include a company name and contact details in the recorded message.

However, Easyleads failed to pay the debt and that led the ICO in February 2018 to issue a petition to the court to wind up the company.

Following the court ordering the shut down of Easyleads in March 2018, further investigations by the Insolvency Service found that the company had made around 16 million automated marketing calls to members of the public.

And more than 550 complaints were made to the ICO about Easyleads. Many were from people who said they received multiple calls, while others complained about being called in the early hours of the morning and in particular, there was a spike of calls over the May 2017 bank holiday weekend.

In June 2018, the Secretary of State accepted a disqualification undertaking from Shaun Harkin in which he did not dispute that between October 2015 and June 2017 he failed to ensure that Easyleads Limited complied with its statutory obligations to prevent calls being made to people registered with the TPS.

Effective from 13 July 2018, Shaun Harkin is now banned from directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company for six years.

Andy Curry, who headed up the investigation team at the ICO, said:

Easyleads plagued people with calls and we brought them to account by fining them £260,000. When they failed to pay, we refused to give up.

Now Shaun Harkin has been put out of action for six years. We still have work to do but this ban sends a message to others that they will not get away with making nuisance calls.

David Brooks, Chief Investigator at the Insolvency Service, said:

Telephone marketing is a legitimate business endeavor but there are strict rules in place to protect those who do not want to be disturbed by nuisance sales calls.

This is a serious case where Shaun Harkin knowingly allowed the company to make unsolicited calls contrary to regulations and caused a great deal of distress for many people. The six-year ban reflects the seriousness of these actions and together with the ICO, we want to ensure this serves as a warning to others that we will seek redress should your conduct fall below accepted commercial standards.

Notes to editors

Shaun Harkin is of Coventry and his date of birth is 6 May 1970

Company Easyleads Limited (Company Reg no. 09811848)

On 22 June 2018, the Secretary of State accepted a disqualification undertaking from Shaun Harkin, after he did not dispute that between 22 October 2015 and 30 June 2017 he failed to ensure that Easyleads Limited complied with its statutory obligations under The Privacy and Electronic Communications (EC Directive) Regulations 2003 to ensure that unsolicited marketing calls were not made to members of the public registered with the Telephone Preference Service who had not consented to such calls.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service administers the insolvency regime, investigating all compulsory liquidations and individual insolvencies (bankruptcies) through the Official Receiver to establish why they became insolvent. It may also use powers under the Companies Act 1985 to conduct confidential fact-finding investigations into the activities of live limited companies in the UK. In addition, the agency deals with disqualification of directors in corporate failures, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

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