



## BRIEFING PAPER

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# Nuisance Calls: Unsolicited sales and marketing, and silent calls

By Alex Adcock, Georgina  
Hutton & Grahame Allen

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## Summary

Nuisance calls (i.e. unsolicited and unwanted marketing messages, silent or abandoned calls) and spam texts cause widespread harm and inconvenience as acknowledged by previous and current Governments and the relevant regulators – Ofcom (the communications regulator) and the Information Commissioner’s Office (ICO).

Unsolicited, or cold, marketing calls should not be made to anyone who has indicated a general objection to receiving such calls or has notified the caller that they do not wish to receive such calls.

Live and automated nuisance marketing calls are dealt with by the [Information Commissioner’s Office](#) (ICO). [Silent and abandoned calls](#) are dealt with by Ofcom.

Recipients of nuisance calls may also complain to their phone companies, some of which have systems to block and identify callers.

### Live and automated nuisance calls and text messages

Live and automated nuisance marketing calls are dealt with by the [Information Commissioner’s Office](#) (ICO). Recipients and potential recipients can avoid live calls by:

- registering with the Telephone Preference Service ([TPS](#)) (free of charge); companies can register with the [Corporate Telephone Preference Service \(CTPS\)](#);
- checking privacy statements when providing phone numbers; and
- telling organisations they deal with not to market them by phone.

Spam texts are marketing text messages (also known as SMS) sent without the recipients’ consent. Recipients and potential recipients can avoid such texts by:

- not revealing their number;
- checking privacy policies and marketing opt outs carefully; and
- telling organisations not to contact them by text.

Recipients of texts can report them to their network operator, who may be able to prevent further spam from the originating number.

### Enforcement

Persistent callers can be reported to the ICO which has powers to fine those who break the law up to £500,000. New legislation came into force on 17 December 2017 which allows directors of companies making nuisance calls to be held personally liable for penalties.

### Silent and abandoned calls

[Silent and abandoned calls](#) are dealt with by Ofcom. Recipients can avoid calls by:

- identifying the caller through a Calling Line Identification number on telephone displays, and obtaining the callers’ telephone numbers by dialling 1471;
- using details and numbers provided in automated messages to opt-out of receiving further calls.

## **Enforcement**

Makers of repeated abandoned and/or silent calls can be reported to Ofcom which has powers including fining the caller up to £2 million.

## **ICO and Ofcom joint action plan**

The ICO and Ofcom have a joint action plan and have introduced call-blocking and Calling Line Identification directions to communications providers in order to prevent nuisance calls getting through to customers.

## **Other Government action**

The Government made provision in the [Digital Economy Act 2017](#) to require the ICO to publish a statutory code of practice on direct marketing. The code is intended to make it easier for the ICO to take action against nuisance callers, and to impose fines on them.

The Government introduced a ban on cold calling in relation to claims management services through the [Financial Claims and Guidance Act 2018](#) (section 35), except where the receiver has consented to such calls being made to them. The Government has committed to banning cold calling in relation to pensions.

# 1. Regulation of nuisance calls

Nuisance calls (i.e. unsolicited and unwanted marketing messages, silent or abandoned calls) and spam texts cause widespread harm and inconvenience as acknowledged by previous and current Governments and the relevant regulators – Ofcom (the communications regulator) and the Information Commissioner’s Office (ICO). Nuisance call statistics are provided in section 3 of this paper.

Unsolicited, or cold, marketing calls should not be made to anyone who has indicated a general objection to receiving such calls or has notified the caller that they do not wish to receive such calls.

Live and automated nuisance marketing calls are dealt with by the [Information Commissioner’s Office](#) (ICO). [Silent and abandoned calls](#) are dealt with by Ofcom.

## 1.1 Information Commissioner’s Office (ICO)

The [Privacy and Electronic Communications Regulations 2003](#) (PECR) set out rules relating to unsolicited electronic marketing messages sent by telephone, fax, email or text. The ICO enforces any breaches of the PECR and the *Data Protection Act 1998* (DPA) which may be relevant when a person’s name and number are used or shared by a company.

Regulation 19 of the PECR requires that companies or organisations making automated marketing telephone calls have the prior consent of the subscriber being called. “Live” marketing calls cannot be made to anyone who has indicated a general objection to receiving such calls (e.g. registering with the Telephone Preference Service – see Section 2.2) or has notified the caller that they do not wish to receive such calls.<sup>1</sup>

### Code of practice on direct marketing

[Section 96](#) of the [Digital Economy Act 2017](#) introduced a requirement into the *Data Protection Act 1998* that the Information Commissioner must issue a statutory code of practice on direct marketing. The Government said this should make it easier for the Information Commissioner to take enforcement action against those organisations in breach of the direct marketing code.<sup>2</sup> The provision was retained in the new [Data Protection Act 2018](#). For more information and commentary, see Section 6 of the Library briefing paper on the [Digital Economy Bill](#) (CBP-7699, September 2016).

The ICO held a [consultation](#) from November to December 2018 on a statutory code of practice on direct marketing, to update its [existing guidance](#) on direct marketing. The consultation closed on 24 December 2018.

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<sup>1</sup> ICO, [Nuisance calls](#) [accessed Dec 2018]

<sup>2</sup> DCMS, [Digital Economy Bill Factsheet – Nuisance Calls](#)

## ICO powers

The ICO can impose civil penalties of up to £500,000 for breaches of the PECR. In April 2015, the Government made legislative changes to the PECR,<sup>3</sup> lowering the threshold at which the ICO can take action against companies that breach the law, by removing the requirement that the contravention caused ‘substantial damage or substantial distress’.<sup>4</sup> Since this change in 2015 to the end of 2017, the ICO issued penalties of more than £5.7 million for breaches of nuisance call regulations (not accounting for anything under appeal).<sup>5</sup>

## Directors’ liability

On 17 December 2018 amendments to the PECR came into force which allow directors of companies making nuisance calls to be held personally liable for penalties of up to £500,000.<sup>6</sup> This is intended to stop companies from escaping penalties by declaring bankruptcy only to open again under a different name. The changes followed a consultation from May to August 2018.<sup>7</sup>

## 1.2 Ofcom

Ofcom has powers under the *Communications Act 2003* to deal with the persistent misuse of a communications network or service. “Misuse” of a system includes the generation of unsolicited and silent calls. Following a consultation in June 2010 the maximum penalty was increased from £50,000 to £2 million in October 2010.<sup>8</sup>

Many unsolicited and silent calls arise through the use of automated systems by commercial call centres. In the case of silent calls, technology used by call centre operators to detect answer machines can mistake a “live” consumer for an answer machine and cut off the call without the person hearing anything. Any automated calls must have the subscriber’s consent.<sup>9</sup>

In December 2015 Ofcom launched a [consultation](#) on a draft revised statement of policy for dealing with persistent misuse and published the final statement in December 2016.<sup>10</sup> The statement provides examples of silent and abandoned calls and explains the distinction between them.<sup>11</sup>

<sup>3</sup> [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2015](#)

<sup>4</sup> Proposal to lower the legal threshold for the Privacy and Electronic Communications (EC Directive) Regulations 2003 (“PECR”) for regulations 19-24, to tackle unsolicited direct marketing calls and SMS text messages. [Consultation Response Report](#), 25 February 2015

<sup>5</sup> DCMS, [Tackling nuisance calls and messages Consultation on action against rogue directors](#), May 2018

<sup>6</sup> [The Privacy and Electronic Communications \(Amendment\) Regulations](#) 2018

<sup>7</sup> DCMS, ICO, [Nuisance calls and messages: action against directors](#), 30 May 2018- Last updated 21 June 2018

<sup>8</sup> Ofcom, [Tackling abandoned and silent calls – Statement](#), 1 October 2010

<sup>9</sup> Ofcom, [Automated marketing calls](#), 1 October 2012

<sup>10</sup> Ofcom, [Review of how we use our persistent misuse powers: Focus on silent and abandoned calls](#) [accessed on 4 Oct 2018]

<sup>11</sup> Ofcom, [Persistent Misuse. A statement of Ofcom’s general policy on the exercise of its enforcement powers](#), Annex 1

## 7 Nuisance Calls: Unsolicited sales and marketing, and silent calls

Ofcom's [Tackling nuisance calls and messages](#) webpage summarises its regulatory responsibilities, research into and monitoring of nuisance calls, and enforcement measures.

### Caller display, call blocking and number withdrawal

One of the main tools that Ofcom uses to tackle nuisance calls is the [General Conditions of Entitlements](#) – the rules that all communications providers (CPs) must follow to operate in the UK.

New General Conditions came into force on 1 October 2018, following a review by Ofcom.<sup>12</sup> The new General Conditions contain new or revised provisions regarding caller display facilities (Calling Line Identification), call blocking and number withdrawal that aim to address nuisance calls.

Ofcom summarised the changes as follows:

- Phone companies will be banned from charging customers for caller display, a service which helps people to screen unwanted calls.
- Telephone numbers displayed to people receiving calls must be valid and allow a person to call the number back.
- Phone companies must take steps to identify and block calls which carry invalid numbers – a feature of many nuisance calls – so they don't get through to consumers in the first place.
- Ofcom will be able to take back blocks of numbers from communications providers if they are found to have been systematically used to cause harm or anxiety to people, such as to make nuisance calls or perpetrate scams or fraud.<sup>13</sup>

Caller display – also called *Calling Line Identification* (CLI) – provides information to the recipient of a telephone call about the party making the call. CLI data consists of a number that identifies the caller and a privacy marking, indicating whether that number can be shared with the recipient of the call. The presentation of CLI data enables the recipient of a call to make informed decisions about incoming calls.

The General Conditions of Entitlements require all communication providers (CPs) to provide CLI facilities by default, subject to technical feasibility and economic viability.<sup>14</sup> Further details are provided in Ofcom's [Guidance on CLI Facilities](#).

### 1.3 Ofcom and ICO joint action

In July 2013 Ofcom and the ICO launched a joint action plan on nuisance calls.<sup>15</sup> A Coalition Government decision to amend section 393 of the *Communications Act 2003* permits Ofcom to share information

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<sup>12</sup> Ofcom, [General Conditions of Entitlement](#), 4 December 2018.

<sup>13</sup> [New Ofcom rules to better protect consumers](#), 1 October 2018

<sup>14</sup> General Condition C6.

<sup>15</sup> [ICO and Ofcom draw up joint action plan to tackle nuisance calls](#), 31 July 2013

about companies involved in nuisance calls with the ICO. Regulations implementing this change came into force in July 2014.<sup>16</sup>

Ofcom and the ICO updated their [joint action plan](#) on nuisance calls in March 2019 which included details of Ofcom's and the ICO's enforcement work in 2018 and information about technical solutions to tackle nuisance calls. The Plan summarised the regulators' approach for 2019 as follows:

The ICO and Ofcom believe that our strategic approach to nuisance calls in 2018 has had a positive impact in addressing nuisance calls and reducing consumer harm. We therefore intend to continue this approach in 2019 to maintain, and build on, the momentum. Our focus for 2019 will therefore be

- taking targeted enforcement action;
- working with communications providers to enhance their solutions to disrupt and prevent calls, and, in particular, focusing on those who do not currently provide such solutions;
- identifying opportunities through joint-working with other regulators and enforcement agencies, to deter and punish organisations and individuals responsible for the harm caused by nuisance calls;
- sharing intelligence with others, including international partners, and enforcement agencies with responsibility for tackling scams and fraud; and
- to make use of the full range of our regulatory powers, to encourage and where necessary compel compliance with the law, including, for the ICO, measures to target the senior officers and directors behind the companies making nuisance calls and, for Ofcom, new CLI requirements and number withdrawal powers.<sup>17</sup>

## 1.4 Cold calling: powers to deal with claims management, pensions and financial product selling

### Claims management services

The Government introduced a ban on cold calling in relation to claims management services through the [Financial Claims and Guidance Act 2018](#) (section 35), except where the receiver has consented to such calls being made to them. Claims management companies (CMCs) provide advice and services to assist people in making compensation claims in various sectors, such as personal injury and financial products. More information and commentary is provided in the Library briefing paper on the [Financial Guidance and Claims Bill 2017-19](#) (Section 4.5); the Act amends the *Privacy and Electronic Communications Regulations 2003* to introduce the ban.

<sup>16</sup> [The Communications Act 2003 \(Disclosure of Information\) Order](#), SI 2014/1825.

<sup>17</sup> ICO and Ofcom, Nuisance calls and messages [Update to ICO-Ofcom joint action plan](#), 7 March 2019.

The [Claims Management Regulator](#) (CMR) is responsible for regulating claims management companies. In December 2014 it was given new powers which allowed it to fine claims management companies up to 20% of turnover for offences including making nuisance calls and texts.<sup>18</sup> The CMR publishes a quarterly update of current and past actions including those on nuisance calls and texts.<sup>19</sup>

The CMR is part of the Ministry of Justice but it was announced by the Prime Minister on 16 March 2016 that responsibility for the regulation of CMCs will transfer from the Ministry of Justice to the Financial Conduct Authority (FCA)<sup>20</sup>, under the Financial Claims and Guidance Act 2018. The FCA confirmed that this will happen on 1 April 2019.<sup>21</sup> Further information on CMCs and nuisance calls and texts is available in the Library paper [Claims management companies in the UK and their regulation](#).<sup>22</sup>

## Pensions and financial products

The *Financial Claims and Guidance Act* also included powers to introduce a ban on cold calling regarding pensions and other financial products through secondary legislation (sections 21 and 22). The Government launched a [consultation on draft regulations](#) regarding cold calling for pensions on 20 July 2018. The regulations came into force on 17 December 2018.<sup>23</sup>

## 1.5 Private Member's Bill

Stephen Kerr MP brought the [Unsolicited Calls \(Prevention\) Bill](#) 2017-19, "to make provision to prevent unsolicited calls; and for connected purposes," under the Ten Minute Rule on 24 April 2018.<sup>24</sup> The Bill is expected to have its second reading debate on Friday 22 March 2019.<sup>25</sup>

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<sup>18</sup> Ministry of Justice, [Huge penalties for rogue claims management firms](#), 29 December 2014

<sup>19</sup> [Claims Management Regulator: enforcement actions April to June 2017](#), Updated 27 April 2018

<sup>20</sup> [HCWS623](#), 16 March 2016

<sup>21</sup> FCA, [Claims management companies](#)

<sup>22</sup> [Commons Briefing paper SN06075, June 6 2018](#)

<sup>23</sup> [The Privacy and Electronic Communications \(Amendment\) Regulations 2018](#)

<sup>24</sup> [HC Deb 639, c775](#)

<sup>25</sup> [Unsolicited Calls \(Prevention\) Bill 2017-19](#)

## 2. Help and assistance

It can be difficult to identify who is responsible for an unwanted marketing call. Callers might be unwilling to provide details if they suspect the recipient may complain and automated messages often don't provide this information. The ICO is able to investigate such calls and has set up a [webpage](#) to receive information about unidentified calls; however it does deal with individual complaints.

### 2.1 The Information Commissioner's Office (ICO)

Complaints about unsolicited marketing calls, recorded messages and spam texts can be made to the [Information Commissioner's Office](#). The ICO has oversight of the TPS and investigates complaints about breaches.

#### Unsolicited marketing calls

The ICO's website suggests the following key steps if unwanted marketing calls are being received:

- register with the TPS free of charge;
- check privacy statements when you provide your phone number; and
- tell organisations you deal with if you would rather they did not market you by phone.<sup>26</sup>

The website provides advice about how to make a complaint to the ICO if the steps above have not worked:

You can report nuisance calls and spam texts to the ICO here.

Report spam texts or report cold calls – that either played a recorded voice or were from a real person – to us and help us stop nuisance marketing messages.

We will use the information you provide to help us investigate and take action against those responsible. We don't respond to concerns individually.<sup>27</sup>

#### Spam texts

Spam texts are marketing text messages (also known as SMS) sent without a recipient's consent. The ICO provides further information:

Not all marketing text messages sent without consent are spam marketing texts. Marketing text messages can be sent without prior consent by organisations who obtained your email address when you bought something from them and are advertising similar products or services. However, these marketing text messages must abide by strict rules regarding their content and provide you with the opportunity to opt out.

#### What does the law say?

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<sup>26</sup> ICO, [Nuisance calls](#) [accessed 3 December 2018]

<sup>27</sup> ICO, [Report spam texts and nuisance sales calls](#) [accessed 3 December 2018]

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The Privacy and Electronic Communications Regulations 2003 cover the sending of text message marketing. This legislation says that organisations must only send marketing text messages to individuals if you have agreed to receive them, except where there is a clearly defined customer relationship.

The ICO can only investigate concerns about marketing text messages from identifiable UK senders. As a lot of spam texts come from outside the UK, the Information Commissioner has an agreement with a number of overseas bodies to cooperate and exchange information to try and stop spam texts that are sent from those places.

### **What can I do to avoid unwanted spam texts?**

- Be careful who you give your telephone number to.
- Don't advertise your telephone number, for example by putting it on the internet.
- Check privacy policies and marketing opt outs carefully. Use them to tell the organisation not to contact you by text.

[...]

### **How can I stop receiving messages from these organisations?**

You can report them to your network operator, who may be able to prevent further spam from the originating number. Unfortunately as the numbers often change, your network provider cannot guarantee to stop all unsolicited messages. You can either contact your network operator's customer services, or forward spam text messages to 7726.

If you continue to receive these spam texts you can report your concerns to us.<sup>28</sup>

## 2.2 Telephone Preference Service (TPS)

The [Telephone Preference Service \(TPS\)](#) is a free service which prevents marketing calls (but not market research). It works by removing a registered number from telephone marketing lists.

It is a legal requirement that all organisations (including charities, voluntary organisations and political parties) do not make unsolicited calls to numbers registered on the TPS unless they have consent to do so. Organisations may be entitled to call TPS registered customers if they have previously given consent, possibly unknowingly, and will be entitled to continue until customers inform them that they object to further marketing calls.<sup>29</sup>

Mobile numbers may be registered with the TPS but this will not prevent marketing text messages.

The TPS operates a free complaint handling service. Details are provided on the [TPS website](#).

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<sup>28</sup> [Spam texts](#)

<sup>29</sup> [TPS homepage](#) [accessed on 4 January 2019]

## Effectiveness of the TPS

In 2014 consultancy firm IPSOS Mori conducted research into the effectiveness of the TPS for Ofcom and the ICO which found that it is effective in reducing the volume of live marketing/sales calls received by 31%. It also found that 45% of those signed up did not receive any calls compared to 26% of those who were not signed up.<sup>30</sup>

The TPS clearly advises that registration will *not* reduce the receipt of recorded messages and will not stop all unsolicited sales and marketing calls. If the purpose of the call was to sell a product or a service then registering with the TPS will reduce these calls. However, companies also use automated diallers for activities such as debt collection, market research and it is important to note that the TPS will not reduce these.<sup>31</sup>

## Overseas Calls

TPS cannot regulate calls from overseas unless they are made on behalf of a UK company. The TPS provides the following advice for those receiving calls from overseas:

Companies based abroad who call into the UK and who are making calls on behalf of UK based companies, must comply with UK regulations and screen their call lists against the Telephone Preference Service (TPS) before making an unsolicited sales and marketing call to a UK telephone number. We do make the file available to overseas based companies under licence for the purpose of suppression so they know whom not to telephone but, many overseas companies who telephone the UK on their own account from overseas do so to avoid legal and self regulatory restrictions.

If you have received a live unsolicited direct marketing call from overseas from a company that you can identify and whom you think may be a UK company please log a complaint with TPS using the online complaints form.

If it is deemed by TPS that the unsolicited direct marketing call that you received from overseas was from or made on behalf of a company with presence in the UK we will investigate, and raise a complaint in the UK against the offending company where it is possible to do so.

We advise caution in responding to unsolicited sales and marketing telephone calls from overseas especially if they are asking you to send them money or using a premium rate phone line (numbers beginning with 09). If you receive an unsolicited sales and/or marketing call from an overseas company you should contact the Information Commissioners Office (ICO).<sup>32</sup>

In response to a PQ in February 2018 the Government acknowledged the problem of nuisance calls from overseas and outlined ICO efforts to tackle it with the help of other bodies:

The Information Commissioner's Office (ICO) independently regulate the Privacy and Electronic Communications Regulations 2003, the framework which governs unsolicited direct marketing

<sup>30</sup> ICO, [Measuring the effectiveness of the Telephone Preference Service](#), 24 July 2014

<sup>31</sup> TPS, [Frequently Asked Questions](#)

<sup>32</sup> Telephone Preference Service website, [Frequently Asked Questions](#) [accessed on 2 November 2018]

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and nuisance calls. Unsolicited calls coming from beyond our jurisdiction remain a concern, although the ICO has not identified any noticeable or recent increase in volume in respect of this issue.

To help tackle the problem, the ICO engages with the Do Not Call Forum of the Unsolicited Communications Enforcement Network, which includes overseas regulators with responsibility for tackling nuisance calls. The ICO works with other members, including the US Federal Trade Commission (FTC), the Canadian Radio-television and Telecommunications Commission and regulators in South Africa and Australia, to drive forward co-ordinated actions, including sharing relevant intelligence. They are also exploring with local trade associations, representing call centres based in India and other countries, ways to work with relevant authorities to tackle the problem at source.

The Government have already forced companies to display their number when calling, and made it easier for the ICO to prosecute those in breach of direct marketing legislation. We continue to review the ICO's powers of enforcement, and will consider what we are able to do to assist them in tackling this problem.<sup>33</sup>

### 2.3 Ofcom

Ofcom's [Nuisance calls and messages](#) webpage provides information on different forms of nuisance calls, a summary of the law on these, and advice on ways for consumers to protect themselves. It also has a [guide](#) which includes contacts for help and advice.<sup>34</sup>

### 2.4 Which?

The consumer organisation Which? provides advice on [How to stop nuisance phone calls](#) and [tips to stop cold calls](#) as well as a "[Know your rights with nuisance calls](#)" guide on its website. It has a [Nuisance calls - call blocking options](#) webpage which outlines network, home phone and stand-alone call blocking solutions. It also has a [Phone scams](#) webpage.

Which? also provides a [complaints tool](#) to connect consumers with the correct place to make complaints about nuisance calls and texts.<sup>35</sup>

### 2.5 Other options to stop nuisance calls

Although there are some commercial companies that offer similar services for reducing nuisance calls (and may charge for this), the TPS is the only register that organisations are legally obliged to check against before making live telesales calls.<sup>36</sup>

Phone companies offer a number of services that can help block nuisance calls. Some of these services are free but for some, monthly

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<sup>33</sup> [Nuisance Calls: Written question - 125137](#)

<sup>34</sup> Ofcom website, [How to avoid nuisance and silent calls and what to do if you receive them](#) page [accessed on 2 November 2018]

<sup>35</sup> Which? Website, [Nuisance calls and texts campaign](#) page [accessed on 2 November 2018]

<sup>36</sup> Ofcom, "[Nuisance Calls and Messages: Consumer Guide](#)" [accessed on 2 November 2018].

charges can apply, and may vary depending on what package an individual is signed up to:

- **Caller display** which shows the number of the person calling (if the number has not been withheld and you have a phone with a display) so that the recipient can choose whether to answer or not.
- **Incoming call blocking** prevents selected numbers from getting through. See this [Which? blog](#) on some of the available technologies and their costs.
- **Caller identification** – or 1471 – can help identify the number of the last caller (unless the caller has withheld their number). Once the number has been obtained it can be reported to the relevant regulator.

### 3. Statistics on nuisance calls

Official figures on the actual number of nuisance calls are not collected although in 2018:

- Ofcom received approximately 32,000 complaints about silent and abandoned calls, down 31.4% from a peak in 2015;
- and the ICO received approximately 124,000 complaints about live and recorded marketing and sales calls, unsolicited emails, and text messages, a year-on-year decrease of 3%.<sup>37</sup>

Ofcom research indicates that:

- the proportion of adults with a landline receiving any type of nuisance call on their **landline telephone** has fallen from a peak of 73% in July 2015 to 43% in January 2019;
- the proportion of adults with a **mobile phone** receiving any type of nuisance call on their mobile phone has decreased from a peak of 52% in July 2015 to 37% in January 2019; and
- the proportion of adults with a landline **and/or** mobile phone who received a nuisance call fell to less than half (49%) for the first time in the last two years.<sup>38</sup>

Research by Oxera, commissioned by Aviva and using 2017 data from Ofcom and the ICO, suggests that there are over 6 million nuisance calls and texts made each day.<sup>39</sup>

Consumers received 2.2 billion nuisance calls and texts relating to an injury-related claim, pension, PPI or other insurance related matters in 2017 [...] This translates to more than 6 million nuisance calls and texts made every day, or 4,200 calls and texts made every minute.

The same research also found that in 2017:

- 57% of Brits say nuisance calls and texts are the most annoying thing about having a phone
- Over 65s targeted with approximately 30% of ALL nuisance calls and texts
- Nearly 900m calls and texts chasing a personal injury claim or insurance issue
- 2.7m more pensions-related nuisance calls since pension freedoms.

In its annual Diary Research, carried out over the same four-week period each year, Ofcom has asked people for their experience of nuisance calls as they receive them on their landline.<sup>40</sup> Ofcom's Diary Research for 2017 found that:<sup>41</sup>

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<sup>37</sup> ICO and Ofcom, Nuisance calls and messages [Update to ICO-Ofcom joint action plan](#), 7 March 2019.

<sup>38</sup> ICO and Ofcom, Nuisance calls and messages [Update to ICO-Ofcom joint action plan](#), 7 March 2019.

<sup>39</sup> Aviva, *UK consumers hounded by 2.2 billion nuisance calls and texts*, 8 Jan 2018

<sup>40</sup> ICO/Ofcom, *Nuisance calls and messages: Update to ICO-Ofcom joint action plan*, 9 February 2018

<sup>41</sup> Ofcom/GfK UK, *Landline Nuisance Calls W5*, 2017

- 81% of those asked had received nuisance calls (down from 83% in 2016 and 86% in 2015)
- 63% had received "silent" calls (up from 60% in 2016)
- 59% had received "live sales" calls (down from 61% in 2016)
- 37% had received "recorded sales" calls (down from 44% in 2016 and 52% in 2015) and
- 14% had received "abandoned" calls (down from 17% in 2016).

The average number of nuisance calls received over the four-week period was 8.4 (down from 8.8 in 2016 and 9.7 in 2015). Live sales and Silent calls were the most frequent type of calls averaging 4.2 and 3.9 over the same period respectively.

The average number of total nuisance calls received, over the four-weeks, by those aged 55+ was 10.7 (down from 11.6 in 2016 and 13.7 in 2015). Home improvements (21%) and PPI (15%) were the most common theme for calls with "the majority of home improvement calls being about boiler or window replacement".<sup>42</sup>

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<sup>42</sup> *As above*

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