



Internet Telephony Services Providers' Association

**ITSPA response to the Culture, Media and Sport Select Committee Inquiry into
Nuisance Calls**

About ITSPA

The Internet Telephony Services Providers' Association (ITSPA) is the UK VoIP industry's trade body, representing over 70 UK businesses involved with the supply of Voice over IP (VoIP) and Unified Communication services to industry and residential customers within the UK. ITSPA pays close attention to the development of VoIP regulatory frameworks on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within international markets.

Please note that certain aspects of the ITSPA response may not necessarily be supported by all ITSPA members. Individual members may respond separately to this consultation where a position differs.

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>

Summary of ITSPA's Position

ITSPA welcomes the opportunity to respond to the Culture, Media and Sport (CMS) Select Committee call for evidence in its inquiry around nuisance calls. Nuisance calls are a recognised problem within our industry and one that our members are extremely committed to help reducing in scale. They come in various guises from certain types of unwanted and persistent marketing calls or messages to abandoned, silent and most seriously, malicious calls. Indeed ITSPA members feel that malicious calls are the most serious type of nuisance call, and as such, need to be prioritised.

ITSPA members believe it is important to avoid an unnecessary and unwarranted attack specifically focussed on the VoIP industry when discussing this issue. There has been concern in recent months, when this issue has been raised within the media and amongst parliamentarians that VoIP is the cause of this problem. This is simply not the case and many of these issues affect all forms of telephony and have been taking place long before VoIP became a more mainstream technology. Whilst the industry must play



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its part in resolving this problem, the focus should be on the perpetrators of these unsolicited calls (which predominantly emanate from overseas) not on a specific technology, which provides huge benefits to both consumers and businesses across the UK.

ITSPA believes that there are rules in place to resolve current problems but more can be done in terms of enforcement measures. We also believe that more is needed to improve public awareness as well as strengthen communication between, the telecoms sector, its clients, the regulators and law enforcement bodies. More information is outlined in our response below.

Key Points:

1. Malicious calls must not be forgotten

ITSPA believes this should remain a focus of any review into this whole area. From the experience of ITSPA members, the problem is certainly on the rise and is being experienced by ITSPA members and there lacks cohesive processes between branches of law enforcement and the industry. One ITSPA members' call centre at one point experienced an extremely high level of malicious calls (peaking at 25% of its total calls for 6 weeks). Malicious calls can be extremely harmful and distressing for vulnerable sections of society and this is certainly an area where stronger enforcement around the current laws is essential to act as a deterrent.

2. The International Element

A significant proportion of all nuisance calls originate from overseas (predominantly beyond the EU). Whilst UK Communication Providers (CP) are constantly vigilant in reacting to the problems their customers receive, greater international cooperation is needed to help eradicate this problem. This requires the national regulators from respective EU member states and their counterparts outside of the EU to enter constructive dialogue.

3. Focus on the perpetrators not the technology

Nuisance Calls are not solely caused by the use of VoIP technology. Most types of nuisance calls also take place on the Public Switched Telephone Network (PSTN) as well as on the mobile networks. ITSPA does accept that the efficient and innovative nature of latest generation technology such as VoIP can enable nuisance call activity to take place on a greater scale. However, the focus should not be on the technology, but rather on those companies who are



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undertaking the activity in the first place. ITSPA members are generally proactive in reacting to these issues, but it is not for the communications services industry to police the actions of its customers when they accept calls generated by them in good faith – the average network cannot tell the difference between a call centre generating legitimate calls, perhaps of societal value (centralised NHS appointment reminders, for example) versus illegitimate marketing activity.

4. The Enforcement Regime

ITSPA believes that there are relevant rules in place already regarding the necessary enforcement action around nuisance calls, however currently they are not well enforced. Greater cooperation and partnership with regulators is necessary. We believe that the prosecution thresholds are too high and this is in part the reason why there have been very limited prosecutions in this area. ITSPA members also believe that the Information Commissioner's Office (ICO) back stop power is not aggressive enough.

ITSPA is generally confused as to why certain aspects of nuisance call policy and enforcement are split between Ofcom (silent and abandoned calls) and the Information Commissioner's Office. This is illogical and we believe it leads to confusion. We would suggest that Ofcom, which already has a good working relationship with most of the industry and has a consumer contact centre, should own the general remit, together with at least the backstop powers of the ICO.

5. CLI issues

Technological advancements mean we cannot rely on the Customer Line Identification (CLI) of a phone number categorically being a reliable indicator as to where the phone call is coming from. This is exactly the same as with other Internet technologies (such as Phishing emails). The current NICC guidelines do apply to IP and SIP technologies as equally as legacy technologies and there are regulations (General Condition of Entitlement 2 and Ofcom's CLI Presentation Guidelines) in force already. However, there is the potential for CLIs to be corrupted when data is switched between networks, notably when calls (which are often genuine) are originated overseas. The difficulty at a network level is about being able to spot Spam over Internet Telephony (SPIT) from normal data.

ITSPA does however feel that improved rules around CLI handling would help and are happy to participate in any discussions. We believe that Ofcom have the powers to enforce originators of



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marketing calls to present their CLI, which would give consumers the option to take action if necessary. This would resolve UK (and most EU) originating nuisance calls but would not necessarily be enforceable elsewhere at present.

6. Industry Efforts

It is important that all industry providers undertake due diligence where possible when signing up new customers to ensure that they will be using the telephony service in a legitimate manner. This is particularly difficult for pre-pay customers and those who operate on a no contract basis.

CLI presentation where possible should be encouraged, however this has implications for a large number of legitimate business and organisations who withhold their CLIs when contacting people (The Police, Hospitals, Banks). There are legitimate reasons for withholding CLIs so a balance needs to be struck. Various organisations/industries would have to discuss common approaches to ensure a uniform outcome, which in turn would give consumers more confidence when receiving phone calls they are not expecting.

ITSPA itself is currently drafting a Best Common Practice document for its members around CLI presentation to help improve understanding and best practice within its membership group. VoIP Security in general is an important focus in the work of the organisation and the aim is to assist our membership in being fully prepared for the various scams that can arise through running a telecoms business. ITSPA is an associate member of the Telecommunications UK Fraud Forum (TUFF) and engages with industry representatives to help circulate best practice and provide warnings of malicious activity. We are also undertaking an engagement campaign with the relevant police authorities to improve the channels of communication, particularly on malicious calls.

The tracing of calls is a difficult process and requires cooperation between the originator and terminating communications provider. This is particularly difficult if the calls are cross-border and there are question marks as to whether certain data can be collated under RIPA (Regulation of Investigatory Powers Act) without the direct co-operation of those two parties, because with the greatest respect to law enforcement, a detailed technical dialogue between the communications providers is required to identify the source of calls without a CLI. However ITSPA believes the industry can cooperate more effectively to help resolve this problem.



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7. Consumer Awareness

More can be done to improve understanding around nuisance calls amongst the general public. The consumer group Which? recently provided guidance and both the regulators and the industry can provide more information to help consumers deal with the various types of nuisance and malicious calls.

8. The future

ITSPA will look forward to working with Ofcom and the ICO surrounding its new initiatives in this area over the coming months. We also hope to have established stronger links with the relevant law enforcement bodies on malicious calls. ITSPA members would be happy to discuss this issue further with Members of the Committee if required.