



Internet Telephony Services Providers' Association

ITSPA response to Ofcom's 'Review of how we use our persistent misuse powers – Focus on silent and abandoned calls' Consultation

About ITSPA

The Internet Telephony Services Providers' Association (ITSPA) is the UK Voice over IP (VoIP) industry's trade body, representing over 80 UK businesses involved with the supply of next generation voice communications services to other communications companies, businesses and residential customers both within the UK and abroad. ITSPA pays close attention to the development of VoIP regulatory frameworks on a worldwide basis in order to ensure that the UK's next generation voice telecommunications industry is as competitive as it can be within international markets.

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

Response

ITSPA welcomes the opportunity to respond to the Office of Communications' ("Ofcom's") consultation regarding the definition of persistent misuse pursuant to Section 127 of the Communications Act 2003 vis silent and abandoned calls.

We also note that the Department for Culture, Media and Sport are consulting on the thresholds employed by the Information Commissioner ("ICO") regarding nuisance calls and are writing to them separately on similar lines.

Whilst the membership fully recognises the concerns around the problem of nuisance calls, ITSPA has chosen to respond in broad terms to inform the debate. As a point of principle, absent of a robust plan to deal with the issue of calls originated outside the United Kingdom (or even the European Union) any plans to change Ofcom's or the ICO's playbook runs the risk of increasing the regulatory burden upon entities trying to comply and acting legitimately within their market whilst doing little or nothing about the root cause of the problem. Indeed the proposal seem to only be piling on more regulation and penalties with the actual companies trying to comply with the existing regulations, rather than targeting the rogue traders who are deliberately trying to avoid the rules and regulations.



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We believe Ofcom and the ICO are focussing too much of its efforts around the peripheral problems associated with nuisance calls and not focussing on the root cause of the problem – calls being originated from abroad.

Additionally, such increased regulation presents a moral hazard to those perpetrating nuisance calls insofar as they are incentivised to engage more in caller line identification spoofing which will frustrate the call tracing initiatives being promoted by Ofcom.

Finally, we assume that all of the work and focus on the subject of nuisance calls will increase the resources used by Ofcom. ITSPA would want to clarify whether any fines levied by Ofcom or the ICO would be used to cover those increased costs of enforcement.

As ever ITSPA members are committed to help tackle this damaging practice affecting the telecoms industry and would welcome further dialogue on this matter before any decisions on the proposals are made.