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UK data protection watchdog reports milestone in tackling nuisance calls

The UK Information Commissioner’s Office (ICO) recently reported that it has reached a milestone in its clampdown on nuisance marketing, noting that its investigations have led to 16 company directors being banned from running a company for a total of 107.5 years.

The ICO cited a notable example, reporting that the Insolvency Service (whom it is working with) has disqualified Richard Jones from being a company director for eight years after two of his companies were found responsible for 220 nuisance calls and failed to pay fines which the ICO had issued. The ICO described that in this case, many of the calls regarded payment protection insurance (PPI) claims. Though Mr Jones had attempted to avoid fines by winding up his companies, his applications were stopped by the ICO, who referred the case to the Insolvency Service.

Andy Curry, the ICO Investigations Group Manager, commented on the importance of the issue by stating “Nuisance calls are a blight on people’s lives. We are partnering with the Insolvency Service to disrupt and obstruct unscrupulous operators like Richard Jones who cause misery and distress to their victims. Directors of rogue companies like him who try to shut down their businesses to avoid paying our fine and carry on their illegal activities under another company name should not expect to get away with it.”

The Privacy and Electronic Communications Regulations (PECR) set out various rules in relation to electronic communications and marketing. Businesses should continually consider specific rules relating to their marketing campaigns, as PECR sets out various different rules for matters including marketing calls,

emails, texts and faxes. The UK ICO has the power under PECR to impose monetary penalties of up to £500,000, meaning companies need to be very cautious and always consider rules which apply to their marketing campaigns.

It is also important for businesses to note the importance of the Privacy and Electronic Communications (Amendment) Regulations 2018, which came into force in December last year. These further regulations give the ICO the power to fine officers of a body corporate up to £500,000 for breach of the rules relating to using automated calling systems and regarding unsolicited direct marketing. As such it is all the more important for directors and other company officers to take note, as the ICO is able to hold them personally liable for fines resulting from unlawful marketing activities.

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