

Compliance & Regulation Hub Update

January 2019

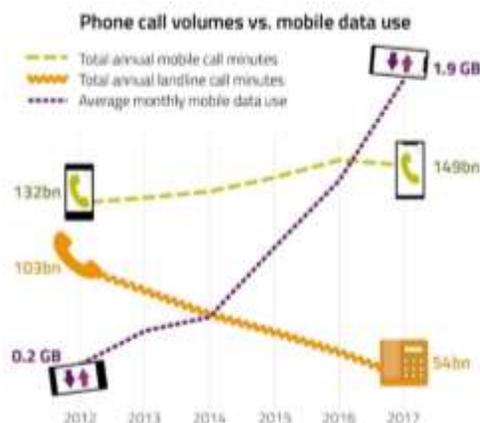
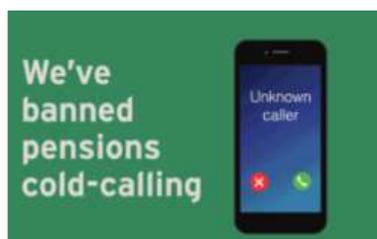


Headlines

- Ban on Pensions cold calling introduced
- Google fined €50m by French data protection regulator
- TPS File size reduced by nearly 4 million numbers through 2018
- Fundraising Preference Service falls flat

Pensions Calling Ban

The ban on unsolicited calls about pensions came into effect on 9th January.

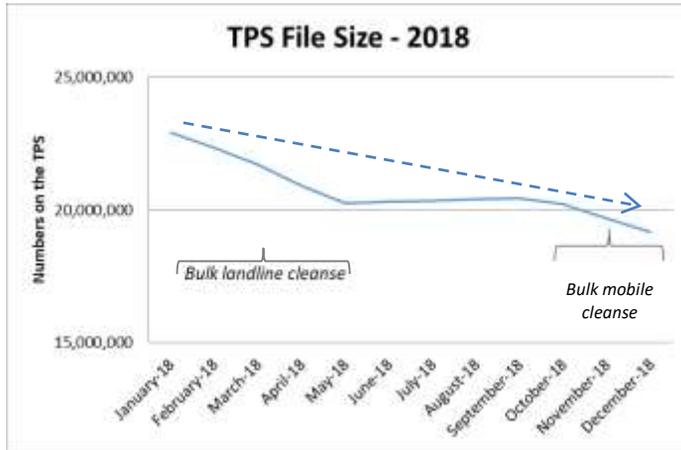


It's been a quiet month for Ofcom, as it has been for most of the other regulatory bodies. However, they have produced some interesting research on our changed phone usage, with mobile calling staying fairly static, landline calling halving and mobile data increasing tenfold over 6 years. No great surprise for people in contact centres, but a potentially useful reminder for their stakeholders...





The latest figures about the progressive data cleanse of the TPS file show that through 2018 the file reduced by 19.5% (3.75m numbers).



Decision Marketing has reported that DMA hangs up on TPS Protect mobile call blocking app the TPS Protect app is being phased out and will become unsupported, due to “low consumer uptake”.



Last month, we covered the long-delayed launch of the Payment Cards Industry Security Standards Council’s updated Guidance for Phone-Based Card Payments extensively (www.pcisecuritystandards.org/documents/Protecting_Telephone_Based_Payment_Card_Data_v3-0_nov_2018.pdf). Over the next few months we will try and assess the Guidelines’ real-world impacts on contact centres.



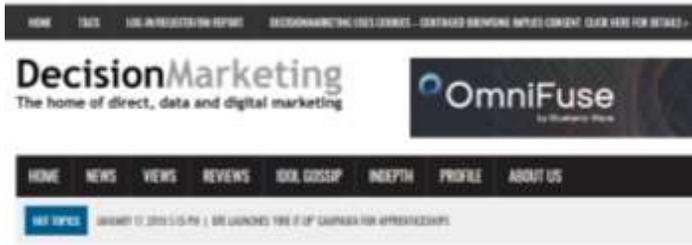
The PSA has fined Flipcove Ltd £250,000, banned it from offering phone-paid services for 3 years and ordered that refunds should be offered to customers who request them (which could total over £377k, which was Flipcove’s revenue from the relevant service). The service Flipcove offered was a voting facility under the ‘Score That Girl’ brand, offered as a ‘glamour subscription’ service for £4.50 per week.

Flipcove had inherited the business and subscriber base of a previous business, SMS Avalanche, which was already under investigation by the PSA. SMS Avalanche operated a similar service - ‘All Foxy Ladies’. The PSA ruled that the consent Flipcove claimed for transferring customers to the new service, at a higher price, was not adequate – despite Flipcove arguing that 6 complaints from over 24,000 subscribers represented a low level of dissatisfaction.

Full details – including sample ‘Score That Girl’ images of young women definitely not appropriately dressed for the current cold weather – are here:

www.psauthority.org.uk/for-business/adjudications/2018/12/flipcove-ltd-14265-track-2-5e2f2c2e-e3f7-e811-80e3-00155d0519e3





'Unsustainable' FPS sees sharp fall in opt-out requests

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Fresh doubts over the long-term viability of the Fundraising Preference Service have been raised after official figures show that, in the year to the end of October, just 3,847 people used the service.

According to the Fundraising Regulator –

Decision Marketing has highlighted that in the year to October 2018 the Fundraising Regulator's Fundraising Preference Service attracted less than 4,000 consumers, who registered nearly 12,000 requests to not be contacted by 988 different charities – way below initial expectations.



The DMA's data protection conference, Data Protection 2019, is being held on 1st March

www.dma.org.uk/event/data-protection-2019

DMA's Privacy Taskforce next meets in February, when the French data protection fine for Google (see the next page) and its impact on digital adtech is likely to be high on the agenda.

ePrivacy, Brexit & Enforcement

Over the past month there has been no notable new guidance from the ICO re; the data privacy impacts of the various possible permutations of Brexit.

Nor are there any updates on the shape of the planned EU ePrivacy Regulation and the ICO has not publicised and enforcement actions since our last monthly update.

ICO Regulatory Sandbox

As, disappointingly, we had no Christmas Competition entries explaining what the ICO's Regulatory Sandbox might be (www.ico.org.uk/about-the-ico/news-and-events/blog-ico-regulatory-sandbox/) we are extending the closing date until the end of January.

Plausible (or even implausible) explanations to ccc@dma.org.uk, please.

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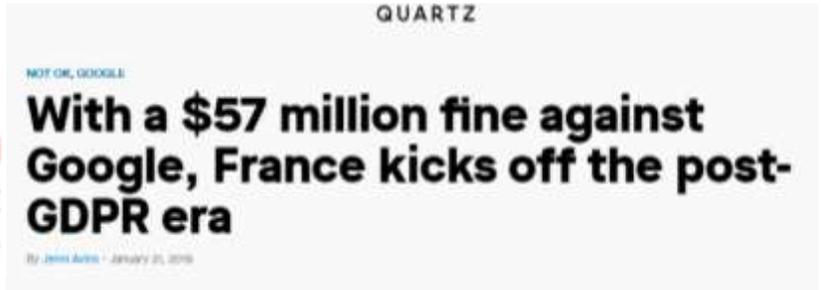
The Information Commissioner, Elizabeth Denham, was awarded a CBE in the Queen's New Year Honours list



Foreign News

CNIL (the French data protection regulator) has fined Google €50m for a series of failings – most notably around consumer consents obtained for personalised advertising being neither “specific” nor “unambiguous”, but also including a lack of transparency.

Naturally, this has generated a lot of comment and speculation, both about its implications for the future of online advertising and its status as the first notable ‘GDPR Era’ fine. But, according to my – not always reliable – maths, €50m is still ‘only’ 0.05% of Google’s global turnover and subject to appeal.



Direct Marketing Commission

No news from the DM Commission this month, but in the February Update we’ll have a look at some of its adjudications made in the second half of 2018 – and await the Commission’s full annual report for 2018.

www.dmcommission.com/?attachment_id=3507



The Direct Marketing
Commission
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