

Compliance News for Customer People

October 2021

**Len McCluskey, the dodgy
telemarketer
(and other implausible but true tales)**

The Headlines:

- **The UK's largest union fined for illegal life insurance telemarketing**
- **cc instead of bcc costs Scots charity £10,000**
- **Telephony networks finally agree to bar overseas scam callers 'spoofing' UK numbers**
- **Another banned instagram influencer ad - poor compliance or just lousy marketing?**
- **How the water sector may have found customer experience's elusive effect on the bottom line**

Peak season's approaching for many and if you're responsible for targeting, acquiring, retaining or serving customers then take five and get up on all the compliance and regulation news and trends you need to be aware of if.

Be wise; don't get fined!

Welcome to the 27th newsletter



Health charity HIV Scotland has become one of the handful of organisations prosecuted by the ICO under the 2018 Data Protection Act (the law that enforced the GDPR). It has been [fined £10,000 for a data breach](#) caused by an employee inadvertently using 'cc' rather than 'bcc' when sending an email to its Community Advisory Network group. Naturally, this meant that the recipients could identify each other, a breach which unavoidably included 'special category', sensitive health data.

on.

One glimmer of good news for the rest of us is that HIV Scotland - and by implication the ICO - put considerable faith in the data privacy capabilities of the Mail Chimp platform it has now migrated its email lists to. The subscriber version of this newsletter is sent using Mail Chimp, but a number of data privacy activists retain a degree of suspicion about the big email despatch platforms. That said, I'm not sure any data privacy activists actually read this email, so I may just relax and move on.

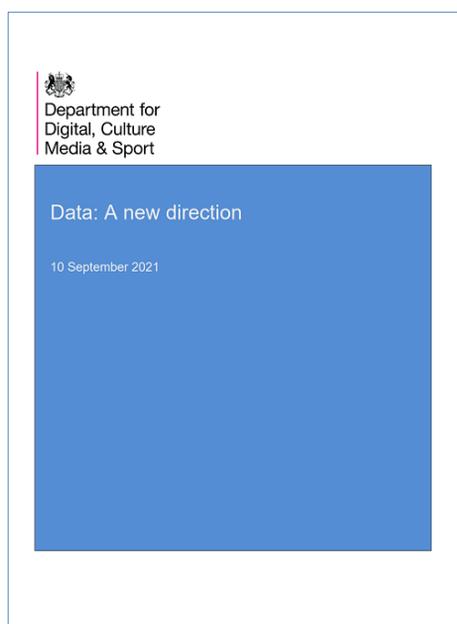
More typical of the type of action the ICO usually takes are fines of firms disregarding the TPS Register when telemarketing their products and services to consumers. A fine of £45,000 for making over 50,000 illegal calls selling life insurance products to numbers registered with the TPS sounds about par for the course. But when the recipient of the fine is the country's largest trade union, Unite, that's really not expected (and for lots of people who would expect better of a trade union, quite disappointing, too).



Unite's division that offers members insurance and financial services (via Quick Quote Life Ltd) is Unite Life and as the [ICO's Penalty Notice explains](#), Unite adamantly insisted that the union's Rule Book and its commitment to inform members about the benefits available to them trumped the data protection and marketing consent rules. The ICO disagreed.

It's unlikely that Unite's recently departed General Secretary, Len McCluskey, would enjoy his union being lumped together with the likes of American Express and Sports Direct, but they have all recently failed to follow the most fundamental marketing compliance rules - and thought their customer / member relationships made them exempt.

PS This story has barely been reported on. Does anyone fancy tipping off the Daily Mail's news desk? They'd love it and we can share the fee!



Meanwhile, there are still a couple of weeks left to provide feedback to the government on its consultation about potential changes to the data protection laws ("...to create an ambitious, pro-growth and innovation-friendly data protection regime that underpins the trustworthy use of data") described in Data: A New Direction.

The [consultation period](#) remains open until 19th November.

The Ofcom logo features the word "Ofcom" in a bold, red, sans-serif font. Below the text is a horizontal bar with a color gradient from purple on the left to yellow in the center, and red on the right.

In the wake of its [research showing that 45 million consumers had been targeted by scam texts and calls](#) over the summer, Ofcom has announced what feels like a step-change in measures to block scam calls.

The phone networks have [agreed to block calls originating from overseas](#) that are 'spoofed' using UK numbers.

One (unnamed) network is already doing this and Lindsey Fussell - Ofcom's Network and Communications Group Director - says "we expect these measures to be introduced as a priority, and at pace".



It's hard not to assume that the networks have had the ability to block 'spoofed number calls' for a long time, but the fact that they are now doing so is great news, especially for vulnerable consumers.

The ofgem logo is written in a lowercase, orange, sans-serif font.

Back in one of the few sectors where for most firms customer churn saves brands money, four more energy providers have sadly failed since our last newsletter.

The daligas logo features a stylized flame icon in blue and orange, followed by the word "daligas" in a blue, sans-serif font.The goto.energy logo consists of a stylized icon of two overlapping shapes (one blue, one red) followed by the text "goto.energy" in a black, sans-serif font.The PURE PLANET logo features a blue circular icon with a white line through it, followed by the words "PURE PLANET" in a blue, sans-serif font.The ColoradoEnergy logo features a red and white mountain range icon, followed by the text "ColoradoEnergy" in a black, sans-serif font.The CHANNEL DOCTORS logo is enclosed in a red-bordered box. The word "CHANNEL" is in a teal, sans-serif font, and "DOCTORS" is in a white, sans-serif font on a black background.

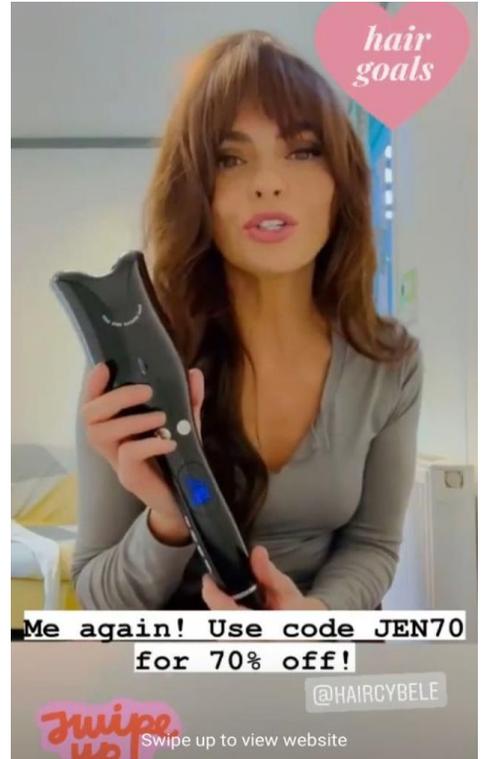


I know my audience.

Of course you recognise Jennifer Metcalfe who has played Mercedes McQueen in TV's Hollyoaks since 2006. Ms Metcalfe's Instagram advert for hair styling product firm Hair Cybele has [been banned by the ASA](#) for failing to make it clear that the social media content was a paid for advertisement (though looking at it, it's hard to imagine that anyone would fail to realise that's what it was).

Anyway, instagram adverts are frequently banned (retrospectively) by the ASA for not being labelled " #ad ". What's interesting about this case is that:

1. Hair Cybele claimed that it couldn't in any way edit the ad's content - despite giving Ms Metcalfe clear instructions on how to demonstrate, describe and promote the product
2. It also claimed that it couldn't track responses or sales using the featured JEN70 promotion code - ***which just sounds like lousy marketing!***



There have been no fines of dodgy premium rate service suppliers by the [Phone-paid Service Authority \(PSA\)](#), this month.



Water supply minnow, Portsmouth Water, has topped [Ofwat's first annual customer experience \("C-Mex"\) table](#). For the first time the customer experience measure has financial penalties and incentives attached. So Portsmouth Water's picked up a £¼m incentive payment as a result of it's good work with customers.

Rank	Company	C-Mex score	Payment (£m)
1	Portsmouth Water	86.22	0.283
2	Wessex Water	86.09	2.022
3	Northumbrian Water	85.76	2.925
4	Welsh Water	85.15	2.014
5	United Utilities	83.59	2.076
6	Bristol Water	83.31	0.162
7	Anglian Water	83.05	1.127
8	Yorkshire Water	82.78	0.466

Feedback please!

What else would you like to see in this monthly newsletter? Are the stories covered of use and/or interest? Let me know.

And remember, if you have come across an interesting story or trend do let us know and we can include it in the next newsletter.

Let us know: hello@channeldoctors.co.uk



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