



Commission for
Communications Regulation



**Data Protection
Commissioner**
An Coimisinéir Cosanta Sonraí

Information Notice – 12 June 2006

ComReg and Data Protection Commissioner censure *TalkTalk* for sales code breach

The Commission for Communications Regulation (ComReg) and the Data Protection Commissioner have formally intervened with *TalkTalk*, a telephone company, regarding serious failures in the exercise of its obligations in relation to contacting customers.

ComReg and the Office of the Data Protection Commissioner (ODPC) have recently received a number of complaints from consumers who have received cold-calls from *TalkTalk* despite those consumers having recorded their preference NOT to receive such unsolicited direct-marketing calls.

ComReg and the ODPC were made aware of a series of data integrity issues in *TalkTalk*'s internal processes and procedures. Intervening on behalf of consumers, ComReg and the ODPC instructed *TalkTalk* to immediately cease all direct marketing sales activities until it had audited and rectified all procedural defects. *TalkTalk* was further instructed to issue a public apology for contacting consumers who had chosen not to receive sales calls. (See apology from *TalkTalk* attached below).

ComReg requires that all operators who provide telephony services to ensure that their sales agents conduct their sales conversations with consumers in accordance with the highest professional standards and the relevant laws.

ComReg said that while competition among providers can give the consumers a greater degree of choice, nevertheless all operators must comply fully with their obligations to consumers who exercise their rights not to receive cold calls from direct marketing companies.

Under the 2003 Data Protection and Privacy Regulations, it is an offence for a person to make an unsolicited telephone call for the purpose of direct marketing where the line subscriber has notified the operator or undertaking that it does not consent to the receipt of such a call. If consumers have experienced persistent unsolicited calls, when there has been a request that no further contact be made by telephone, an offence has been committed and consumers should immediately report such behaviour to the Data Protection Commissioner's office.

Information on how consumers may opt-out of receiving direct marketing calls is available on www.askcomreg.ie or through ComReg's ConsumerLine @ LoCall 1890 229668. The Office of the Data Protection Commissioner may be contacted at (01) 874 8544 or www.dataprotection.ie

ENDS

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Text of Public Apology from TalkTalk:

IMPORTANT MESSAGE FROM TALKTALK

As a leading provider of landline phone services in Ireland, we make every effort to conduct our business in an appropriate and responsible manner. Due to data integrity issues in our internal processes, we regret if we have recently failed to live up to our normal standards. This resulted in us inadvertently contacting some consumers who have previously registered a preference to be recorded on the National Directory Database as NOT wishing to be contacted through telemarketing calls. Complaints have been received from consumers by both the Commission for Communications Regulation (ComReg) and the Office of the Data Protection Commissioner (ODPC). We sincerely apologise if you have been contacted by TalkTalk recently although you had previously chosen not to receive sales and marketing calls.

Information on how consumer may opt-out of receiving direct marketing calls is available on www.askcomreg.ie

ENDS