

NEWS RELEASE

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INFORMATION COMMISSIONER TAKES ACTION AGAINST FAX MARKETERS

The Information Commissioner has today confirmed that she has issued an Enforcement Notice against Planet Telecom PLC, 192enquiries.com Ltd and their respective directors. They have been sending unsolicited faxes in breach of the Telecommunications (Data Protection and Privacy) Regulations 1999.

Hundreds of complaints were made by people who had received unwanted marketing material from these companies.

The Commissioner, Elizabeth France, said "Planet Telecom and 192enquiries.com have shown a flagrant disregard for the rules. Many people have told us how irritated they have been by unsolicited marketing faxes and the costs they are forced to incur through wasted fax paper and toner. Some have told us of their frustration in receiving these companies' faxes when important communications are due; others of the disturbance caused by their faxes arriving in the middle of the night."

The Enforcement Notice, requiring these companies to comply fully with the Regulations within 28 days, was issued on 20 March 2002. Although there is a right of appeal to the Information Tribunal, the companies concerned have not appealed. Where an Enforcement Notice is in force those who fail to comply with it commit a criminal offence, punishable by a fine.

The Telecommunications (Data Protection and Privacy) Regulations 1999 came into force on 1 March 2000. They impose special rules for dealing with data in public telecommunications systems, faxes, telephones and automated calling systems for unsolicited marketing.

Unsolicited marketing faxes must not be sent to individual subscribers without their prior consent. Corporate subscribers cannot opt out of telephone sales but have the right to opt out of unsolicited direct marketing faxes (0845 070 0702).

The Commissioner concluded: "There are many companies who have worked hard to make sure they comply with data protection law. It is important to be clear that action will be taken by my Office, against those who ignore its requirements. I am now looking at enforcement reports relating to a number of other companies who market by fax."