

# Junk Mail, Phone, Fax, Text etc

## How to fight back and get results

Section 12 of the Data Protection Act states that “an individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease or not to begin processing for the purposes of direct marketing personal data of which he is the data subject.”

Turned into plain English you can object to any marketing (the Act says “communication by any means”) targeting you at your address or personal phone number. It is an absolute right. The marketer must respect your preference. If they don’t you can apply to a court for an order to force the marketer to comply. There are however some halfway houses known as preference services which allow you to express your objection to Junk.

Marketing itself is very broad – the promotion of an idea or philosophy, trying to influence your behaviour, asking for donation. There are many marketing channels and many styles.

But you can fight back. Your staff have a feeling that junk is handled under Data Protection so don’t let them down. Mug up on it. Have the answers to their queries at your fingertips.

### ① First of all the Mailing Preference Service

There are two different types of junk mail we receive, and both can be stopped, although there is no criminal offence here – merely adherence to a code of practice. It depends on whether the letters are direct marketing and have your name and address on or they’re just posted through your door by the Post Office.

#### Addressed mail to you through your door



All members of the Direct Marketing Association agree to a Code of Practice not to send junk mail to any individual who has indicated they don't want it. To stop the junk you simply join the mail preference service, it takes a few weeks for the Service to work through but you should notice a reduction in volume of junk quite soon.

Web: [www.mpsonline.org.uk](http://www.mpsonline.org.uk) or phone: 0845 703 4599

Unaddressed leaflets and mail for “The occupier”

The other junk are leaflets, flyers and other unaddressed post which is delivered by the Royal Mail. It's possible to opt out of this too, although it does affect all unaddressed items as Royal Mail doesn't check what it delivers – just takes the money. It takes about 6 weeks for the items to stop being delivered and may only last for six months as you name is constantly being traded by list brokers.

Freepost RRBT-ZBXB-TTTS,  
Royal Mail Door to Door Opt Out,  
Kingsmead House,  
Oxpens Road,  
Oxford, OX1 1RX

Alternatively email [optout@royalmail.com](mailto:optout@royalmail.com) and you'll then be sent a form.

There are alternatives – <http://www.stopjunkmail.org.uk/>

## ② Secondly Junk Phone calls

It is a criminal offence for UK companies to call any individual who has indicated their preference not to receive such calls. To do this you simply join the telephone preference service, it takes about 28 days after registering for things to work through the system. Individuals and corporate bodies can use this service.

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Sadly this won't stop all calls. If you are being plagued by competition calls sometimes these are just the product of random number generators. These can be a pain in the bum as they call lots of numbers in the hope that some get through.

The best thing to do here is to write the number down and then submit a complaint to the regulator PhonePayPlus (previously ICSTIS) to get it blocked. They are the regulatory body for the premium rate products and services you can buy through your landline phone bill or mobile phone account. Their website is comprehensive and one every DPO should have bookmarked.

#### Useful contacts

Telephone Preference Service 0800 398 893

<http://www.tpsonline.org.uk>

<http://www.phonepayplus.org.uk>

<https://stayprivate.org>



There is no need to pay, do it right and it is always free for the individual. If you get a call from someone asking for personal details or payment to complete a registration, hang up and inform the official TPS.

#### **An associated problem is Silent Calls**

New rules on silent calls were introduced from February 1<sup>st</sup> 2011.

Firms may be fined up to £2 million from telecommunications regulator Ofcom if they breach these rules. Thousands of householders complain every year that they are targeted by firms with repeated nuisance and sometimes distressing, calls where they hear nothing when they pick up the phone. Ofcom received over 9,000 complaints in 2010 about silent calls

Calls made by call centres are often automated so agents do not manually dial themselves. Before a call is given to an agent, software used by the company works out whether a person or an answer phone has picked up. Only where it's a

human being will the call be transferred but the software sometimes wrongly identifies a person as an answer phone in some cases and there were not enough agents to take the call after the automated dialling, so the customer would hear silence when they pick up.

Firms must now leave an automated message identifying themselves and explaining about the 'silent' call. It's not a small problem. From 1<sup>st</sup> February new rules require companies using automatic diallers to only call once a day if there's no agent to complete the call

### How to tackle silent calls

If you're a victim of silent calls you can report the firm to Ofcom.

To find out who called you try dialling 1471 to get the number and look it up on the internet. You may be surprised at what you find.

You can also register with the Silent Callguard on [www.silentguard.co.uk](http://www.silentguard.co.uk) you should get fewer silent calls as your number will go on a list given to marketing firms telling them which numbers not call.

By registering your home telephone number on this web site you will be added to a database that is used by the major telemarketing companies who use predictive diallers, therefore reducing the chance of you receiving silent calls

### ③ Thirdly Junk Faxes



Less of a problem nowadays as organisations are turning to social media more and more but faxes do still clutter up your office and waste your paper. However you can opt out of junk here yet again with the fax preference service, it takes about 28 days after registering for all to be stopped.

[www.FPSOnline.org.uk](http://www.FPSOnline.org.uk) or 0845 070 0702

The other method to avoid wasting your paper and ink is to switch to a PC-based fax machine instead. This way you can view faxes and choose to print them or not.

## Finally Junk Texts or SMS or MMS

Reverse billed text messages, where you get charged for receiving a text to your phone, are becoming increasingly common with people being scammed out of £100s, without realising until it's too late.

However sending texts to people who have explicitly specified they don't want them is unlawful. If you're receiving a premium rate text messages then it's easy to stop them.

If this fails, get in touch with your network provider and asking them to stop the messages. If you're still tearing your hair out as a last resort get in touch with the premium rate regulator PhonePayPlus and it'll investigate your complaint.

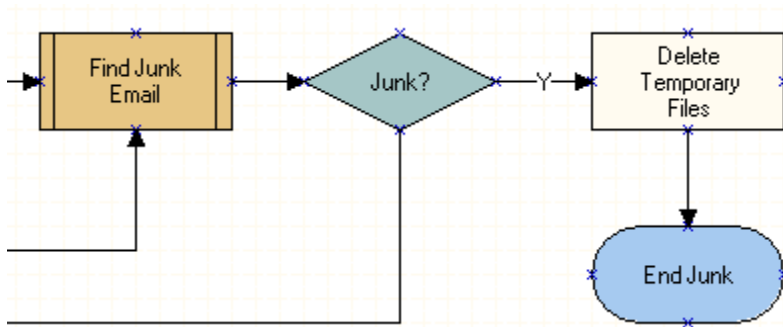


[www.grumbletext.co.uk](http://www.grumbletext.co.uk) has forums, guidance and general chat about how to avoid the premium rate junk texts.

## And while we're on the subject Spam Emails

There isn't really a solution that works perfectly. The email preference service exists but we haven't heard good things about it. If you've put your email address in a clickable form on the web it's likely that you've been collected by a robot and stored on a spam list somewhere.

Blocking spam is a balance, there are many software packages that help to do it, but ultimately it's a trade off between losing legitimate e-mails) if they're incorrectly filtered or keeping more email and having to manually delete spam. Technology is a quickly evolving entity and as such new ways to generate spam are always being developed, making it difficult to keep on top of.



Your email address becomes more valuable to a spammer if you try to unsubscribe. It confirms you are a live account. Be careful.

The best place to start deleting spam is by using the tools available from your own e-mail provider; spam filters and rules are reasonably effective at blocking spam. Some ISPs now provide you with many email addresses so you can choose to give a variant of your email to a company you aren't sure about and filter it out before it hits your inbox. BTyahoo is quite good at this.

### Occasionally you may come across Cold Callers

There's nothing more frustrating than people knocking on your door when you don't want to be sold things. First remember you don't have to let them in, but there are more protections too.

Energy salesmen must obey 'no cold caller signs'. You can download one for free from the web. Type in No Cold callers sign to Google and you will find many to choose from.

However in May 2010, after pressure from Consumer Focus & Trading Standards, the big six energy companies agreed that their sales people would not knock on doors with 'no cold caller' signs. On 1 October 2010 this became part of the

EnergySure Code of Practice, though the policy was already active, with this new element

“Energy salesmen must not call on any premises where there is a message prominently displayed in the form of a visible, clearly worded and unambiguous notice indicating that a consumer does not wish to receive uninvited doorstep sales callers.”

Therefore if the cold caller persists, note down their name & employee number and report them to the company and Consumer Direct.

<http://www.direct.gov.uk/en/Governmentcitizensandrights/Consumerrights/index.htm>

If you have a no cold caller sign, and someone knocks, you can simply point at it and say, “please read the sign and go away”. Or very similar language...

## Fax Awareness Posters

Following the Information Commissioner's fine of £100,000 upon Hertfordshire County Council, now is the perfect time to raise awareness of the dangers of using the fax machine to send sensitive personal data.

To help you do this, Act Now Training has designed an A3 colour poster which can be put up next to every fax machine. This will prompt staff to think carefully about what they are doing and to check they have the right number.



To order your poster(s) (£1.50 each plus vat) please go to our website:

<http://www.actnow.org.uk/contact/>

Don't forget to state how many posters you would like.

## Data Protection Policy and Guidance Pack

**Act Now Training Ltd** 64 Bradford Road, Dewsbury, WF13 2DU  
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The Information Commissioner is now using his powers to fine; media interest in data protection stories has never been higher, and the public's expectations remain as strong as ever. With email, blogs, Twitter and Facebook at their fingertips, sensitive information can go airborne before you even know it. Meanwhile, with pressure on spending, posts going empty and perhaps even DP people going as well, the ability to keep on top of a Data Protection landscape that never stops changing may be difficult to achieve. The Act Now Policy and Guidance Pack will help your organisation deal with all this.

The Policy and Guidance Pack is designed to cover a range of Data Protection issues, to ensure that you cover a wide range of common issues and challenges in one pack. From decisive policies that will define your corporate approach to a range of simple procedures, agreements and guidance, the aim is to provide a stack of documentation ready for adoption, but flexible enough to be adapted for your needs. You can put them in place now, you can completely rewrite them, or we can adapt them for you. Plug the gaps or clear the decks and use them all, it's up to you.

As the current UK cost of 2 faxes sent to the wrong place is currently £100,000, the Act Now Policy Pack could be your best investment.

More details – <http://www.actnow.org.uk/content/82>

## Act Now Training Ltd



Act Now Training is the UK's leading provider of seminars and workshops on all aspects of **Data Protection, Freedom of Information, Surveillance Law** and **Records Management**. For more information please visit [www.actnow.org.uk](http://www.actnow.org.uk)

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