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PRIVATE & CONFIDENTIAL

Mr Bilal Toure
Data Protection team
Department for Culture, Media & Sport,
100 Parliament Street London,
SW1A 2BQ

Dear Mr Toure,

Barclays' consultation response: Requiring direct marketing callers to provide Calling Line Identification (CLI)

Please find attached Barclays response to the Department for Culture, Media and Sport's consultation on requirements for direct marketing callers to provide a valid CLI.

We welcome the opportunity to respond to this consultation, and are pleased to see the Department taking action on the crucial issue of nuisance call volumes in the UK.

We trust that you find Barclays' contribution of assistance. If you would like to discuss any element of our submission further, please contact sarah.barbut@barclays.com.

Yours faithfully

A handwritten signature in black ink, appearing to be "Alan Ainsworth", written over a white background.

Alan Ainsworth
Director, Government Relations

Department for Culture, Media and Sport
Consultation: Caller Line Identity – response from Barclays PLC

Do you agree that the Government should amend PECR to make it a requirement for direct marketing callers to provide CLI?

Barclays supports the proposed changes to PECR, as set out in the consultation document. We are very familiar with the challenge the Government is seeking to address, and welcome this proposal and other steps being taken to tackle poor practice in marketing calls across the United Kingdom.

Requiring CLI to be provided on all direct marketing calls will go a significant way to reassuring consumers and enabling them to better recognise persistent and/or unsolicited contact. Also requiring that the identification is for a valid number that can receive return calls will equip the ICO with much more information with which to pursue complaints.

As with any change to the law, education of those who will benefit from the changes is key. In this instance, the primary audience will be the individuals receiving the calls. We believe it will be essential for these individuals to understand what type of calls the requirements will apply to and those that it will not.

Finally, we would add that the really positive impact will come from the ability of individuals to see the identity of the calling organisation. As the consultation document rightly acknowledges, this would depend on the specifications of the handset/caller display system that the individuals use, so this is an area where further education may be valuable.

Are there any other costs or benefits that may be associated with this proposal that you think the Government should consider before taking a final decision?

We believe the changes proposed will have a beneficial impact on the large volume of calls made by Claims Management Companies.

In the financial services sector, unsolicited communication from Claims Management Companies (CMCs) is something we regularly see our customers targeted by. Whilst we recognise the important role that CMCs have played in giving some customer the support and confidence to make a claim, their marketing calls have become at best a commonplace nuisance, and at worst a threatening invasion of privacy (see appendix 1).

As with any attempts to change behaviour in a market there is always the risk that companies find a way to avoid being impacted. CMCs in particular have built much of their business model on bulk marketing activity and we therefore support the Government in pursuing a broad range of options to address malpractice.

In particular, we welcome the proposals being considered within the Ministry of Justice Claims Management Regulation Consultation 'cutting the costs for consumers – financial claims'. This is considering restrictions on the maximum fee limits that CMCs can charge consumers as well as a ban on any charges being placed against a customer where it is identified that the customer did not have a product/relationship with the lender. Both these proposals should reduce the amount of marketing and speculative claims being made by CMCs.

We also note that the Review of Claims Management Regulation (led by Carol Brady) included perimeter findings relating to mitigating social nuisance from CMC Direct Marketing activity. We consider that the 3 recommendations captured within the initial findings should be taken forwards

by the Government to support the wider range of activities that can mitigate cold calling activities. These included:

- Mandating the ICO Direct Marketing (DM) Code to become a statutory Code of Practice
- Creation of a central reporting point for DM complaints for consumers
- Mandating Telephone Preference Service (TPS) to become an 'opt out' vs 'opt in' service for consumers

In addition, to those being considered within this consultation on CLI, the MOJ consultation and the output of the Claims Management Regulation Review, we believe additional opportunities exist to tackle marketing malpractice and nuisance calls, as follows:

- Improved action on purchased leads: This could include granting the ICO and Claims Management Regulation Unit (CMRU) the ability to highlight breaches at any point during the data sales, and preventing the purchase of leads from call generators who are outside the UK and thus outside the scope of any tightened rules.
- Increase regulation and enforcement on the quality of CMC claims: By making it a requirement that CMCs provide evidence that a claim is likely to exist, it will disincentivise the current opportunistic and blanket marketing efforts that drive high volumes of nuisance calls in the UK.
- Spot checks on call centres: These could be carried out in order to monitor marketing compliance across all industries, and ensure that the CLIs being shown can be traced to the company that uses them.
- More proactive work from the ICO to promote the uptake of its TPS and conduct more testing around the efficacy of the service in screening cold calls to mobile phones
- The Government should seek to progress ongoing work to deliver call blocking technology for some of the most vulnerable in society.

Appendix 1: CMC behaviour

Barclays research (January 2015) shows that 73% of people that received calls and texts regarding PPI said they did not like being contacted, and considered it a nuisance. The consumer group Which? found that a third of householders feel intimidated by the messages. For vulnerable individuals in particular (such as the elderly or unwell) they can be misleading, lead to accidents in the home, and create a conduit for criminal scams.

Where a valid claim exists we are always keen to see customers compensated, however in 2015 30% of cases referred to Barclays via a CMC were found to have 'No PPI' in the customers history, despite CMC communication claiming it was. This has often created confusion and disappointment for customers that were led to believe – based on persistent misrepresentative marketing – that they were eligible for compensation. It also suggests that these organisations are taking a blanket approach to their marketing, contacting large numbers of people needlessly and causing significant irritation.