



Good Practice Note

Calling customers listed on the TPS

This guidance explains the position regarding calling existing customers for marketing purposes when they are currently registered on the Telephone Preference Service (TPS) or who subsequently register.

The Regulations

The Privacy and Electronic Communications (EC Directive) Regulations 2003 place restrictions on how organisations make unsolicited direct marketing calls to subscribers (individual or corporate) who have listed their telephone number or numbers on the TPS. Questions have been asked about the circumstances in which existing customers listed on the TPS can be called.

The Regulations state that you should not make unsolicited direct marketing calls to those who have registered their phone numbers on the TPS; unless the subscriber has told you directly that they do not object to you calling them.

Customers currently registered on the TPS

Where your customer is registered with the TPS you should not call them for marketing purposes unless they have already notified you that they do not object to receiving such calls. This means that your customer should have taken a positive action or given an indication that invites or opts in to receiving your marketing calls.

Notification can be given by a customer by ticking a box or signing up for a service where there is a clear and prominent statement that by doing this they do not object to receiving your marketing calls. The act of signing up for a product or service is a positive action. The wording of the statement must be very clear so that the customer would reasonably expect your marketing calls. In any event there must also be a simple means for the customer to object to receiving your calls at any time.

For example:

By accepting this service you agree to us contacting you by phone to tell you about our other products and services.

If you do not want to receive calls, please tick here.

Customers who subsequently register on the TPS

Companies often find that an existing customer subsequently registers their number with the TPS, indicating a general objection to marketing calls. If a customer has previously given you a clear notification that they are happy to receive your marketing calls, then the fact that they have subsequently registered a general objection to marketing by registering with the TPS would not override their initial notification and you can call them.

As described above, notification can take the form of the customer ticking a box or signing up for a product or service when you have given them a clear and prominent explanation that by doing this they do not object to receiving your marketing calls.

There may be times when you decide to call an existing customer even though you have not been previously notified that they are happy to receive marketing calls, but you are satisfied in light of past experience that they would not object. This is a judgement you need to make, because even though you are confident that the customer will not object to your marketing call, technically it would be a breach of the Regulations.

For example: A customer makes regular direct debit payments to a charity and has never objected to marketing calls made in the past. The charity might reasonably conclude that they would not object to further calls even though they have registered on the TPS since the last contact.

If a marketing call is made it is good practice to ask the customer at that point to clarify that they do not object to such calls. If a customer objects at any time, you should make sure that you suppress their details as soon as possible.

For more detailed guidance, please see the section on the Privacy and Electronic Communications Regulations on our website.

More information

If you need any more information about this or any other aspect of the Regulations, please contact us.

Phone: 08456 30 60 60
01625 54 57 45

E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk