

Operation LINDEN

Virtual meeting hosted by the ICO: 6 February 2023, 10am-12pm, MS Teams

Any information or statistics herein were correct as of the date of this meeting.

Attendees

Catherine Sankey [CHAIR]	Information Commissioner's Office (ICO)
David Clancy	Information Commissioner's Office (ICO)
Stephen Flack	Information Commissioner's Office (ICO)
Emma Iandolo	Information Commissioner's Office (ICO)
Kerry Smith	Information Commissioner's Office (ICO)
Kayleigh Williams	Information Commissioner's Office (ICO)
Financial Conduct Authority (FCA) Representative	
Fundraising Regulator (FR) Representative	
Gambling Commission (GC) Representative	
Insurance Fraud Bureau (IFB) Representative	
Market Research Society (MRS) Representative	
National Trading Standards Scams Team (NTSST) Representative	
Solicitors Regulation Authority (SRA) Representative	
The Pensions Regulator (TPR) Representative	
TrueCall Representative	
UK Finance Representative	
Wales Trading Standards Representative	
Which? Representative	

Agenda

- **Introductions** - for those who have not previously attended. (All)
- **ICO25 Presentation**
- **ICO updates** – including a wrap up of reporting; focusing on a review and update of the FY to date, enforcement action and what we have planned.
- **FRU Update** – update from the ICO Financial Recovery Unit on monetary penalties and recovery actions.

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- **Horizon Scanning** – open discussion. (All)
- **AOB** - including any intelligence requirements, minutes and next meeting arrangements.

ICO25 Presentation

- ICO25 is a 3-year plan which started in 2022 and will be implemented 2025. The consultation has been completed and internal work is ongoing to tailor work around wider strategic priorities before ICO25 is implemented.
- The ICO have been trialling PACE (Prioritise, Act, Collaborate and Engage) ways of working for investigations and are looking to bring together people from across a number of areas of the ICO in order to speed up the process of working through significant pieces of work.
- ICO25 focuses on improving our insight and understanding of the challenges and opportunities faced by those we regulate and the people we protect. We must reach new audiences, particularly the most in need of our support and protection, using language and tone which demonstrates our understanding of the world we regulate and not just the laws we oversee.
- Giving special focus to sharing our information, knowledge, and insight, routinely and extensively. We must do this in ways which support its reuse and through tools, products and services which provide practical outcomes as well as advice.
- Allowing our expectations to be understood, our actions to be predicted and our advice relied on. We do this to clearly prevent serious harm and reduce the cost of compliance.
- Transforming our workforce capability, realising the full benefits of digital tools and our data assets to increase our impact from the resources we invest. We must approach all that we do in ways which improve productivity, efficiency and the value we offer for the taxpayers and fee payers who fund our work.

Stop, Start, Continue

Stop

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- Investigating PECR breaches where there is no or little evidence of harm to the public, unless it relates to new or novel issues, or repeat offenders.

Start

- Looking at predatory marketing and the interface with subscription fraud cases where some goods are provided.
- Horizon scanning to identify new harms directed at vulnerable groups.

Continue

- Working on operations which are linked to callers preying on the financial insecurity of certain sectors of society.
- Working with key stakeholders to ensure intelligence is shared and made available to those who are best placed to take action.

ICO enforcement update

Nuisance contact trends

- During the financial year to date, the ICO has received 38,709 nuisance call and SMS complaints to our online reporting tool (OLRT). This is a decrease of 49,479, or 56%, from the same point last financial year. This exemplifies the far lower figures being recorded by the ICO following the COVID-19 pandemic. It is possible that a number of regulatory factors are causing this decreased reporting, such as effective regulatory action by ICO investigations teams, as well as regulatory changes made by regulators within this group.
- At this point in the year, we would typically anticipate an increase in reporting during the fourth quarter, following the drop in complaints recorded in December. Despite the continually low figures being recorded during the financial year, it is still expected to be the case this year. As we come out of the COVID-19 pandemic, we are beginning to see more stable figures on the OLRT.
- In the financial year to date, the breakdown of complaints between different contact types recorded:
 - live calls to account for more than half of the complaints;
 - automated calls to account for a quarter of all complaints; and
 - SMS to account for 18% of all complaints.

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- Historically, live and automated calls generally accounted for between 35-45% of all complaints each, with SMS making up a smaller proportion of the complaints. All contact types have seen heavy decreases since this time last financial year, but automated calls especially have dropped from historic levels, with the current financial year recording more than 20,000 less complaints (a 71% decrease). SMS complaints saw a 61% decrease, and live calls saw a 39% decrease.
- In terms of the decreases seen, much of this has been seen within the automated call category, a category that historically contained a lot of suspected fraudulent messaging. The data suggests that the public is receiving less of this content, or that they have become more conscious of how to avoid scam contact and the appropriate ways to report it. The complaints within this contact type are often seen within the banking, broadband & telecoms, and 'none of the above' topic categories, and this continues to be the case, but to a much smaller extent. In fact, we see far fewer automated call complaints reported under broadband and telecoms which appears to represent the majority of the decrease here.
- In terms of our other complaint topics, the most notable point is the continued inclusion of the Energy Saving and Home Improvements category in the top reported list. This has been a continued characteristic of reporting since the cost-of-living crisis began and the rising energy costs have impacted the public. Companies are taking advantage of this and increasing nuisance contact in this area, including scam contact regarding energy support schemes. In general, however, many of the categories have remained similar to the levels seen in the previous financial year.
- We anticipate that energy related complaints will continue to increase or stabilise at this higher level as environmental and financial issues regarding energy remain at the fore of public interest and opinion, as well as within government plans and announcements.
- Going forward, we expect to see a slight shift in our sector breakdowns as we have implemented new categories on our reporting form. This includes new additions such as Investments and Recruitment. We also have a new reporting process for our email complaints which match these categories and therefore should improve sector breakdown analysis across all contact types.

Enforcement update

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- The ICO have issued 18 penalties totalling £1.5 million and have held 25 compliance meetings.
- Resources are going to be focused on identifying those that make predatory marketing calls which cause actual harm and ensuring that regulatory action is taken against them.

Financial Recovery Unit (FRU) Update

- FRU focuses on two strands of work:
 - POCA (Proceeds of Crime Act)
 - PECR (Privacy and Electronic Communications Regulations)
- The role of the Unit is to follow up the monetary penalties and make sure fines are paid.
- In 2021/2022, 33 penalties were issued. Of these, 22 have been paid and 11 are subject to further recovery action.
- Companies are aware that the ICO will nominate Insolvency Practitioners.

Horizon Scanning

- Increase in subscription fraud: signed up for one product and then trapped in a subscription for third party organisations.

Any other business (AOB)

- Emma moving to new role and passing LINDEN responsibilities to new colleague.
- Next meeting to be in person. Potential host for the meeting. End of May.

END

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