

The Information Commissioner's response to PhonepayPlus' consultation on "PRS development through outcomes-focused regulation: A review of PhonepayPlus' regulatory framework"

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 ("DPA"), the Freedom of Information Act 2000 ("FOIA"), the Environmental Information Regulations ("EIR") and the Privacy and Electronic Communications Regulations 2003 ("PECR"). She is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where she can, and taking appropriate action where the law is broken.

The Information Commissioner welcomes the opportunity to respond to PhonepayPlus' consultation reviewing the regulatory framework of the PRS sector. In particular, she is keen to ensure that any developments in the Premium Rate Sector are not at the expense of individuals' privacy or adherence to their marketing preferences.

This response is restricted to the question which falls within the remit of the Commissioner's regulatory role.

Q9 – Would a joint working group of regulators, to consider and provide a joint response to questions of regulatory overlap, be of value?

The Information Commissioner's Office (ICO) currently meets with PhonepayPlus and other relevant regulators quarterly on the Operation LINDEN task force to tackle nuisance calls. Monthly threat assessment information is shared directly with PhonepayPlus, and other intelligence is shared, and policy and interpretation discussions held, on an ad hoc basis. To facilitate this and other joint working, the ICO is currently proposing a Memorandum of Understanding with PhonepayPlus.

The ICO believes that there may be scope for further joint working to ensure a consistent, coherent and efficient approach between regulators, especially on matters relating to consent and the direct marketing provisions of PECR. The ICO welcomes contact from PhonepayPlus on this basis.

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