



Operation LINDEN

Virtual meeting hosted by the ICO: 15 September 2020, 10am-12pm

Attendees

Natasha Longson (CHAIR)	Information Commissioner's Office (ICO)
David Clancy	Information Commissioner's Office (ICO)
Stephanie Braley	Information Commissioner's Office (ICO)
Mike Newitt (observer)	Information Commissioner's Office (ICO)
Amerdeep Somal [AS]	Data & Marketing Commission (DMC)
Priya Warner	Fundraising Regulator (FR)
Siobhan Woolmer	Gambling Commission (GC)
Nick Harper [NH]	Insurance Fraud Bureau (IFB)
Debrah Harding	Market Research Society (MRS)
Drew Cooke	National Trading Standards Intelligence
Consumer & Competition Enforcement colleagues	The Office of Communications (OFCOM)
Steve Smith	trueCall
Stephanie Borthwick [SB]	Which?

Agenda

- **Introductions**
- **ICO Updates** - including a wrap up of reporting; focusing on a six-monthly update, recovery actions and what we have planned. The update will also include activity relating to COVID-19 and unsolicited or exploitative marketing.
- **Activity and actions updates** – 5-minute round-robin update on relevant activity from each organisation, as well as proposed actions for the next quarter.
- **Joint Opportunities** – consideration of potential opportunities for operational information sharing, joint communication and/or action.
- **Horizon Scanning** – discussion.
- **International Enforcement** – update led by the ICO
- **AOB** - including any intelligence requirements, minutes and next meeting arrangements.

ICO Update

COVID-19

- 10 cases for which formal enforcement action has been taken.
- Nine cases are ongoing but drawing to a close.
- The organisations that do not meet the necessary threshold for compliance are subject to compliance meetings (16 cases) or ongoing monitoring (8 cases).

Monetary Penalties

- Four monetary penalties have been issued by the ICO this year; this has been impacted by the ICO's change to regulatory action during the COVID-19 pandemic.

Complaints

- There was a dip in complaints received between March and June. This was likely in response to COVID-19 and many call centres being closed during lockdown. Complaint levels are now recovering but are still lower than seen in the last year. Moving forward, it is anticipated that complaint levels will return to normal levels.
- 2020 complaint totals to end of August:
 - Live calls - 20,647 (36%)
 - Automated calls - 28,583 (49%)
 - SMS - 8,538 (15%)
 - Total - 57,768 (-35,462 compared to same period in 2019)
- Automated calls are responsible for 49% of all nuisance contact complaints received in 2020, and live call concerns for just 36%. This marks a shift in complaints compared to previous years when the distribution between live and automated calls were relatively even. Again, this could support the slowing of live call concerns during lockdown due to the closure of call centres. The proportion of SMS complaints also increased slightly, likely for similar reasons.
- The 'None of the above' category has become the most selected by complainants, accounting for 33% of all complaints received. This is possibly the result of nuisance contact relating to COVID-19 that would not fit within existing topics. A specific category has now

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been added in response, and to enable easier complaint review.

- Accident claims and broadband remain the next highest reported topics, accounting for 23% and 14% respectively. Other topics were responsible for less than 6% of complaints each. The most reported within these topics were, banking, energy saving and insurance.

Activity and Actions Update

Office for Communications (OFCOM)

- OFCOM are liaising with the nine largest communication service providers (CSPs) looking for them to demonstrate how they are blocking calls and managing the response to lockdown. Some responses have been received, once more of these have been collate, the headlines will be shared with this group.
- OFCOM's 'Do not originate' list is growing, particularly in the banking sector which is regularly being targeted by scams. This list is now circulated between the nine largest CSPs and those who have technical feasibility will block those numbers.
- From the beginning of lockdown in March until around June, there was a significant reduction in complaints, with the lowest being recorded in April at 473 complaints). In July/August the level of complaints (2021 complaints) was comparable to the figures captured in July/August 2019. This may indicate a return to normal levels.
- OFCOM continue to engage with international regulators to look at opportunities for information and intelligence sharing.

trueCall

Prevention

- During the lockdown, trueCall units are still being bought by the public, but distribution via police forces and local authorities has been very limited. It is hoped that the next 6 months will see increased activity, but this depends upon the priority that is given to scam prevention by police and Trading Standards teams.
- The launch of trueCall's mobile phone blocking service has been delayed; but the release is planned to be before the end of the year. trueCall SIM cards should also be available in November to give nuisance and scam call protection on mobile phones.

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Evaluation SIM cards are available should other agencies want to try them out.

Intelligence

- trueCall produced weekly intelligence reports on COVID-19 related telephone scams between April and August; they are now being produced on a monthly basis.
- trueCall have been monitoring nuisance call levels for a number of years. About 35% of all incoming calls received by trueCall users were nuisance calls, until February when it dropped significantly before hitting a low of 10% in April. It has since risen again and at 32%, is close to its pre-COVID-19 level.

Which?

Prevention

- Scams policy work continues; but the nuisance calls campaign has now been closed.
- Current focus is on scam enablers: e.g. online platforms, banks and communication technologies. The policy position on communications tech and companies and the responsibility to protect consumers from scams is still developing, but Which? is keen to start engagement with stakeholders on this soon.
- Research is being carried out into social media scams (ie on Facebook). The plan is to publish this research and Which? is happy to share it with any agencies in the group for which this would be of interest.

Intelligence

- Which? is currently reviewing Intelligence gathering solutions and how to take the data that comes to them from consumers and use it to inform their policy work.

Communications

- The Scams Alerts Service is up to 66,000+ subscribers. Scams advice is provided on an ongoing basis. The redesign of the Consumer Rights scams advice pages is also ongoing to make them more user-friendly and to improve the experience of those pages for consumers.

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- An investigation into fake adverts on Google was published yesterday. A lot of fake ads include phone links (e.g. numbers for roadside assistance) and so Which? is looking at where they may overlap with work of interest to Op LINDEN.

Gambling Commission (GC)

- GC wrote to gambling operators with guidance on implementing tighter measures to protect users during lockdown. GC is happy to share this guidance if of interest.
- Consumer safety measures have been shared online and via partner agencies, outlining what is expected of the industry.
- There is an impending government review of gambling sector; this is likely to cover advertising and marketing but there is no further information to provide as yet. GC to keep Op LINDEN updated.
- Gamble Aware recently published findings on the impact of marketing in gambling on children. 18 recommendations have come out of the report for regulators, researchers and industry, and GC is now working on reviewing and implementing those recommendations. Again, this can be shared if of interest to LINDEN participants.

Insurance Fraud Bureau (IFB)

- IFB are currently managing 204 investigations and despite the lockdown and police constraints have helped with nine arrests this year as a result of these investigations.
- 350 cheat lines each month are received, these provide IFB with the opportunity to identify fraud; there are many cases in development from cheat lines. IFB are also seeing a lot of policy fraud and data theft, eg people becoming named driver of the policy whilst the policy holder is not aware.
- During COVID-19, IFB have seen a lot of cases of exaggerated loss; these may be genuine claims, but the claims then exaggerate the extent of the loss.
- IFB are also seeing many cases of claim farming, with marketing companies encouraging individuals to claim and law firms driving through these claims with little knowledge. Much of this activity is enabled by vishing attempts, with any information gained then being sent on to marketing companies and solicitors. IFB are also seeing cases of unauthorised insurance brokers targeting non-UK communities through social media, though associated bank

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accounts cannot be traced to anyone in particular. Google Ads spoofing is also an ongoing area of concern.

- IFB has been working with the ICO to set up intelligence sharing arrangements.
- IFB previously produced a Strategic Threat Assessment every 18 months, however, now that things are moving a lot faster this is being produced quarterly instead.
- A social media strategy being completed, videos have been created to raise public awareness of what a broker may look like and to remind people of the prevalence of fraud. The plan is for the videos to be published imminently.

Fundraising Regulator (FR)

- FR are producing guidance for fundraising organisations returning to activity post-lockdown.
- Complaint numbers declined during lockdown but are slowly returning back to levels seen prior to the pandemic.
- Fundraising Preference Service: FR have commissioned an organisation to evaluate the service, this report will include recommendations, subject to board decisions and publication is planned for November / December.

Data & Marketing Commission (DMC)

- AS is the new Chief Commissioner and is adjudicating on the Direct Marketing Code.
- DMC is currently liaising with stakeholders and looking at potential opportunities for collaboration.
- There have been zero member complaints for the quarter, however, there has been an increase in non-member complaints. These complaints have been signposted as appropriate.
- DMC continues to work closely with the DMA and is pursuing recognition as an independent body for certification with the ICO.

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Market Research Society (MRS)

- MRS are concentrating a lot of guidance on COVID-19; face-to-face research has been heavily affected by the global situation.
- Guidance is being produced on safe working for data collection.
- During lockdown, a lot of surveys were conducted online or via telephone calls, this resulted in an uptake in participation levels.
- There has not been an uptake in complaints during this time.
- MRS's current focus is on helping members to navigate the post-lockdown period and on finding a balance between face-to-face research and other available methods.

Insolvency Service (IS)

- The IS were unable to send a representative to the meeting but have provided the following update:
 - Live Case Targeting have received numerous complaints re: the abuse of government schemes ie BBL/Furlough/Eat out schemes, however they weren't for the Insolvency Service.
 - Complaints have been received regarding companies taking advantage of the business rate relief, whereby they charged fees for a service that was essentially not required.
 - Joint work between IS and ICO is ongoing.

Fraud Advisory Panel (FAP)

- The Panel were unable to send a representative to the meeting but wanted to highlight the upcoming Charity Fraud Awareness week. FAP are happy to provide supporter packs to attendees is of interest.

Joint Opportunities

- The ICO are currently focusing their attention on three main areas of investigation in relation to nuisance contact. These are White goods, loft insulation and pensions.
- White goods: The ICO noted large volumes of calls that appeared to be fraudulent in nature and targeting the elderly and vulnerable. Calls

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relating to White goods insurance and warranty products (including TVs etc) were prominent, with some callers also impersonating legitimate businesses. The ICO is investigating and working with partner agencies to see if there are any breaches of legislation or need for enforcement action.

- Loft insulation: The ICO noted an ongoing issue in relation to the sale of loft and cavity wall insulation products. Related scam calls have increased following the recent announcements from the Chancellor regarding home improvement grants linked to energy efficiency, as a way to boost the economy. This rise will likely continue as more details emerge and the elderly and vulnerable persons are likely to be targeted.
- Pensions: this area of work is a response to the Pensions Cold call ban and enactment of Regulation 21B of PECR. Investigations are ongoing and the ICO continue to work closely with partner agencies.
- The ICO welcome any intel from partners and any potential opportunities for joint work in this area.

Horizon Scanning

- A general discussion was held to consider potential emerging threats and it was noted work would arise as the post-pandemic landscape became clearer, and especially where this may create footholds for opportunistic scammers.
- ICO asked the group to think on any issues which may be worth further discussion and to share these with ICO Intelligence for circulation around the LINDEN mailing list.

International enforcement update

Unsolicited Communications Enforcement Network (UCENet)

- Last year, the Executive Committee met and agreed priorities for the next three years and lead organisations were identified. The priority areas are:
 - Intelligence and Cooperation
 - Communications and Engagement
 - Training and Development
- The Executive Committee have routinely followed up to discuss next steps by teleconference and plans were put in place for each of the

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area leads to develop work plans and decide on next steps going forward.

- ICO chaired a call several months ago to discuss the different approaches taken by UCENet members to the COVID-19 pandemic, and any related trends seen in unsolicited communications and scams. This session was well attended, with Ofcom, ICO and FCA presenting a UK perspective.
- A virtual workshop to further develop the role of the intelligence and cooperation group is planned in the coming months. If any LINDEN participants would like to participate or would like further information, the ICO is happy to facilitate.

ICO investigations

- The ICO Privacy and Digital Marketing Investigations Team (PDMIT) has made several referrals to international Data Protection Authorities to aid investigations on both sides. This has been particularly useful in cases of organisations claiming to be based in one country but actually operating in another or where the nuisance callers/scammers target individuals in different countries. Joint work has enabled the tracing of subscribers of interest.

Any other business (AOB)

- No other business raised.
- It was noted that any documents or information for sharing can be done so through the ICO's intelligence Department.
- ICO thanked participants for attending and contributing to the meeting.

END

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