

## Summary of questions

### **General issues:**

How should we implement the Privacy Directive in those areas where the rules have changed or new requirements have been introduced, on the use of cookies and similar tracking devices, on value added services based on traffic and location data, on subscriber directories, and on unsolicited commercial e-mail and SMS?

Are there any aspects of the current regime which we should change (for example, on telephone and fax selling)?

Do the draft Privacy Regulations deliver the intended results?

How should the existing guidance in this area be updated? What guidance should be provided on the new rules?

### **Draft Privacy Regulations**

#### **Chapter two – definitions**

Should the draft Privacy Regulations redefine the split between corporate and individual subscribers?

#### **Chapter three – security, confidentiality and cookies**

What information should operators provide about cookies and similar devices, and how should internet users be given the opportunity to refuse them?

Should the Privacy Regulations apply to all cookies and similar devices, or should they only apply to cookies where they involve processing of personal data?

Should the Privacy Regulations specify whether a user should have the right to override a subscriber's consent to a cookie?

#### **Chapter four – network and service providers' requirements**

How should service providers gain consent to processing of traffic and location data and what information should they provide?

Should service providers be under a stronger requirement to provide the full range of CLI services, as proposed?

#### **Chapter five – subscriber directories**

Should subscribers be allowed to opt for inclusion in a subscriber directory as the default option, as proposed, or should active choice be required?

What entry options should be available to subscribers and should service providers be able to determine the core list, as proposed?

Are the draft Privacy Regulations right to specify that additional consent is needed for inclusion in any directory with a reverse search function?

Should corporate subscribers be entitled to some or all of the new rights accorded to individual subscribers?

### **Chapter six – unsolicited commercial communications**

How should “customer relationship” and “similar products” be interpreted for the purposes of unsolicited e-mail and SMS marketing and do you agree with the approach adopted in the draft Privacy Regulations?

Should individual phone subscribers be given opt-in or prior consent rights in relation to phone marketing?

Should corporate subscribers be given the right to register on the Telephone Preference Service, as proposed? Should corporate subscribers have stronger rights in relation to fax, e-mail and SMS marketing?

Is the new definition of automated calling system right?

### **Chapter seven – enforcement and sanctions, technical standards and exemptions for national security and law enforcement purposes**

Should network and service providers be required to disclose the source of unsolicited commercial communications?

Should new enforcement sanctions be available against breaches of the rules on unsolicited commercial communications? If so, what should they be?