

News release

20 April 2011

ICO welcomes new powers to fine organisations for unwanted marketing calls and messages

The Information Commissioner has today welcomed new powers to serve monetary penalties of up to £500,000 for the most serious incidents of businesses and other organisations making unwanted marketing phone calls or sending unwanted marketing emails to consumers. The change – along with other powers granted to the ICO - will come into force as part of an amendment to the UK's Privacy and Electronic Communications Regulations (PECR) on 25 May 2011.

The new powers, which have been confirmed by the Department for Culture, Media and Sport, will include:

- Monetary penalty powers extended: the Information Commissioner can serve a monetary penalty of up to £500,000 for the most serious breaches of PECR. This covers businesses and other organisations sending unwanted marketing emails and texts, as well as making live and automated marketing phone calls.
- Increased investigatory powers: the Information Commissioner can require telecommunications companies and internet service providers (ISPs) to provide his office with information that he needs to investigate breaches of the Regulations.

- Compulsory notification when breaches occur: telecommunications companies and ISPs will be required to notify the ICO and their customers in certain circumstances when a personal data breach occurs.
- Increased audit powers: the Information Commissioner will have the power to audit telecommunication companies and ISPs for compliance with these personal data breach notification requirements.
- New rules for websites using cookies and similar technologies: the ICO will be responsible for regulating compliance with this new requirement and will soon be issuing advice.

Information Commissioner, Christopher Graham, said:

“The ICO has been calling for increased powers to regulate breaches of PECR for some time. The changes to the Regulations will grant us the right to impose significant monetary penalties for the most serious breaches of the rules and give us improved powers to investigate companies that make nuisance marketing calls.

“The new powers are coming into force on 25 May. We will be issuing guidance to reflect the changes that are being introduced.”

ENDS

If you need more information, please contact the ICO press office on 0303 123 9070 or visit the website at: www.ico.gov.uk.

Notes to Editors

1. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
2. The ICO has specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
3. The ICO is on [Twitter](#), [Facebook](#) and [LinkedIn](#), and produces a monthly [e-newsletter](#). Our [For the media](#) page provides more information for journalists.
4. Anyone who processes personal information must comply with eight principles of the Data Protection Act, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection