

21st April 2022

### **Response to “Good practice guide to help prevent misuse of sub-allocated and assigned numbers”**

Magrathea welcome the opportunity to respond to this consultation which forms part of Ofcom’s work to tackle scam calls and texts. We are already an active participant in the NICC CLI Task Group and have engaged with Ofcom regularly to discuss this area of work.

We note that Ofcom’s intentions here are not to create any additional obligations on providers but is consulting on guidance that should be followed as ‘best practice’. We also note that Ofcom recognise the need to be proportionate and reasonable in the application of the guidance. It is with these notes in mind that we provide the following responses to individual questions.

#### **Response to consultation questions**

##### **1. Do you have any comments on the suggested measures set out in Section 3?**

Whilst Magrathea already have an extensive due diligence process which we apply to our service provider clients, we are aware that many of our clients resell numbers to a mix of business and residential users with varying lengths in supply chain.

In some cases, one of the selling points can be ease and speed of sign up and our concern on behalf of service providers operating in this space would be how much additional time they need to add to the process to onboard customers and how this may be detrimental to their service offering, particularly those providers with limited resources.

However, as the service provision moves down the reseller chain, we would anticipate the guidance to be followed on a proportionate basis meaning a lesser requirement for the smaller providers.

##### **3. Do you have any comments on the suggested measures set out in Section 4?**

Again, Magrathea are already undertaking many of the steps mentioned here so welcome the clearer guidance for all. We are particularly keen that any providers who are less conscientious should not enjoy a competitive advantage by making the onboarding process simpler for their resellers or customers.

## 5. Do you have any comments on the suggested measures set out in Section 5?

The proposed guidance that the provider should report criminal activity, and not leave it to the victim or reporting party, makes sense but feedback we receive regularly is that this is not a simple process. We would ideally like to see the guidance include who to report this to and in which circumstances, this would overcome part of the challenge.

In addition, if Ofcom require range holders to report providers for potential enforcement activity some more guidance around what is considered acceptable or not in terms of response times, percentage of incidents and so on would be useful.

It is our experience to date that, aside from some 'bad actors' who we have terminated service with, a considerable number of complaints arise without justification to penalise the service provider (for example, CLI spoofing cases and legitimate calls that the public have simply taken objection to), we would appreciate further guidance on how much of our own discretion we should apply to such cases.

One recent example of this is a considerable investigation that we carried out as a result of a member of the public reporting nuisance calls which transpired to be a vexatious report against a legitimate debt recovery agency who had good reason to contact them.

We remain available to discuss any of these points further if Ofcom should wish to do so.

Yours faithfully,