

## Your response

Question	Your response
<p>Question 1 – Do you agree with our proposal to add the clarification paragraph, at paragraph 3.7 of this consultation, to the CLI guidelines? If you do not agree with this proposal, what are your reasons for this view?</p>	<p>Yes But</p> <p>The proposals seem weak when compared to widely held desired consumer protection outcomes although I am happy to be corrected on this point contrary to daily experience of scammer calls.</p> <p>The consumer protection outcomes I would expect are broadly that the number displayed to the consumer should be controlled in a fashion that is</p> <ul style="list-style-type: none"><li>a) Safe to engage with , so as not to be deceptive to the average , distracted consumer as to the UK/Non UK origin of the call and similarly not deceptive as to the apparent source of the call (represented by the published numbers of national business and governmental UK entities ) – in other words numbers should only be displayed from volume network users (defined relative to typical domestic users) where a UK regulated entity has undertaken Know Your Customer due diligence and warrants the number as linked to a valid UK account OR shown as with a range of caveats such “ unknown number” , “non UK caller” or similar alerting text</li><li>b) Such as allows timeous enforcement action by Ofcom against network operators and by network operators against network users in fulfilling their obligations under the Guidelines where timeous relates to the timeframes of various illegal uses so might in some case, eg violent threat or bank frauds , might be expected to be hours</li><li>c) Such as Network operators bear a financial obligation for loss and damage to consumers and particularly vulnerable consumers where their services are used illegally or unlawfully and they fail to properly mitigate risk</li></ul>

to those consumers by flagging calls appropriately. It is possible that Ofcom is not sufficiently consumer orientated to take this role and it might be more suitable to another regulator such as the FCA or ICO.

Other aspects of a holistic solution include :

- d) Network operators need to be empowered to require financial guarantees backed by a PRA/FCA approved financial institution from volume users whose activities might expose them to the financial obligations to consumers and, if they do not do so, be legally deemed to have knowingly adopted that exposure especially when providing connections to volume users operating technology which is intrinsically difficult to observe from end to end such as VOIP and SIM units which turn out to have been used to facilitate illegal and unlawful activities from outwith the UK.
- e) Network operators should be empowered if not already in that position to absorb calls identified as potentially unsafe by their monitoring processes in order to verify the safety of the call and the identity/status of the caller. Failure to do so might be deemed evidential for the purposes of incurring financial obligations to consumers.
- f) UK ISPs and Internet Exchanges should have a regulatory obligation to facilitate network operators in mitigating the risks from the use of internet traffic connecting to their networks and Ofcom should robustly ensure that terms of licence and its enforcement ensures this is the case.