

Question 3.1: Do you agree with Ofcom's proposed revocation of USC7? If you disagree, what are your reasons for this view?:

We are not really sure if we agree with this or not ? there is obviously a requirement to have a one source directory in either paper or electronic form in the EU Directive ? as to whether OFCOM were empowered to enforce USC7 we are unsure ? we do however feel that more consideration should be given to the revoke USC7 and better explanation should be given to ensure continuity of some sort of directory service to benefit, and offer to, the consumer.

Question 3.2: Ofcom considers that the current directory services meet the criteria of comprehensiveness, affordability, quality and availability. Do you agree with this assessment? If not please provide a detailed response as to which criteria is not fulfilled and in what way.:

We would not necessarily agree with this ? our doubt is based on the assumption that the directive refers to an individual consumer at their home address and that it is a paper based directory requirement ? however in order to produce an internet based service the data has to be available to other providers and we would argue that this is possibly where the assessment is not correct ? further information from OFCOM would be helpful to argue this case.

Question 3.3: Do you agree with Ofcom's analysis [on the removal of the obligations to provide a printed directory]? If you do not agree please provide your reasons.:

We would not agree with this ? the basis for our opinion is that, from reading your analysis, it would appear that you are basing you opinion on the fact the it is currently a commercially viable proposition for BT and KCOM to provide a directory ? however if the obligation to provide one is withdrawn and it were to be deemed, by BT and KCOM, that it was no longer a commercially viable product ? would they withdraw and then what would happen? How would businesses be able to advertise in one place? How could a consumer investigate products and services? Or are you assuming that all consumers will have access to the internet. Were the obligation to remove a ?printed directory? and be replaced with an obligation to provide a centralised source for all telephone numbers ? then we might be able to see your point.

Question 3.4: Ofcom considers that the DQ market is robust and delivering the level of service required by the Universal Service Directive. It also considers that it is appropriate to maintain the condition on Communications Providers to ensure access to a DQ service to ensure that the universality of provision is maintained. If you do not agree please provide your reasons.:

We are fairly convinced by your argument ? however it would be difficult to provide such a service were there not to be a condition that BT, or an alternative organisation had to maintain the central database directory ? also you mention the absence of an

interpretation for 'comprehensive' but you seem not to give an interpretation for 'level of service' and how this might be affected by not having a centralised directory source or database

Question 3.5: Do you agree with the redrafting of GC8 set out above [at the end of Section 3]? If you do not agree please provide your reasons.:

In principle we would accept your redrafting 'however' has consideration been given to how this can be implemented and enforced when there is not necessarily going to be a centralised source of data.

Question 4.1: Do you agree with Ofcom's view that GC19 should be modified so as to clarify persons having 'rights of access' as set out above (a redrafted version of condition GC19 and related definitions is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.:

We would agree that the definition of those having 'rights of access' should be amended 'but' are not convinced that the definition is wide enough to encompass all those who might want to request information from service providers were a centralised database on the same availability scale of OSIS not available.

Question 4.2: Do you have any other comments about 'rights of access'?:

Not at present.

Question 4.3: Do you agree with Ofcom's view that GC19 should be modified so that responsibility for the provision of information rests with the Communications Provider controlling the telephone number (a proposed redrafting of GC19 incorporating this change is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.:

We do agree in part 'however' your argument is based on the fact the BT OSIS will remain the main source of GC19 data 'but' you are proposing at other stages in this consultation document that this might not be the case (as you propose to remove the obligation for them to do so) this could then mean that someone who wanted access to the information in order to provide the directory service to a consumer that you have indicated is a requirement, would need to source from many varied sources 'hence' an increase in cost and therefore a possible hike on cost to the consumer for the service.

Question 4.4: Do you agree with Ofcom's view that GC19 should be modified so as to capture actual end-users of the relevant telephone numbers assigned by the relevant Communications Provider to its subscribers, where these users are not the same persons as the subscribers themselves (a proposed redrafting of the definition of

directory information is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.:

We would agree that GC19 should be amended to 'enable' the capture of this information ? but would emphasize that it should only be done with the subscribers (or data subjects) approval and gathered with 'informed consent, freely given'

Question 4.5: Do you consider that Ofcom should consider modifying GC19 (and related definitions, such as 'Directory Information') to include non-geographic telephone numbers assigned for use in public Electronic Communications Service (including, but not limited to, PATS)(a proposed redrafting of the condition and definition is set out at the end of this section)? If you disagree, please provide detailed reasons for this view. Or if you disagree in part only (e.g. a reference to public Electronic Communications Service being too wide), how do you suggest that Ofcom should address this matter?:

We would agree ? but suggest that a definition of non-geographic should also be included ? the more number availability the greater the choice for consumers and businesses.

Question 4.6: Do you consider that Ofcom should modify GC19 (and related definitions, such as 'Directory Information') such that:

- **end-user name and address are also required to be provided, and**
- **business and non-geographic numbers to replace geographic information in the end-user address with more relevant data that would allow the identification of the number by a third party (a proposed redrafting of the condition and related definitions is set out at the end of this section)?**

If you disagree, please provide detailed reasons for this view. Or if you disagree in part, how do you suggest that Ofcom should address this matter?:

We would reference to our comments in question 4.4

Question 4.7: Do you consider that there is a requirement for a wider mandated set of information beyond subscriber and end-user name and address under GC19? If so, what additional information do you think should be made available under GC19 ? please provide reasons and any evidence to support why you consider that users regard such additional information as necessary to find the persons they are looking for by indicating what specific circumstances exist in the UK?:

We would consider that the information currently available from OSIS is sufficient for current requirements ? as long as the requirements for data fields under GC19 reflect the same as OSIS then we feel there is no need, currently, to extend the requirement.

Question 4.8: Do you agree with our assessment of Communications Providers responsibilities with respect to the provision of GC19 data? If not, please provide details of your objection to this assessment and your proposed alternative.:

We would agree

Question 4.9: Do you agree that it is appropriate for the Opt-in approach to assume that not opting-in is equivalent to selecting an unlisted option? If not, please provide your reasons and your proposed alternative.:

This is a difficult one to fully answer as it is dependant on the availability of privacy statement and fair processing notices ? how well informed is the consumer/subscriber of what is going to happen ? we are not keen on pre populated boxes and feel that positive action should be taken to be included in any directory service.

Question 4.10: Do you consider whether there are any issues arising in respect of the DIPs collection of additional data? If so, please provide details of any such concerns.:

As long as all data collected is done so in line with The Data Protection Act 1998 ? then there should be no issues with DIPS collection of data ? this should be considered to be a caveat to the GC19 section

Question 4.11: Do you agree that there is no requirement for specific additional protection of end-user information? If not, please provide details of your objection to this assessment and any proposed alternative.:

The Data Protection Act 1998 covers the security of data ? however it is not specific ? we feel that in this day of data security breaches a recommendation should be put into GC19 regarding the secure transfer and storage of data i.e. encryption and limited access.

Question 4.12: Do you have any comments about the operation of the requirements in Privacy Regulation 18(3) and 18(5)?:

No

Question 4.13: Do you have any comments about the operation of the requirement in Privacy Regulation 18(4) as it applies to GC19? We

would also be interested to hear your views on whether Privacy Regulation 18(5) is sufficient to protect end-user data.:

We would not agree that corporate subscribers always fall outside of the DPA and privacy regulations ? but do agree with your statement about consent to be included.

Question 4.14: Do you agree that GC19 should be modified so as to referring also to the word 'objective' in the context of the terms on which GC19 data should be provided (a proposed redrafting of the condition and related definitions is set out at the end of this section)? If you disagree, please provide detailed reasons for maintaining this view.:

We would like to see this wording included ? however we would like to see a definition to be included for 'Objective' and indeed the other words quoted in the revised 19.3 i.e. fair, cost orientated and non discriminatory.

Question 4.15: Do you agree with the proposed redrafting of GC19 and related definitions as set out above [at the end of Section 4] and discussed through that section? If you disagree, please provide detailed reasons for this view.:

In principle we agree with the amends ? but only in conjunction with points and clarifications we have suggested with the questions answered in this section ? we would state that we feel that certain assumptions have been made within this section ? in particular to the continuing of BT OSIS as a centralised file but were that to no longer be an obligation then it is highly likely that the resulting solutions made from these assumptions will be severely flooded.

Question 5.1: Do you consider that BT will have sufficient commercial incentive to maintain the comprehensiveness of OSIS? Or do you consider that Ofcom should consider additional regulation to ensure that it will remain comprehensive?:

It is very difficult for us to answer this point ? we are not aware of the figures that BT incur on maintaining this file ? however we would argue that to assume that BT will continue this without regulation or obligation is not a sensible assumption ? should some one in BT consider that it is not commercially viable it is probable they will continue the file but at what cost to the licensees and in turn to the public. You ask in the question about 'additional regulation' to ensure it is comprehensive but surely the question is 'do you consider that Ofcom should consider regulation to ensure that there will continue to be a comprehensive centralised data source?' to which we would respond ? yes they should ? and not only consider but implement.

Question 5.2: Do you consider that there is no need for further regulation on the maintenance and management of BT's OSIS database and it is sufficient to rely on existing market incentives on BT and the option of drawing on ex post competition powers when competition

issues are raised? Or do you consider that regulated access to BT's OSIS database is necessary in order to achieve Ofcom's policy objective? Or do you think that there are other options that Ofcom should consider? Please state your reasons.:

We would consider that regulated access to BT OSIS is necessary to ensure that OFCOM's policy objectives are maintained and enforced ? to assume market incentives will do this is questionable as those incentives are likely to change ? we have referred to BT in this comment, but would clarify that we have used that as they are currently the organisation providing the service ? should BT not wish to continue this under regulation then an alternative organisation should be sought ? our opinion is that regulated access to a OSIS file is necessary.

Question 5.3: Do you have any other comments on assessments made or the matters affecting the issues discussed in this Section concerning access to a UK central database?:

A quick efficient solution and response to this consultation is required that will ensure continuity of availability of the OSIS file from BT in order to maintain a service to the consumer and enable OFCOM to maintain its policy objectives ? licences for BT OSIS are currently 6 monthly ? and are due to expire at the end of 2008 ? extension of these deadlines would be required if the implementation of the results of this consultation are elongated.

Additional comments:

We would be very happy to meet with OFCOM to explain the reasoning behind our responses and to explain further how such a centralised file aids our business and allows us to offer a service to our clients and then the consumer