

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

Statutory regulation is essential to avoid market distortion and disruption.

The complexity and number of telephone number and services providers makes a nonsense of the expectation that an integrated comprehensive directory can be sourced by free negotiations.

We are seriously concerned at the potential disruption to UK businesses which would be caused if they cannot offer or obtain directory information to conduct their business. If these changes result in a even a small percentage of businesses who cannot now be listed, or found, or who cannot find suppliers, customers, prospects or debtors, then the losses could run to billions of pounds.

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.:

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.:

Printed directories should not be withdrawn for subscribers who wish to continue to receive them.

This should be made optional and the terms updated to include at the subscriber option provision of a CD version or internet access, but it must be retained for older subscribers who are not comfortable with alternatives.

However action must be taken for environmental reasons.

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.:

Mobile and XD numbers are not available which are now the majority of telephone numbers in the UK.

Given therefore that DQ services currently cannot provide over 75% of telephone numbers for individuals and business in the UK, we find the statement that DQ services are robust and adequate unsustainable.

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.:

GC8 should be amended to require ALL fixed and mobile operators to provide subscribers with a directory listing using the current options of XD and customer preferred address.

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.:

GC19 must be completely rebuilt. Modification will not meet the serious deficiencies within it. This must be in consultation with those who use the data.

The changes proposed are inadequate as they stand.

Telecoms providers have proved adept at avoiding any serious discussions to provide data to anyone other than BT.

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

No.

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.:

The obligation must be clear and enforceable quickly and cheaply.

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.:

Yes but trials should be undertaken to establish the exact obligation as the difficulties could be considerable and form an excuse for the whole process to be abandoned.

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?:

Yes but again trials to establish the process should be undertaken in consultation with downstream users of the data.

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?:

As far as these go they are positive steps but the implementation could be more difficult than envisaged. We again suggest trials in consultation with downstream users of the data.

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?:

Yes. We believe this point is complex and has been more adequately made by others.

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.:

Enforcement will be more important than the theory of the responsibilities.

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 process can only be decided after mechanisms to deal with nuisance and unwanted calls are in place. Otherwise OFCOM's approach will be misused and will expand to destroy the whole process by which people and businesses can find and get in contact with people outside of their own friends and family.

The Opt-out system has served the UK well until now and we do not understand why OFCOM want to put UK business at risk with the alternative. We cannot understate the seriousness of the potential disaster this approach could create.

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.:

No comment until it is trialled.

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 should be the guide and the Information Commissioner the arbiter. Contracts of supply must not be allowed to go beyond this legal framework or they will be abused for commercial interests.

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

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.:

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 think discussion the details is premature and rushed.

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.:

We think more major changes are needed with detailed consultation and trials. We think OFCOMs' approach is rushed and risky.

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?:

NO. We absolutely believe additional regulation is essential.

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 believe this question displays a naive and inadequate understanding of BT's commercial position and the conflicts arising with those of the data industry.

By law, BT serves its sharehaolders and not the wider interests of UK business and consumers. These conflict in almost every area of this matter as BT is being asked to support the common good in the provision of data to profit other businesses, some whom compete with it.

BT's potential data profit is meagre compared to the profit made by others and compared to its own core business. It will always be sacrificed to maintain BT's commercial prosperity or survival.

Equally UK business as a whole is vitally dependent upon directory data for its continued well being. Regulated access is absolutely essential.

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?:

Additional comments:

Much is made of DQ services to consumers but other services such as telephone number appending and other business services are more vital to the British economy.

This consultation does not adequately address these areas.