

ICO Issues Record Fine for Nuisance Calls

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The UK Information Commissioner's Office (ICO) recently fined a company that made automated calls £400,000. The company in receipt of the record fine, Keurboom Communications Ltd, which has now gone into voluntary liquidation, had placed 99.5 million automated nuisance calls over an 18-month period relating to a variety of subjects including road traffic accident claims and PPI compensation.

The ICO emphasized that the severity of this fine was due in part to the sheer scale of the marketing operation but also to the failure by Keurboom to cooperate with the ICO. During the course of its investigation, the ICO issued seven information notices ordering Keurboom to provide information. Keurboom did not comply with any of these notices, leading to the prosecution of the company and one of its directors in April 2016. The calls in question were often made at antisocial hours and in some cases harassed the same person repeatedly in a single day. This fine eclipses the previous record, which was set in February 2016 when the ICO issued a £350,000 fine to a lead generation company that had made 46 million nuisance calls.

The ICO's powers in this area will be strengthened by government plans to allow the regulator to fine company directors up to £500,000 for breaches of privacy regulation. This would close the door on the option for companies in breach to simply declare bankruptcy (as in the present case) in order to avoid any fines, and ought to make company directors pause for thought before embarking on any course of action that could be construed as nuisance calling.

TIP: This fine provides a timely reminder of the importance of complying with privacy laws and the rising cost of fines in the UK.

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