

Amela S



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Our Ref: PJ/mm/Y0221/Y0258

Your Ref: JFS/LC

Rt Hon John F Spellar MP
House of Commons
LONDON
SW1A 0AA

8 July 2009

Dear Mr Spellar

Thank you for your letter to Christopher Graham regarding the 118800 directory service. Reports in the media that the ICO is checking for compliance with privacy laws and regulations are correct. I am happy to provide you with further detail of this.

We have provided advice on data protection matters to Connectivity from an early stage in the development of their service. We have always stressed that the crucial consideration was the basis on which Connectivity obtain the numbers for the directory service. The subscribers whose numbers are included must have provided their details on the clear understanding that they would be shared and widely used. It was and remains hugely important that Connectivity can demonstrate that they were only using numbers obtained from trusted sources that had themselves given the appropriate level of information and choice to subscribers.

We have written to Connectivity asking them to provide details of the types of sources used to populate their directory and the criteria they applied to ensure that they were not collecting details relating to people who would neither want nor expect their details to be used in this way.

You are right to note that large numbers of individuals have said that they are worried about the existence of a mobile phone directory. Many of them have contacted this office. Some have written to register their concerns because they feel such a service should only hold details relating to people who have 'opted in'. It would appear that many of those are not in the 118800 directory but are expressing general concerns. We are dealing with all these enquiries and are making it clear that, for better or worse, telephone directories have always operated on the basis that a subscriber would appear in the directory unless they specifically requested otherwise. As I have already made clear the details of



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those who are in the directory should have been collected in circumstances where they knew the information would be widely used and shared and they should have had the chance to prevent this. In any event it is also essential that the directory service provider offers an effective and accessible means by which those who wish to opt out can do so. To this end, we have ensured that Connectivity make the opt-out facility more prominent and we have pressed them to act on opt-out requests in a more timely manner.

You refer to Connectivity acting as an intermediary between searcher and searched. We have always borne in mind the fact that Connectivity do not give out numbers in the same way that a 'traditional' telephone directory service would or make numbers available as part of an organised list in the manner of the 'phone book'. As a blind call connection service, the subscriber's number is not given to the person trying to contact them unless and until they agree that this should happen. However, we have been clear throughout the development of this process that this does not remove the obligation on any service provider to ensure that they comply with the relevant legislation and to protect the privacy of individual subscribers.

I hope this has been useful to you and please do not hesitate to contact me for further information.

*Yours sincerely
Phil Jones*

PHIL JONES
ASSISTANT COMMISSIONER
DIRECTOR OF DATA PROTECTION PRACTICE