



## Welcome to the Fax Preference Service Information Pack

Thank you for requesting further information about the Fax Preference Service.

This pack will tell you all you need to know about the service. It includes:

- **Your Legal Obligations** – an overview to help you get to grips with the Legislation.
- **Frequently Asked Questions** – providing a background to the service.
- **Licensee Cost Breakdowns** - Listing the costs for obtaining a FPS Licence.
- **Technical Specifications for the Data File** – information for your IT/Data Processing Department.
- **Application Form** – you will need to complete and return the application form telling us how you wish to take the FPS Data File.
- **Data Licence** – you will need to sign and return the data licence, which states the terms and conditions under which the FPS data will be supplied.
- **Additional Services** - screening services for companies who make small numbers of calls per month and list cleansers who screen data for third parties.
- **Useful Addresses** – contact points including website details to put you in touch with relevant organisations.
- Should any of these sections be missing from your pack, please notify us for immediate dispatch.

Mike Lordan  
Director of Consumer Services, Compliance and Accreditation

**The information provided above on the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2004 and related legislation does not purport to be comprehensive and is not intended to constitute legal advice. If you require specific legal advice on the regulations you should consult your solicitor or other legal advisor.**



## **FPS Legal Obligations**

### **Overview of your Legal Obligations**

*The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2004:* These Regulations come into force on 25 June 2004. They extend The Privacy and Electronic Communications (EC Directive) Regulations 2003 to allow corporate subscribers to register with a managed Fax register, known as the Fax Preference Service (FPS), their wish to not to receive unsolicited Fax calls for direct marketing purposes.

### **What are the broad details?**

*Direct marketing Fax calls:* It is unlawful for someone in business (including charities or other voluntary organisations) to make such a call to a Fax number allocated to a corporate subscriber if that corporate subscriber has either told that business or organisation that they do not want to receive such calls or has registered with the FPS that they do not wish to receive such calls from *any* business or organisation.

### **What is the definition of a corporate subscriber?**

A corporate subscriber includes corporate bodies such as a limited company in the UK, a limited liability partnership in England, Wales and N. Ireland or any partnership in Scotland. It also includes schools, government departments and agencies, hospitals and other public bodies.

### **Who needs to comply with the Regulations?**

All those in business (including charities and voluntary organisations) who make direct marketing Fax calls to corporate subscribers.

### **How often do I need to clean my data?**

As frequently as is necessary to ensure that nobody protected by the Regulations, who has registered with the FPS register 28 days or more previously, is contacted.

### **Who enforces the Regulations?**

The Information Commissioner's Office (ICO). Their contact details are:  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel 01625 545700

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## **Frequently Asked Questions**

### **What is the Fax Preference Service?**

The Fax Preference Service has been set up following the publication by DTI of the new Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2004. The new Regulations will come into force on 25 June 2004 and will amend the existing Privacy and Electronic Communications (EC Directive) Regulations 2003. The new Regulations mean that it is unlawful for someone in business (including charities or other voluntary organisations) to make unsolicited sales and marketing calls to a Fax number allocated to a corporate subscriber if that corporate subscriber has either told that business or organisation that do not want to receive such calls or has registered the number with the FPS that they do not wish to receive such calls from *any* business or organisation.

### **Who needs to comply with the Regulations?**

All those in business (including charities and voluntary organisations) who make direct marketing Fax calls to corporate subscribers. Both 'cold' lists and customer lists should be screened against the FPS file before Fax calls are made to ensure compliance with the new Regulations.

### **My company already operates an in-house "do-not-call" list. Do we need to sign up with the FPS as well?**

The Regulations stipulate that you should not call a corporate subscriber who has previously notified you that unsolicited direct marketing Fax calls are unwelcome. The Regulations also stipulate that direct marketing Fax calls should not be made to corporate subscribers who have registered with a managed Fax register, the FPS. You will therefore need to ensure you do not contact any corporate subscriber who is registered with the FPS as well as screening numbers against your own in-house "do-not-call" list.

### **Can I fax my customers?**

The Regulations cover Fax calls made to customer lists as well as non-customer lists. You will be able to continue to call a customer only if they have previously indicated that they do not object to you calling them.

### **What happens if my company faxes a Number registered with the FPS?**

Should a corporate subscriber registered with the FPS make a complaint about unsolicited direct marketing Fax calls from a business or other organisation, the Fax Preference Service will investigate the circumstances in which the call was made. A record of the complaint will be included on a regular report that is sent to the Information Commissioner's Office. The ICO is responsible for enforcing the Regulations. A corporate subscriber can also contact the ICO direct to complain about an unsolicited direct marketing Fax call, which they have received.

### **Who does the legislation define as a "Corporate Subscriber?"**

A corporate subscriber includes corporate bodies such as a limited company in the UK, a limited liability partnership in England, Wales and Northern Ireland or any partnership in Scotland. It also includes schools, government departments and agencies, hospitals and other public bodies.

### **How do I obtain the FPS data?**

You will need to complete the Application Form, the FPS Data File Licence and return them to the FPS office. You will then be invoiced in accordance with your stated data selection. This invoice will need to be paid in full before data can be released.

### **Which type of Licence is appropriate to my company?**

The type of Licence is dependent upon how you wish to receive the data:

#### **Annual Data Supply**

An Annual Licence is most relevant for those companies or organisations that are involved in ongoing fax marketing campaigns. You will be able to take a full file covering the whole of the UK or a partial file, which is selected by the National Number Dial codes of the areas that you are calling. If you chose the web download option you can download as often as you wish, the website is updated daily.

#### **Ad-Hoc Data Supply**

This Licence is relevant for organisations who are conducting one off or infrequent Fax marketing campaigns. You will be able to order a full UK or partial file, which is valid for 28 days, whenever you require it.

#### **Associate Licence**

This is relevant to organisations who do not need to receive the data themselves, but who perhaps use an agency to make calls for them. They may wish to publicly indicate their compliance with the Regulations by using the FPS Logo in their publicity and printed company information.

#### **What format?**

The FPS Data File is available as a website download file.

#### **I only make a small number of calls every month. What other services are available?**

FPS offers three services which are aimed at helping small companies comply with the Regulations, these are an internet interrogation service via our website, a call barring service (FPS Callgard) and a premium rate checking service (FPS Telepath).

#### **What other options are available?**

A number of Licensees offer a variety of options such as list cleaning services, call barring services and provision of already screened data. Please see the separate sheet or visit our website [www.fpsonline.org.uk](http://www.fpsonline.org.uk)

#### **Can I change my subscription category if I need to?**

If you have an Associate Licence, you can upgrade your Licence to a Data Supply Licence at any time if you subsequently decide you need to receive the data file. Simply contact the FPS office to discuss your requirements. Additional fees will be payable.

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## Licensee Cost Breakdown

The tables below detail the costs involved for the different types of licensees available.

All Costs shown reflect data taken via the website. Should you choose to receive the data via CD-Rom there will be an additional charge for postage and packing.

Ad hoc licensees provide access to the data valid for a 28 day period.

		<b>Total (Inc VAT)</b>
Annual Licence		
Full Licence	£2,200.00	£2,530.00
Partial Licence 50%*	£1,650.00	£1,897.50
Partial Licence 25%*	£880.00	£1,012.00
Partial Licence 5%*	£330.00	£379.50
Partial Licence 1%*	£215.00	£247.25

		<b>Total (Inc VAT)</b>
Ad-Hoc Licence		
Full Licence	£295.00	£339.25
Partial Licence 50%*	£215.00	£247.25
Partial Licence 25%*	£115.00	£132.25
Partial Licence 5%*	£47.00	£54.05
Partial Licence 1%*	£28.00	£32.20

		<b>Total (Inc VAT)</b>
Associate Licence		
Full Licence	£160.00	£184.00

\*Percentages are calculated by the number of registrations within the NND codes you wish to contact against the total number of registrations in the file at the time of application

Please be advised that Royalty Fees are not applicable to the FPS service

# **Technical Specifications** **Receiving & Using the FPS Database**



## **1. Distribution Methods**

In order for FPS Licensees to make use of the FPS database they will need to hold a copy of it in their offices. The FPS database can be distributed to Licensees in the following way.

### **◆ Website Download**

It is the responsibility of the FPS Licensee to integrate use of the database into their everyday working practices. The way in which they choose to do this is entirely up to the Licensee and will not be defined by FPS or its agents. For example, those sites, which have sophisticated automatic Fax marketing systems, may well adopt a different strategy to those with a more modest set-up.

Please visit the web page at **[www.FPSonline.org.uk](http://www.FPSonline.org.uk)** where you will be able to complete the application forms online. Upon receipt of payment you will then be provided with a password and login and have the option to receive the full data file compressed or uncompressed. Partial files can be selected by National Number Dials (NND) codes. You will also be able to select to receive the FPS Data File regularly via email.



## 2. File Contents

The copy of the FPS database distributed to Licensee will contain Fax numbers only; **it will not contain name, address or any other information.**

The file will be supplied on a 28 day cycle and will be a complete replacement of the previously supplied version. No 'update' files will be provided, unless you use the website to download your data file where this option is provided.

The layout of the file is suitable for ASCII-based files and contains fixed-length records. One file layout will be used regardless of which method has been supplied.

### Record Length: 14

POSITION	LENGTH	DATA CONTENT
1	12	NATIONAL DIALLING CODE FOLLOWED BY THE REMAINDER OF TELEPHONE NUMBER ending in blanks if necessary
13	2	RECORD SEPARATOR - Carriage return/line feed pair

File Date	8	CCYYMMDD – this is the date the file was produced
Order Reference	6	Right justified with leading zeroes
Issue Number (for Acxiom use)	1	A – Z



## Licence Application Form

Annual Licence  Ad-Hoc Licence  Associate Licence

### Company Contacts:

Please complete the details below, nominating a primary contact for your company, to whom correspondence and data files should be sent. **Please return addressed to FPS Licensee Team at DMA House, 70 Margaret Street, London W1W 8SS**

<b>Company Name:</b>												
<b>Address 1</b>												
<b>Address 2</b>												
<b>Address 3</b>												
<b>Address 4</b>												
<b>Address 5</b>												
<b>Postcode</b>												
<b>Fax Number</b>												
<b>Fax Number</b>												
<b>Email Address</b>	@											
<b>Web Address</b>												
<b>Type of Business</b>												
<b>Does your company offer a list cleansing service? Yes / No</b>												
<b>Contact Name</b>												
<b>Job Title</b>												
<b>Fax Number (if different from above)</b>												

New Licensee's should specify the date that you wish to start the supply of data; otherwise this will follow on from your current Licence. Thereafter you will receive your password for web download.

### Type of Media Required

**Website Download**





## **FPS - Additional Screening Services**

FPS has three easy to use and cost effective services aimed at smaller companies or individuals who are calling small volumes of numbers a month. If you rely on Fax marketing but cannot justify the expense of database applications, these services allow you to maintain a competitive edge and keep within your legal requirements.

### **Online Interrogation**

This service allows you to check up to 500 numbers a month through the FPS website for a minimum charge of £50.00 a month, subsequent checks cost 10p each. You are only billed for the months that you use the service.

All you have to do is complete the online registration form on the website: [www.corporate.mpsonline.org.uk/FPSC/html/Online.asp](http://www.corporate.mpsonline.org.uk/FPSC/html/Online.asp).

You will then be contacted by phone for payment details, either direct debit or credit card details, then you will be issued with a password and username that any number of designated people in your company can use. You will be charged monthly based on the number of searches done in the month or for the minimum charge of £50. You will also be able to access a confidential report showing the numbers searched and who made each request.

### **FPS Callgard**

This is a call barring service, which can operate from your existing phone system and ensures that calls will generate sales and not complaints. When you subscribe your company is given a special code, which limits usage to your company only. Each time you use this service the process is the same. Subscribers make a set up call to your FPS *Callgard* number, once connected you can then make as many Fax marketing calls as you want. Each number is then screened against the FPS file and if the number is registered the call is barred, if the number is not registered the call goes through. For a minimum charge of £50.00 you can check up to 500 numbers (additional numbers over this are charged at 10p per number). *Calls to Callgard are charged at BT's standard rate of 6.7p per minute to a landline and 20p per minute to a mobile.* Call 0870 444 0785 for details

### **FPS Telepath**

This is a no contract, pay as you go service, which is available from any touchtone phone. You simply call **090 6686 6686** and key in the number you want to check. You will be informed whether the number is registered on FPS or not. You are also provided with a reference number for auditing purposes. On production of this we will be able to give you a report on the when the call was made to FPS Telepath and whether the number was registered or not.

*All calls are charged at 25p per minute.*



## **Useful Addresses**

### **The Department for Business, Enterprise & Regulatory Reform (BERR)**

Ministerial Correspondence Unit  
Department for Business, Enterprise & Regulatory Reform  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 5000  
Fax: 020 7222 0612  
Email: [enquiries@berr.gsi.gov.uk](mailto:enquiries@berr.gsi.gov.uk)  
Web: [www.berr.gov.uk](http://www.berr.gov.uk)

### **Direct Marketing Association (UK) Limited (DMA)**

3<sup>rd</sup> Floor  
DMA House  
70 Margaret Street  
London  
W1W 8SS  
Tel: 020 7291 3300  
Fax: 020 7323 4165  
Email: [dma@dma.org.uk](mailto:dma@dma.org.uk)  
Web: [www.dma.org.uk](http://www.dma.org.uk)

### **PhonePayPlus (formally ICSTIS)**

Clove Building  
4 Maguire Street  
London  
SE1 2NQ  
Tel: 020 7940 7474  
Fax: 020 7940 7456

### **OFCOM**

Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA  
Tel: 020 7981 3000  
Fax: 020 7981 3333  
Email: [contact@ofcom.org.uk](mailto:contact@ofcom.org.uk)  
Web: [www.ofcom.org.uk](http://www.ofcom.org.uk)

### **The Information Commissioner's Office**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545745  
Fax: 01625 524510  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)  
Web: [www.ico.gov.uk](http://www.ico.gov.uk)