



Welcome To The TPS Information Pack

Thank you for requesting further information about the Telephone 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 an TPS 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 TPS Data File.
- **Data Licence** – you will need to sign and return the data licence, which states the terms and conditions under which the TPS data will be supplied.
- **Additional Services** - screening services for companies who send small number of Telephones 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 Jordan
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.



TPS 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 Telephone register, known as the Corporate TPS, their wish to not to receive unsolicited Telephone calls for direct marketing purposes.

What are the broad details?

Direct marketing Telephone Calls: It is unlawful for someone in business (including charities or other voluntary organisations) to call a number allocated subscriber if that subscriber has either told that business or organisation that they do not want to receive such calls or has registered with the TPS 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 Telephone calls.

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 TPS register 28 days or more previously, is contacted.

Who enforces the Regulations?

The Information Commissioner's Office. 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 Telephone Preference Service?

The Telephone Preference Service, set up by the Direct Marketing Association (UK) Limited (DMA), was originally formed in 1995 as a voluntary self-regulatory mechanism to enable consumers to opt-out of receiving unsolicited sales and marketing calls.

Following the adoption of the Telecommunications Data Protection Directive by the European Parliament in 1997, the Department of Trade & Industry (DTI) and the Office of Communications (OFCOM) entered into a public consultation period resulting in The Telecommunications (Data Protection and Privacy) Regulations 1999 which affect all telemarketers in the UK and came into force 1st May 1999. The Directive and Regulations are wide-ranging in their scope and should be studied carefully, in their entirety, by UK tele- & fax-marketers.

In February 1999 OFCOM issued an Invitation To Tender for the Management of the Telephone and Fax Opt-Out Schemes. The DMA was awarded the contract to run the Telephone Preference Service (TPS) and Fax Preference Service (FPS). The TPS enables Individuals to register their objection to receiving direct marketing calls with a central service.

Telemarketing companies are able to receive the list of numbers that have been registered by subscribing to the TPS. The Regulations require that companies comply with an Individual's request for suppression made to the central registration scheme no later than 28 days after the request was registered.

Who needs to comply with the Regulations?

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

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

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

Can I call my customers?

The Regulations cover Telephone 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 calls a Number registered with the TPS?

Should a subscriber registered with the TPS make a complaint about unsolicited direct marketing Telephone calls from a business or other organisation, the Telephone Preference Service Limited (TPSL) 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 Information Commissioner's Office is

responsible for enforcing the Regulations. A subscriber can also contact the Information Commissioner's Office direct to complain about an unsolicited direct marketing Telephone call, which they have received.

Who does the legislation define as a Subscriber?

Individuals are consumers, sole traders, and (except in Scotland) partnerships.

How do I obtain the TPS data?

You will need to complete the online Application Form, the TPS Data File Licence and return them to the TPSL 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 Telephone 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 that are conducting one off or infrequent Telephone 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 TPS Logo in their publicity and printed company information.

What format?

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

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

TPSL 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 (TPS Callgard) and a premium rate checking service (TPS 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.TPSonline.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 TPS 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.

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

		Total (Inc VAT)
Annual Licence		
Full Licence	£4,400.00	£5,060.00
Partial Licence 50%*	£3,830.00	£4,404.50
Partial Licence 25%*	£1,755.00	£2,018.25
Partial Licence 5%*	£665.00	£764.75
Partial Licence 1%*	£445.00	£511.75

		Total (Inc VAT)
Ad-Hoc Licence		
Full Licence	£590.00	£678.50
Partial Licence 50%*	£445.00	£511.75
Partial Licence 25%*	£238.00	£273.70
Partial Licence 5%*	£90.00	£103.50
Partial Licence 1%*	£57.00	£65.55

		Total (Inc VAT)
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

Royalty Fee

The Royalty Fee applies to companies that are screening on behalf of third parties ONLY. If you are screening your own data you are not required to pay the Royalty Fee.

If you are screening data for third parties you will be required to have a full annual licence (£4,400). The Licence Fee is seen as an advance Royalty Fee payment at £1.22 per 1,000 numbers screened. Therefore you will not be charged additional royalties until you have screened in excess of 3,750,000 numbers.

You will be asked to declare the amount of numbers you have screened on a monthly basis and will receive an invoice in accordance with your declaration. Please see the separate sheet for further details on the Royalty Fee.

Technical Specifications Receiving & Using the TPS Database



1. Distribution Methods

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

◆ Website Download

In each case, it is the responsibility of the TPS 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 TPS or its agents. For example, those sites, which have sophisticated automatic Telephone marketing systems, may well adopt a different strategy to those with a more modest set-up.

Please visit the web page at **www.TPSonline.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 TPS Data File regularly via email.



2. File Contents

The copy of the TPS database distributed to Licensee will contain Telephone 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 TPS Licensee Team at DMA House, 70 Margaret Street, London W1W 8SS**

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

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 downloads.

Type of Media Required

Website Download

Data Selection

Once you have supplied details of your selection an approximate count will be produced from the file and you will be invoiced accordingly, based on the following percentages:

FILE TYPE	Annual Fee	Ad-Hoc
Full Data File	£4,400 + VAT	£590 + VAT
Partial Data File (Upto 50% of the numbers)	£3,830 + VAT	£445 + VAT
Partial Data File (Upto 25% of the numbers)	£1,755 + VAT	£238 + VAT
Partial Data File (Upto 5% of the numbers)	£665 + VAT	£90 + VAT
Partial Data File (Upto 1% of the numbers)	£445 + VAT	£57 + VAT
Associate Licence	£160.00 + VAT	N/A

Full Data File

If you wish to order a partial data file please specify NND codes below.
 Special selection: 07 Mobiles 08 Mobiles

0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				
0					0					0					0					0				

Please complete the Royalty declaration **only** if you are an Annual Licence taking the full file and screening data for third parties.

Royalty Declaration:

I/WE will submit a true account of the volume of numbers screened against the TPS Data File for third parties at the end of each calendar month.

Signed:

Full name:

(PLEASE PRINT CLEARLY)



Royalty Fee Structure

Who does the Royalty Fee apply to?

The Royalty Fee applies only to companies who clean data on behalf of a third party. The Royalty Fee applies to all screening activities, regardless of the medium or technology involved. The Fee does not apply if you are only screening your own data.

How much is the Fee?

£1.22 per 1000 numbers screened. The Licence Fee is in effect an advance Royalty Fee: as a full licensee paying the full Licence Fee of £4,400.00 you will only start to pay the Royalty Fee of £1.22 per 1000 numbers screened once you have screened 3,750,000 numbers.

I use the TPS file to screen my own lists, which I rent to my clients. Do I have to pay the Royalty Fee on this activity?

No, you do not have to pay the Royalty Fee if you are screening your own lists.

Does the Royalty Fee apply to call centres?

Yes, if you are screening lists for your clients. If your clients are providing you with the lists that have already been screened against the TPS file the Royalty Fee is not applicable.

I have a few major clients for whom I undertake a list screening service. The list screening activity would come to more than the cost of the annual licence for each of my clients. Do I have to pay the £1.22 per 1000 Royalty Fee?

We do not expect any of our clients to pay more than the annual Licence Fee. In cases such as this the Royalty Fee will be capped at £4,400.00 per client.

I clean the same list for my client every 28 days. Is the Royalty Fee payable each time?

The Royalty Fee is payable on the full list the first time it is cleaned in any one year, thereafter it is payable on additional records to the list.

My Client is a subscriber to TPS and pays the £4,400.00. However they do not clean their lists in-house, they use our computer bureau services. Do they have to pay the Royalty Fee as well as paying a Licence Fee?

No, companies operating in this way will not have to pay additional Royalty Fees.

Which File is the Royalty Fee calculated on, the TPS file or my client's file?

The Royalty Fee payment is based on the size of your client's file.

Should I keep a record of the volumes of data screened?

Yes, reasonable records should be kept, as you will be required to make a declaration on the volume of data screened at the end of each a calendar month.

I already screen data via the CTPS file and declare Royalties, do I have to declare Royalty Fees for TPS separately?

Yes, the TPS and CTPS are separate services and are charged at separate rates. The Royalty Fee declarations for these services will need to be recorded separately in order to maintain accurate records and subsequent billing.



TPS - Additional Screening Services

TPS 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 Telephone 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 TPS 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/TPSC/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.

TPS 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 TPS *Callgard* number, once connected you can then make as many Telephone marketing calls as you want. Each number is then screened against the TPS 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

TPS Telepath

This is a no contract, pay as you go service, which is available from any touchtone phone. You simply call **0906 686 6686** and key in the number you want to check. You will be informed whether the number is registered on Corporate TPS 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 TPS 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
Web: www.berr.gov.uk

Direct Marketing Association (UK) Limited (DMA)

3rd Floor
DMA House
70 Margaret Street
London
W1W 8SS
Tel: 020 7291 3300
Fax: 020 7323 4165
Email: dma@dma.org.uk
Web: 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
Web: www.ofcom.org.uk

The Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
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SK9 5AF
Tel: 01625 545745
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