
STATUTORY INSTRUMENTS

1999 No. 2093

**The Telecommunications (Data
Protection and Privacy) Regulations 1999**

PART II

TRAFFIC AND BILLING DATA

Limitation on processing certain traffic data

- 6.—(1) This regulation relates to data which—
- (a) are in respect of traffic handled by a telecommunications network provider or a telecommunications service provider;
 - (b) are processed to secure the connection of a call and held by the provider concerned; and
 - (c) constitute personal data whereof the data subject is a subscriber to, or user of, any publicly available telecommunications service or, in the case of a corporate subscriber, would constitute such personal data if that subscriber were an individual.

(2) Upon the termination of the call in question, save as provided in regulations 7(2) and 8(2), such data as are mentioned in paragraph (1) shall be erased or shall be so dealt with that they cease to be such data as are mentioned in paragraph (1)(c).

Limitation on processing certain billing data

7.—(1) This regulation relates to the processing of any such data as are mentioned in Schedule 2 and are held by a telecommunications network provider or a telecommunications service provider for purposes connected with the payment of sums falling to be paid—

- (a) by a subscriber, or
- (b) by way of interconnection charges.

(2) Such data as are mentioned in paragraph (1) of that regulation, such data as are mentioned in paragraph (1) of this regulation may, and may only, be processed for the purposes there mentioned until the expiry of the period during which legal proceedings may be brought in respect of the payments due, or alleged to be due, or where such proceedings are brought within that period, until those proceedings are finally determined and, for the purposes hereof, the proceedings shall not be taken to be finally determined—

- (a) until the end of the ordinary time for an appeal by either party, if no appeal proceedings are brought within that time, or
- (b) if any such proceedings are so brought, until the conclusion of the appeal proceedings.

(3) References in paragraph (2) to appeal proceedings include references to an application for leave to appeal.

Processing of billing data for certain marketing purposes by a telecommunications service provider

8.—(1) This regulation relates to the processing of such data as are mentioned in Schedule 2 which—

- (a) are held by a telecommunications service provider, and
- (b) constitute personal data whereof the data subject is a subscriber to that service or, in the case of a corporate subscriber, would constitute such data if that subscriber were an individual.

(2) Such data as are mentioned in paragraph (1) of that regulation, such data as are mentioned in paragraph (1) of this regulation may be processed by the telecommunications service provider concerned for the purposes of marketing telecommunications services which he provides if, but only if, the subscriber concerned has given his consent.

Further provisions relating to the processing of traffic and billing data

9.—(1) This regulation relates to the processing by either a telecommunications network provider or a telecommunications service provider (“the relevant person”) of data to which regulation 6, 7 or 8 relates.

(2) The processing of such data as are mentioned in paragraph (1) shall, without prejudice to any other restriction contained in this Part, be restricted to what is necessary for the purposes of such an activity as is mentioned in paragraph (3) or for the purposes of regulation 6(2) and (unless the relevant person is an individual and the processing is carried out by him personally) processing for such purposes shall only be carried out by a person—

- (a) acting under the authority of the relevant person, and
- (b) whose activities under that authority include such an activity as is mentioned in paragraph (3).

(3) The activities referred to in paragraph (2) are activities relating to—

- (a) the management of billing or traffic;
- (b) customer enquiries;
- (c) the prevention or detection of fraud, and
- (d) the marketing of any telecommunications services provided by the relevant person.

Savings relating to the settling of disputes

10. Nothing in this Part shall preclude the furnishing of billing or traffic data to a person who is a competent authority for the purposes of any provision relating to the settling of disputes (by way of legal proceedings or otherwise) which is contained in, or made by virtue of, any enactment.