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STATUTORY INSTRUMENTS

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**1999 No. 2093**

**TELECOMMUNICATIONS**

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

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| <i>Made</i>                    | - - - - | <i>22nd July 1999</i>   |
| <i>Laid before Parliament</i>  |         | <i>26th July 1999</i>   |
| <i>Coming into force—</i>      |         |                         |
| <i>for the purposes of</i>     |         |                         |
| <i>regulation 3(2)—</i>        |         | <i>16th August 1999</i> |
| <i>for all other purposes—</i> |         | <i>1st March 2000</i>   |

**THE TELECOMMUNICATIONS (DATA  
PROTECTION AND PRIVACY) REGULATIONS 1999**

**PART I**

**GENERAL**

1. Citation and commencement
2. Interpretation
3. Revocation and amendment of provisions and modification of contracts
4. Requirements of Regulations
5. Consents, notices, notifications and requests for purposes of Regulations

**PART II**

**TRAFFIC AND BILLING DATA**

6. Limitation on processing certain traffic data
7. Limitation on processing certain billing data
8. Processing of billing data for certain marketing purposes by a telecommunications service provider
9. Further provisions relating to the processing of traffic and billing data
10. Savings relating to the settling of disputes

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### PART III

#### CALLING OR CONNECTED LINE IDENTIFICATION

11. Prevention of calling line identification—outgoing calls
12. Prevention of calling or connected line identification—incoming calls
13. 999 or 112 calls
14. Tracing of malicious or nuisance calls
15. Facilities for calling or connected line identification to be publicised
16. Supplementary provisions

### PART IV

#### DIRECTORIES OF SUBSCRIBERS

17. Application and interpretation of Part IV
18. Entries relating to individuals
19. Entries relating to corporate subscribers
20. Supplementary provisions relating to directory enquiry services

### PART V

#### USE OF TELECOMMUNICATIONS SERVICES FOR DIRECT MARKETING PURPOSES

21. Application and interpretation of Part V
22. Use of automated calling systems for direct marketing purposes—communications on lines of individual or corporate subscribers
23. Use of fax for direct marketing purposes—unsolicited communications on lines of individual or corporate subscribers
24. Use of fax for direct marketing purposes—communications on lines of subscribers who are individuals
25. Unsolicited calls for direct marketing purposes on lines of subscribers who are individuals
26. Notifications for the purposes of regulation 23(4)(a) or 25(4)(a)
27. Supplementary provisions

### PART VI

#### MISCELLANEOUS PROVISIONS

28. Security of telecommunications services
29. Right to bills which are not itemised
30. Itemised billing and privacy
31. Termination of unwanted automatic call forwarding
32. National security
33. Legal requirements, law enforcement etc
34. Transitory and transitional provisions

### PART VII

#### COMPENSATION AND ENFORCEMENT

35. Compensation for failure to comply with requirements of Regulations
36. Enforcement—extension of Part V of the Data Protection Act 1998
37. Request that Commissioner exercise his enforcement functions
38. Technical advice to Commissioner

Signature

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**SCHEDULE 1 — AMENDMENTS**  
**PART I — AMENDMENT OF THE TELECOMMUNICATIONS (DATA PROTECTION AND PRIVACY) (DIRECT MARKETING) REGULATIONS 1998**  
**PART II — INCIDENTAL AND CONSEQUENTIAL AMENDMENTS**

*The Telecommunications Act 1984*

1. In section 1(6) of the Act of 1984 (payment out...
2. At the end of section 7(5)(a) of the Act of...

*The Data Protection Act 1998*

3. In section 11 of the Data Protection Act 1998 (right...

*The Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998*

4. In regulation 2(1) of the Telecommunications (Open Network Provision) (Voice...
5. In regulation 10 of the said Regulations (directory services—systemless providers),...
6. In regulation 21(6)(b)(iii) of the said Regulations (conditions of access...

**SCHEDULE 2 — DATA REFERRED TO IN REGULATIONS 7 AND 8**

1. The data referred to in regulations 7(1) and 8(1) are...
2. The reference in paragraph 1(c) to an accounting period is,...

**SCHEDULE 3 — TRANSITORY AND TRANSITIONAL PROVISIONS**

*Provisions relating to regulation 8*

1. (1) For the purposes of this paragraph, such data as...

*Provision relating to Part IV*

2. Part IV shall not apply in relation to such a...

*Provisions relating to Part V*

3. (1) Where, immediately before 1st March 2000, the number, in...

*Provisions relating to enforcement etc*

4. (1) This paragraph shall apply in relation to enforcement notices...
5. (1) Part VII of these Regulations shall have effect as...

**SCHEDULE 4 — MODIFICATIONS TO PART V OF THE DATA PROTECTION ACT 1998 AND SCHEDULES 6 AND 9 THERETO AS EXTENDED BY REGULATION 36**

1. In section 40— (a) in subsection (1), for the words...
2. In section 41, for the words “data protection principle or...
3. Section 42 shall be omitted.

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4. In section 43– (a) for subsections (1) and (2) there...
5. Sections 44, 45 and 46 shall be omitted.
6. In section 47(1) and (2), for the words “an information...
7. In section 48– (a) in subsections (1) and (3), for...
8. In section 49, subsection (5) shall be omitted.
9. In paragraph 4(1) of Schedule 6, for the words “(2)...
10. In paragraph 1 of Schedule 9– (a) for sub-paragraph (1)(a)...
11. In paragraph 9 of Schedule 9– (a) in sub-paragraph (1)(a),...

Explanatory Note