
STATUTORY INSTRUMENTS

2003 No. 2426

ELECTRONIC COMMUNICATIONS

**The Privacy and Electronic Communications
(EC Directive) Regulations 2003**

Made - - - - 18th September 2003

Laid before Parliament 18th September 2003

Coming into force 11th December 2003

**THE PRIVACY AND ELECTRONIC COMMUNICATIONS
(EC DIRECTIVE) REGULATIONS 2003**

1. Citation and commencement
2. Interpretation
3. Revocation of the Telecommunications (Data Protection and Privacy) Regulations 1999
4. Relationship between these Regulations and the Data Protection Act 1998
5. Security of public electronic communications services
6. Confidentiality of communications
7. Restrictions on the processing of certain traffic data
8. Further provisions relating to the processing of traffic data under regulation 7
9. Itemised billing and privacy
10. Prevention of calling line identification – outgoing calls
11. Prevention of calling or connected line identification – incoming calls
12. Publication of information for the purposes of regulations 10 and 11
13. Co-operation of communications providers for the purposes of regulations 10 and 11
14. Restrictions on the processing of location data
15. Tracing of malicious or nuisance calls
16. Emergency calls
17. Termination of automatic call forwarding
18. Directories of subscribers
19. Use of automated calling systems
20. Use of facsimile machines for direct marketing purposes
21. Unsolicited calls for direct marketing purposes
22. Use of electronic mail for direct marketing purposes
23. Use of electronic mail for direct marketing purposes where the identity or address of the sender is concealed
24. Information to be provided for the purposes of regulations 19, 20 and 21

25. Register to be kept for the purposes of regulation 20
 26. Register to be kept for the purposes of regulation 21
 27. Modification of contracts
 28. National security
 29. Legal requirements, law enforcement etc.
 30. Proceedings for compensation for failure to comply with requirements of the Regulations
 31. Enforcement – extension of Part V of the Data Protection Act 1998
 32. Request that the Commissioner exercise his enforcement functions
 33. Technical advice to the Commissioner
 34. Amendment to the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000
 35. Amendment to the Electronic Communications (Universal Service) Order 2003
 36. Transitional provisions
- Signature

SCHEDULE 1 — Modifications for the purposes of these Regulations to Part V of the Data Protection Act 1998 and Schedules 6 and 9 to that Act as extended by Regulation 31

1. In section 40— (a) in subsection (1), for the words...
2. In section 41(1) and (2), for the words “data protection...”
3. Section 42 shall be omitted.
4. In section 43— (a) for subsections (1) and (2) there...
5. Sections 44, 45 and 46 shall be omitted.
6. In section 47— (a) in subsection (1), for the words...
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 subparagraph (1)(a)...
11. In paragraph 9 of Schedule 9— (a) in subparagraph (1)(a)...

SCHEDULE 2 — Transitional provisions

Interpretation

1. In this Schedule “the 1999 Regulations” means the Telecommunications (Data...

Directories

2. (1) Regulation 18 of these Regulations shall not apply in...

Notifications

3. (1) A notification of consent given to a caller by...

Registers kept under regulations 25 and 26

4. (1) A notification given by a subscriber pursuant to regulation...

References in these Regulations to OFCOM

5. In relation to times before an order made under section...

Explanatory Note