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