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STATUTORY INSTRUMENTS

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**1998 No. 3170**

**TELECOMMUNICATIONS**

**The Telecommunications (Data Protection and  
Privacy) (Direct Marketing) Regulations 1998**

*Made - - - - 16th December 1998*  
*Laid before Parliament 17th December 1998*  
*Coming into force 1st May 1999*

**THE TELECOMMUNICATIONS (DATA PROTECTION AND  
PRIVACY) (DIRECT MARKETING) REGULATIONS 1998**

PART I  
GENERAL

1. Citation and commencement
2. Interpretation
3. Incidental and consequential amendments and modification of contracts
4. Consents and notifications for purposes of Regulations

PART II

USE OF TELECOMMUNICATIONS SERVICES FOR DIRECT MARKETING PURPOSES

5. Application and interpretation of Part II
6. Use of automated calling systems for direct marketing purposes—communications on lines of individual or corporate subscribers
7. Use of fax for direct marketing purposes—unsolicited communications on lines of individual or corporate subscribers
8. Use of fax for direct marketing purposes—communications on lines of subscribers who are individuals
9. Unsolicited calls for direct marketing purposes on lines of subscribers who are individuals
10. Notifications for the purposes of regulation 7(4)(a) or 9(4)(a)
11. Supplementary provisions

*Status: This is the original version (as it was originally made).*

PART III

COMPENSATION AND ENFORCEMENT

12. Compensation for failure to comply with requirements of Regulations
13. Enforcement—application of sections 10, 13, 14 and 16 of the Data Protection Act 1984
14. Request that Registrar should exercise his enforcement functions
15. Technical advice to Registrar  
Signature

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SCHEDULE 1 — INCIDENTAL AND CONSEQUENTIAL AMENDMENTS

*The Telecommunications Act 1984*

1. In section 1(6) of the Telecommunications Act 1984 (payment out...

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

2. Regulations 40(1) of the Telecommunications (Open Network Provision) (Voice Telephony)...

SCHEDULE 2 — **MODIFICATIONS TO SECTIONS 10, 13, 14 AND 16 OF THE DATA PROTECTION ACT 1984 AND SCHEDULES 3 AND 4 THERETO AS EXTENDED BY REGULATION 13**

1. In section 10— (a) in subsection (1)—
2. In section 13— (a) in subsection (1), for paragraphs (a)...
3. In section 14— (a) in subsection (1), the words “refusal...
4. In section 16, for the words “data protection principles” there...
5. In paragraph 3 of Schedule 3, for the words “13(2)...
6. In paragraph 1 of Schedule 4, for sub-paragraph (b) there...
7. In paragraph 9 of Schedule 4— (a) in sub-paragraph (1)(a),...

Explanatory Note