



ComReg issues a Notification of a finding of non-compliance to Yourtel with respect to provisions of the Privacy Regulations

Information Notice

Reference: ComReg 14/137

Date: 19/12/2014

1. On 19 December 2014, ComReg notified Yourtel Limited (“Yourtel”) of a finding of non-compliance with respect to Yourtel’s obligations under the Privacy Regulations.¹
2. The notification of non-compliance was made in accordance with Regulation 31(1) of the Privacy Regulations.
3. The notification of non-compliance notifies Yourtel of a finding that it has not complied with its obligation set out at Regulation 13(5)(b) of the Privacy Regulations as it has used or caused to be used a publicly available electronic communications service to make unsolicited telephone calls for the purposes of direct marketing to subscribers or users, who do not consent to such calls and whose preference, in that regard, is recorded in the National Directory Database (NDD) pursuant to Regulation 14(3) of the Privacy Regulations.
4. Yourtel has until 23 January 2015 within which to state its views or remedy the non-compliance.
5. Regulation 31(4) of the Privacy Regulations provides that if, at the end of the period referred to above, ComReg is of the opinion that an undertaking has not complied with its obligations, ComReg may apply to the High Court for such an order as the Regulator may consider appropriate.
6. ComReg has cooperated and liaised with the Office of the Data Protection Commission (ODPC) in respect of this action pursuant to Regulation 33 of the Privacy Regulations.
7. As published in a media release of 10 September 2014, ComReg is investigating the practices of Yourtel in the Irish electronic communications market and this investigation is ongoing.
8. The NDD lists over 2 million numbers of which over 1 million are opted out of receiving unsolicited direct marketing calls.²
9. Consumers may contact their service provider to confirm or change their preference regarding opting out of receiving unsolicited direct marketing calls.³
10. Consumers who have opted out of receiving unsolicited direct marketing calls and who subsequently receive such a call may complain to ComReg or to the ODPC.

¹ European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (“The Privacy Regulations”)

² Mobile telephone numbers are automatically protected against unsolicited communications pursuant to certain provisions in the Privacy Regulations.

³ In accordance with Regulation 19(2) of the Universal Service Regulations, undertakings that assign numbers to subscribers must supply the NDD with the relevant subscriber information.