



Personal Numbering

Proposed amendment to guidance on acceptable use
of 070 numbers

Consultation

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Contents

Section		Page
1	Summary	1
2	Proposed Amendment	2
Annex		Page
1	Responding to this consultation	6
2	Ofcom's consultation principles	8
3	Consultation response cover sheet	9
4	Proposed revised guidance	11

Section 1

Summary

- 1.1 The [National Telephone Numbering Plan](#)¹ designates numbers in the 070 range for Personal Numbering Services. Personal Numbering Services essentially allow someone to be contacted via a single telephone number, regardless of location, and to receive those calls at almost any telephone number, including mobile numbers. For example, a personal number may be used as a contact number by a person who travels in the course of their employment, and wishes to be able to receive calls in a number of different locations. In particular, for the purposes of Personal Numbering, it is the person who is being called, rather than the caller, who is relevant: a Personal Numbering Service offers a service to the person being called.
- 1.2 Condition 17 of the [General Conditions of Entitlement](#)² (“General Condition 17”) covers the allocation, adoption and use of all telephone numbers, including numbers beginning with 070.
- 1.3 On 24 January 2004, Ofcom produced revised [guidelines](#)³ on the acceptable use of 070 numbers to provide further clarification on what it considers to be acceptable use of 070 numbers (the “Guidelines”). The Guidelines were revised to deal with certain issues that had arisen in the context of Ofcom investigations and enquiries raised with Ofcom. By publishing the Guidelines, Ofcom sought to draw stakeholders’ attention to those particular issues (without dealing exhaustively with all potential issues that could arise in respect of the use of 070 numbers in the future), so as to ensure effective compliance with obligations imposed on each and every Communications Provider (“CP”) under General Condition 17, i.e. a person who provides an Electronic Communications Network or an Electronic Communications Service.
- 1.4 Ofcom’s policy to date in enforcing the proper use of personal numbers (and indeed other numbering types) has been to focus almost exclusively on the obligations of the CP to whom a particular number range or block has been allocated (the “range holder”). The main benefit of this approach is that it enables Ofcom to identify speedily from the National Numbering Scheme the relevant CP that has been allocated the telephone number in question (as opposed to a sub-allocation from that CP to another). This enables Ofcom to access contact details of the relevant range holder without delay, to ensure that the range holder terminating the relevant number(s) can respond swiftly to any apparent misuse.
- 1.5 However, it has become clear to Ofcom more recently that there may be a number of CPs seeking to avoid the restrictions on the use of 070 numbers by offering services via numbers obtained from a series of different range holders. Ofcom has become aware of some examples of ‘shopping around’ by those apparently seeking to circumvent the restrictions on the use of 070 numbers, with some CPs simply switching between range holders when the misuse has been detected. Such behaviour by an apparently small number of CPs undermines the integrity of the number range and is detrimental to both range holders and consumers. Ofcom therefore proposes to amend the Guidelines as set out in Section 2.

¹ <http://www.ofcom.org.uk/telecoms/ioi/numbers/261701.pdf>

² http://www.ofcom.org.uk/telecoms/ioi/g_a_regime/gce/gcoe/

³ http://www.ofcom.org.uk/telecoms/ioi/numbers/num_070_guide

Section 2

Proposed Amendment

Introduction

- 2.1 Part A of the [National Telephone Numbering Plan](#)⁴ (the “NTNP”) sets out the numbers that Ofcom (which, since 29 December 2003, has taken over the responsibilities of the Director General of Telecommunications in this regard) has determined are available for Allocation as Telephone Numbers in accordance with section 56(1)(a) of the Communications Act 2003. In particular, Part A1 of the NTNP designates numbers in the 070 range for any ‘Personal Numbering Service’.
- 2.2 The term ‘Personal Numbering Service’ is defined as ‘a service based on number translation that enables End-Users to be called or otherwise contacted, using a single Personal Telephone Number, and to receive those calls or other communications at almost any Telephone Number, including Mobile Numbers’. The term ‘Personal Number’ is, in its turn, defined as ‘a Telephone Number, from a range of numbers in Part A of this document, assigned by a Personal Numbering Service Provider, which allows a Subscriber to receive calls or other communications at almost any Telephone Number, including a Mobile Number’.
- 2.3 In other words, personal numbering services essentially allow someone to be contacted via a single telephone number, regardless of location, and to receive those calls at almost any telephone number, including mobile numbers. For example, a personal number may be used as a contact number by a person who travels in the course of their employment, and wishes to be able to receive calls in a number of different locations. In particular, for the purposes of personal numbering, it is the person who is being called, rather than the caller, who is relevant.
- 2.4 In the light of the above, it is to be noted that Part B of the NTNP then sets out certain restrictions in respect of the use of 070 numbers, namely:
- Those to whom Ofcom has Allocated any Telephone Number listed in Part A of the NTNP shall not Adopt or otherwise use them, except in accordance with the applicable designation given for that number range (Part B1).
 - Those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service (B3.2.1).
- 2.5 To ensure that designations in the NTNP are complied with, as well as securing that there are no breaches of the restrictions set out in the NTNP, obligations have been imposed on CPs under General Condition 17.
- 2.6 Whilst certain obligations are imposed only on the CP to whom a particular number range or block has been allocated (the “range holder”), General Condition 17.8 places an obligation on each and every person who is simply a CP (as defined by General Condition 17, i.e. a person who provides an Electronic Communications Network or an Electronic Communications Service). That Condition provides:

“The [CP] shall take all reasonably practicable steps to secure that its Customers, in using Telephone Numbers, comply with the provisions of [General Condition 17], where applicable, and the provisions of the National Telephone Numbering Plan.”

⁴ <http://www.ofcom.org.uk/telecoms/ioi/numbers/261701.pdf>

2.7 The term 'Customers' is defined broadly for the purposes of the General Conditions as follows:

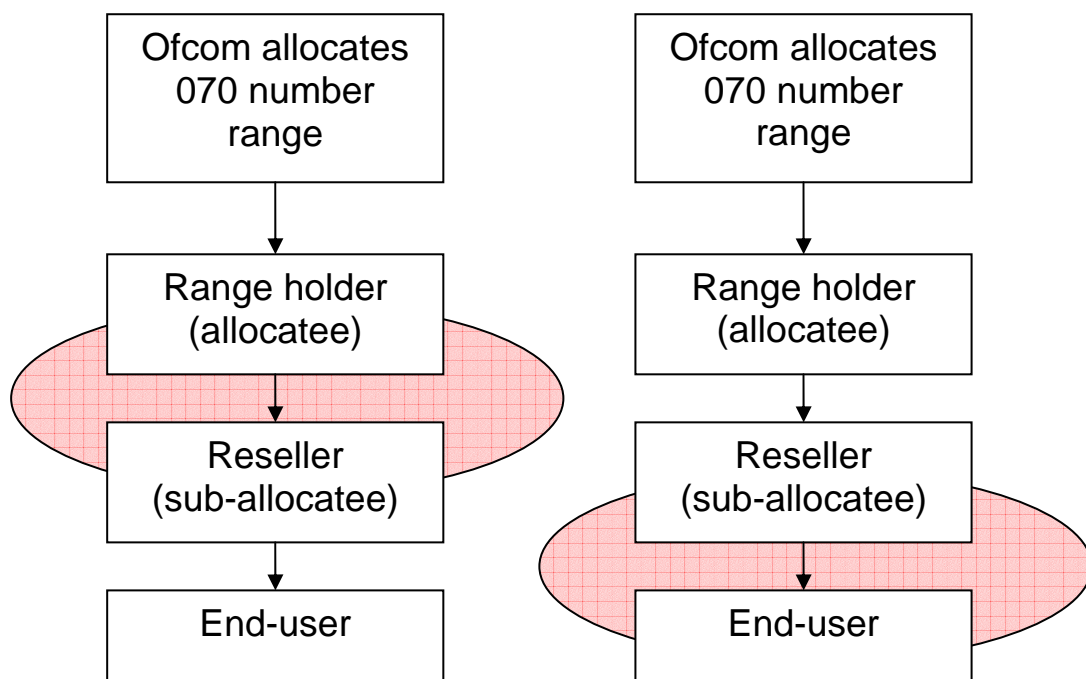
“...in relation to a Communications Provider, means the following (including any of them whose use or potential use of the network or service is for the purposes of, or in connection with, a business):

(a) the persons to whom the network or service is provided in the course of any business carried on as such by the Communications Provider;

(b) the persons to whom the Communications Provider is seeking to secure that the network or service is so provided;

(c) the persons who wish to be so provided with the network or service, or who are likely to seek to become persons to whom the network or service is so provided”.

2.8 Accordingly, the obligation imposed on a CP attaches not only on the range holder vis-à-vis the person (within the meaning of a “Customer”) to whom he has sub-allocated the number in question, but it also attaches on the sub-allocatee or reseller vis-à-vis the person (within the meaning of a “Customer”) to whom he has further allocated that number. To take an example, the respective CP and customer relationships that could become relevant may be graphically illustrated as follows:



The Guidelines

2.9 On 24 January 2004, Ofcom produced revised Guidelines on the acceptable use of 070 numbers to provide further clarification on what it considers to be acceptable use of 070 numbers. The Guidelines were revised to deal with certain issues that had arisen in the context of Ofcom investigations and enquiries raised with Ofcom. By publishing the Guidelines, Ofcom sought to draw stakeholders' attention to those particular issues (without dealing exhaustively with all potential issues that could

Personal Numbering

arise in respect of the use of 070 numbers in the future), so as to ensure effective compliance with obligations imposed on CPs under General Condition 17.

- 2.10 Ofcom's policy to date in enforcing the proper use of personal numbers (and indeed other numbering types) has been to focus almost exclusively on the range holder's obligations. The main benefit of this approach is that it enables Ofcom to identify speedily from the National Numbering Scheme the relevant CP that has been allocated the telephone number in question (as opposed to a sub-allocation from that CP to another). This enables Ofcom to access contact details of the relevant range holder without delay, to ensure that the range holder terminating the relevant number(s) can respond swiftly to any apparent misuse.
- 2.11 Therefore, with regard to the application of General Condition 17.8, Ofcom emphasised in the Guidelines the range holder's responsibility where sub-allocatees or resellers are not complying with rules, such as those in the NTNP.
- 2.12 However, it has become clear to Ofcom more recently that there may be a number of CPs seeking to avoid the restrictions on the use of 070 numbers by offering services via numbers obtained from a series of different range holders. Ofcom has become aware of some examples of 'shopping around' by those apparently seeking to circumvent the restrictions on the use of 070 numbers, with some CPs simply switching between range holders when the misuse has been detected. Such behaviour by an apparently small number of CPs undermines the integrity of the number range and is detrimental to both range holders and consumers.
- 2.13 In such circumstances (i.e. where there is evidence of misuse by a CP other than the range holder, especially where there appears to be misuse of 070 numbers allocated to a number of different range holders), Ofcom may investigate either the range holder(s) or the CP providing the service, or both, under the provisions of General Condition 17.
- 2.14 So as to reflect this situation in the Guidelines, Ofcom proposes to amend the Guidelines to include the following paragraph under the section headed "Responsibility for sub-allocated numbers":

"However, General Condition 17.8 applies equally to range holders and to communications providers other than the range holder using the 070 number (such as sub-allocatees, service providers and resellers), requiring both the range holder and any other communications provider using the 070 number to take all reasonably practicable steps to secure compliance by their customers. While the application of General Condition 17.8 to communications providers other than the range holder does not remove or reduce the responsibility of range holders to take steps to secure compliance by their customers, Ofcom may take action directly in relation to communications providers other than the range holder where the circumstances demand."

A full draft of the amended guidelines is attached at Annex 4.

- 2.15 It should be noted that in the majority of cases Ofcom expects to continue to focus its investigations on the range holders' obligations, and the proposed amendment to the Guidelines in no way alters or reduces the responsibility of the relevant range holders to ensure that they (and their customers) are compliant with the provisions of General Condition 17, and in particular, General Condition 17.8.

- 2.16 In addition to amending the guidance on the use of 070 numbers, Ofcom will review any evidence of misuse of the 070 number range when considering implications for the future of the 070 number range, as part of Ofcom's ongoing role in regulating these numbers.

Annex 1

Responding to this consultation

How to respond

Ofcom's normal practice (see Annex 2) is to allow ten weeks for responses to consultations on issues of general interest, unless there is a reason for departing from this.

For this consultation, Ofcom has decided that the period for responses to this document is **two weeks**. As explained in Section 2 above, Ofcom has recently become aware of some examples of 'shopping around' by those CPs apparently seeking to circumvent the restrictions on the use of 070 numbers. If that is the case, such persistent or repeated misuse by CPs may cause significant detriment to consumers or other CPs. In this context, Ofcom has also taken into account that the proposed amendment to the Guidelines does not represent a change in CPs' legal obligations. Rather, the proposal simply clarifies the approach that Ofcom expects to take when investigating potential breaches of obligations already imposed.

Therefore, Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 8 November 2005**

Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.

Please can you send your response to first ruth.gibson@ofcom.org.uk.

Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Ruth Gibson

Floor 3
Competition Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax:020 7783 3990

Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.

Further information

If you have any want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Ruth Gibson on 020 7783 4340.

Confidentiality

Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website,

www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response cover sheet that this is acceptable).

All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

Ofcom reserves its power to disclose any information it receives where this is required to carry out its legal requirements. Ofcom will exercise due regard to the confidentiality of information supplied.

Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer.

Next steps

Following the end of the consultation period, Ofcom intends to publish the amended guidelines around the end of November 2005.

Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 2) which it seeks to follow, including on the length of consultations.

If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can alternatively contact Vicki Nash, Director, Ofcom Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom Scotland
Sutherland House
149 St Vincent St
Glasgow G2 5NW
Tel: 0141 229 7401
Fax: 0141 229 7433
E-mail: vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

1. Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

2. Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

3. We will be clear about who we are consulting, why, on what questions and for how long.
4. We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
5. We will normally allow ten weeks for responses to consultations on issues of general interest.
6. There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.
7. If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

8. We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

1. In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
2. We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
3. The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
4. We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
5. Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Personal Numbering
To (Ofcom contact): ruth.gibson@ofcom.org.uk
Name of respondent:
Representing (self or organisation/s):
Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom’s website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name Signed (if hard copy)

Annex 4

Proposed revised guidance

Guidance on the acceptable use of 070 numbers

Revised [xx November 2005]

Ofcom has produced these guidelines to provide communications providers with further clarification on what it considers to be acceptable use of 070 numbers. They do not fetter Ofcom's discretion in dealing with future cases involving the use of the 070 range.

Comments on these guidelines are welcome and, if appropriate, may be reflected in any future revision.

1. This guidance provides further clarification on what Ofcom considers to be acceptable use of 070 numbers. It does not replace the National Telephone Numbering Plan, nor Condition 17 of the General Conditions, but provides additional guidance for range holders and their sub-allocatees in response to recent cases and enquiries about whether a particular service is acceptable.
2. This guidance covers:
 - The National Telephone Numbering Plan
 - Responsibility for sub-allocated numbers
 - Acceptable use of 070 numbers
 - Criteria for assessing appropriate use

The National Telephone Numbering Plan

3. The National Telephone Numbering Plan designates numbers in the 070 range for any "Personal Numbering Service" (Part A1).

Further, the National Telephone Numbering Plan states that: "Those to whom Ofcom has Allocated any Telephone Number listed in Part A of the National Telephone Numbering Plan shall not Adopt or otherwise use them, except in accordance with the applicable designation given for that number range" (Part B1); and

"Those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service"(B3.2.1).

Responsibility for sub-allocated numbers

4. Condition 17.8 of the General Conditions states that:

"The Communications Provider shall take all reasonably practicable steps to ensure that its Customers, in using Telephone Numbers, comply with the provisions of this Condition, where applicable, and the provisions of the National Telephone Numbering Plan."
5. Therefore, if sub-allocatees or resellers are not complying with rules it is, to start with, the range holder's responsibility to ensure that this is remedied. It is therefore in range holders' interests to ensure that resellers are aware of these obligations. This should

Personal Numbering

be made clear in the Numbering Plan that range holders are required to produce in accordance with Condition 17.4 of the General Conditions.

6. However, General Condition 17.8 applies equally to range holders and to communications providers other than the range holder using the 070 number (such as sub-allocatees, service providers and resellers), requiring both the range holder and any other communications provider using the 070 number to take all reasonably practicable steps to secure compliance by their customers. While the application of General Condition 17.8 to communications providers other than the range holder does not remove or reduce the responsibility of range holders to take steps to secure compliance by their customers, Ofcom may take action directly in relation to communications providers other than the range holder where the circumstances demand.

Acceptable use of 070 numbers

7. The 070 range shall only be used for Personal Numbering Services, which are defined as services “based on number translation that enables End-Users to be called or otherwise contacted, using a single Personal Telephone Number, and to receive those calls or other communications at almost any Telephone Number, including Mobile Numbers”. A Personal Number is also defined in the Plan as a Telephone Number “assigned by a Personal Numbering Service Provider, which allows a Subscriber to receive calls or other communications at almost any Telephone Number, including a Mobile Number”.
8. Previously the Numbering Conventions had stated that 070 numbers were “suitable for users who habitually move location”, but as this was not a requirement or prohibition, it does not appear in the Plan. Additionally, the length of time for which an 070 number is active is not a relevant consideration in deciding whether or not it is a legitimate Personal Numbering Service.
9. Recent examples of services that may not fit the traditional mode of Personal Numbering, but which Ofcom considers to be legitimate Personal Numbering Services include:
 - 070 numbers allocated to users of Internet chat rooms who want to talk to new acquaintances without divulging their real phone numbers;
 - 070 numbers allocated solely for the purpose of selling, eg, a car through a magazine; and
 - 070 numbers allocated to hospital patients so that they can have their own number for the duration of their stay (but not where a generic 070 number is used that requires further PINs – see paragraph 15 below).

Ofcom’s Criteria for assessing appropriate use

10. In the course of investigations, Ofcom has identified the following key criteria which it considers are shared by all Personal Numbering Services. These criteria will be considered when establishing whether a service being offered on an 070 number is properly considered to fall within the definition of Personal Numbering Service for the purposes of the Plan.

(A) The Personal Numbering Service benefits the person being called

11. End-User is a term defined in the General Conditions, but for the purposes of Personal Numbering, it is the person being called, and not the caller, that is relevant. Personal Numbers can be used to offer a variety of services. What these different services all have in common is that they offer a service to the person being called.
12. Services which allocate 070 numbers with the intention that the calling party sets the number to be called, rather than the receiving party, may not therefore be Personal Numbering Services. If the End-User is not aware that he or she has been allocated an 070 number, benefit does not accrue to the person being called but to the caller and this is not an acceptable use of the 070 range as defined in the Plan.

(B) The end user must be in charge of the destination number

13. Although Personal Numbers were originally designed for people who habitually move location this is not an essential characteristic (see para 8 above).
14. However, what all Personal Numbering Services have in common is that it must be the called party who decides which destination the 070 number is routed to. Additionally, if the service that is being offered is the facility to be reached at any chosen destination then the End-User must be in charge of changing as well as allocating the destination number. This follows on from Criteria A, above.
15. The End-User cannot be in charge of their number if that number can also be used to contact, eg through a switchboard, another End-User. Therefore requiring the addition of a PIN or the stating of a name, to either a human or automated switchboard operator or through a menu selection of some sort, amounts to offering a generic service that may not be Personal Numbering. Such generic services must be offered on other number ranges.

(C) Promotional material

16. Promotional material must reflect the key characteristics of a Personal Numbering Service as set out above.
17. For example, it is not acceptable to promote 070 numbers as a way of making (as opposed to receiving) international calls. Such services must be offered on other number ranges.
18. Promotional material or instructions for use may determine whether a particular service constitutes a Personal Numbering Service. In other words, the difference between appropriate and inappropriate use may hinge on the way it is advertised.
19. If the service has the functionality to be used as a Personal Numbering Service, but users are not aware of this functionality, then they will not be able to use it as such. It may not therefore be considered a Personal Numbering Service. If the service is designed for people who move location, for example, service providers must ensure that instructions for changing the destination number are clear and that every customer receives them.

(D) Management of Personal Numbers

20. The use of 070 numbers for administration of individuals' Personal Numbers may not constitute a Personal Numbering Service in itself.

Personal Numbering

21. It is not acceptable for service providers to use a single, generic 070 number (ie where everyone dials the same 070 number to access the service) for allocation or management (ie changing the destination number) of other 070 numbers. For generic access to a Personal Numbering Service, an 070 number should not be used. Other ranges (08, or 09, depending on price point) or geographic numbers should be used. This is because the benefit (ie, being able to receive a Personal Number or change a destination number) accrues to the calling party and not the end user. While it may be argued that the end user has control over the destination number - the other of the key criteria - Ofcom does not consider that the range holder or sub allocatee should also be the End-User of an 070 number.
22. However, Service Providers may enable each customer to manage his 070 number (ie changing the destination number) by calling the same 070 number, ie his individual number. In this case, the calling party and the End-User are actually the same person. Therefore the benefit of this service does accrue to the End-User of the number, and the End-User is in control of the number. As it meets both of the criteria above, Ofcom is likely to consider that this use constitutes an element of a legitimate Personal Numbering Service.