

Interactive Voice Messaging Association

Voluntary Code of Practice

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1. Introduction

The Interactive Voice Messaging Association (“IVMA”) is an industry group that has been established by responsible and professional voice messaging companies to (i) represent them as an industry group; (ii) to help ensure that best standards are maintained in respect of its members business operations with respect to legal and regulatory compliance and (iii) to liaise with external third party regulators and other interested groups to give “one-voice” on issues affecting the voice messaging industry as a whole.

The IVMA has established a constitution which all members shall be bound by in respect of the governance of the IVMA and which constitution incorporates this Code of Conduct (“Code”). To be a member of the IVMA is to also sign-up to this Code in full.

Membership of the IVMA is to be encouraged for those companies who see legal and regulatory compliance as a fundamental cornerstone of good business practice. Increasingly the IVMA would hope and seek that responsible client customer’s of interactive voice messaging suppliers will insist that IVMA membership is a prerequisite to those companies supplying services to those client customers.

2. Why the need for a Code?

It is not the experience of members of the IVMA that there exists any real problem with the conduct of the interactive voice messaging industry in the United Kingdom because suppliers of those services have acted responsibly and professionally. This is in part because the nature of their client customers are responsible and professional organisations in the public or private sectors and/or because such clients are also very regulated in their current businesses through bodies such as the Financial Services Authority, the Office of the Information Commissioner, Ofcom or otherwise through other legal and regulatory frameworks.

The technological developments with interactive voice messaging have been made very quickly and these have brought real consumer benefits in choice, value and better service from clients of the suppliers of interactive voice messaging services. Consumers who have been contacted in this way are generally pleased and prefer this method of contact for many reasons. However the IVMA also recognises that there is an educational need for stakeholders in respect of this industry, to educate them further in respect of the technological and other benefits of the services.

Therefore the formation of the IVMA has been made to provide a single voice to third parties and also to provide reassurance to both client customers of the providers of interactive voice services and their contacted called consumers on the integrity of the providers of such services and to create a “public face” to providers of such services.

The Code really does reflect the best practice of its responsible members but shall act as a yardstick for best practice in the industry generally.

The spirit of the Code is as important as the word of the Code and the commitment of the members of the IVMA is key to the successful implementation of the Code. The Code is therefore not to be limited by specific legal interpretation of terms used but is to be interpreted by a common sense approach to the intent of the Code. The IVMA in interpreting this Code will look to the spirit of the Code and whether a member has complied with that spirit in the fullest sense.

The commitment of the members of the IVMA is captured in five principles of the Code (known as the “Principles”). The Principles are the cornerstone of the Code.

This Code shall appear on the websites of all members of the IVMA and also on the website of the IVMA itself. It shall be updated by the IVMA from time to time by update on the IVMA website and by notice to the IVMA members. In carrying out any changes the IVMA shall (as appropriate) (i) consult with its members; (ii) have regard to protecting the interests of called consumer parties and their supplying client customers; and (iii) the legal and regulatory environment and relevant regulators affecting the provision of such services within the United Kingdom.

3. The Principles

Principal One - Awareness and Training

Every member of the IVMA will ensure that all appropriate personnel, suppliers and agents involved in the supply of the interactive voice messaging services are aware of the relevant legal and regulatory requirements which directly affect the supply of those interactive voice messaging services.

All personnel involved directly in the supply of interactive voice messaging services within the member company will be given appropriate training and awareness of relevant legal and regulatory requirements affecting the provision of those services by that member of personnel. “Personnel” for such purposes shall include both employed, contractor and agency persons engaged by the IVMA member directly in the provision of the services.

Principle Two – Regulatory Registrations and Records and Compliance

Every member of the IVMA shall ensure that they have made and maintain full and complete registrations and filings for all legal and regulatory registrations which directly relate to the provision of the services of that member. Such registrations and filings shall be full and complete such that they ensure compliance with all legal and regulatory obligations in respect of the activities of the member. The member shall reflect this principle on its website as a responsible provider of services by making reference to its regulatory registrations being up to date.

The registrations will be all applicable registrations to running the business of the relevant member. Examples of such registrations in the United Kingdom are:

Data Protection (and data export agreements or Safe Harbor – as applicable);

Office of Fair Trading debt collection registrations for those engaged in debt collection;

FSA or other professional body registrations for those undertaking the provision of relevant services;

Relevant ISO or SAS standards as applicable.

The member shall safely store all relevant records relevant to its regulatory filings for all relevant periods being ideally 6 years or more from the date of such registration. Members shall ensure that their personal data security and retention policies comply with all legal and regulatory requirements and industry best practice.

The member shall comply with all legal and regulatory obligations concerning the provision of interactive voice messaging services. The member shall, in the provision of such services, also comply with the instructions of its client in the provision of the services. The member is acting as an agent of the client and recognises that the client is also regulated in the provision of the services and its own business and shall comply with the instructions of the client in the contact strategy to the called parties and any regulatory requirements and policies that the client instructs the member to comply with in such contact strategy. Specifically, members shall ensure that all their interactive voice messaging applications adhere to the policies prescribed by their client customers compliance departments for human-based calling scripts.

Each member will, as applicable, ensure that interactive voice messaging includes identification and verification processes to maintain the privacy of the individual called party.

Calling times for members making automated voice messaging calls shall be in line with those set by the relevant bodies regulating the industry.

Principle Three – Complaint Procedure

Each member shall adopt this Code and a complaint procedure that reflects the following:

(i) All formal complaints received by the member from a called party shall be handed to the client customer of the member. Any complaint made to the member by the client customer shall be fully investigated by the member.

(ii) The member's website shall identify that complaints will be handled by first line support and the member shall endeavour to respond within 30 days of the receipt of such complaint.

(iii) In the event of any dissatisfaction with the complaint being handled or the response given, then the member shall have a second line support being a senior member of the member's management in the United Kingdom. The member's second line support shall endeavour to respond in reasonable detail within 30 days of the date of receipt of the complaint.

(iv) The contact details and addresses of the first and second level support shall be highlighted on the website of the member and also on the website of the IVMA. All complaints received by the IVMA will in the first instance, be referred back to the complainant to take up with the relevant called client of the member or (if the member is known to the complainant), to the member.

It is expressly understood that any complaints that a member receives about its client customer shall not form part of the complaint procedure highlighted above and shall be passed by the member to its client customers for their response.

All members of the IVMA shall adhere (or as applicable shall advise their clients to adhere) to best practice guidelines issued by such as the Office of Fair Trading in respect of the calling strategies and calling windows to be made in respect of their client calls. These shall have regard also to types of calls and emergency situations in respect of those calls.

The IVMA and their members are committed in the context of this Principle Three and generally to seek to educate the markets in the benefits of IVMA in order to assist in the reduction of complaints about the technology.

Principle Four – Implementation of the Code

All members shall adopt this Code and ensure their compliance with it within 2 months of their membership of the IVMA. Compliance with the Code shall be maintained throughout their membership of the IVMA.

Principle Five – Website and Marketing Transparency

Members of the IVMA shall indicate promptly on their website (and as appropriate other media) their membership of the IVMA and their compliance with this Code so as to bring it to the attention to clients and consumers as applicable.