

Telephone Preference  
Service: Our Position

**BUFFALO**



## The Current TPS Service

In August 2015, the Institute of Fundraising (IoF) was told by The Information Commissioner's Office (ICO) to update its Code of Fundraising Practice, to ensure that if someone is on the Telephone Preference Service (TPS) they can no longer be called. Until this change, it was reasonable for a charity to make a judgement, as to whether it was acceptable to call certain individuals, even if they were TPS registered:

**“Organisations may make the judgement that their relationship with a donor is such that they do not need to seek further consent to receiving calls. The Information Commissioner's Office (ICO) urges a cautious approach”.**

In alumni fundraising, where a relationship with an individual and their former university or school exists, this clause has been widely used in good faith to override TPS. However, this section has now been removed, and the Code now states:

**“Organisations MUST NOT make direct marketing calls to Telephone Preference Service (TPS)/Corporate TPS (CTPS)- registered numbers unless the person who registered the number has notified the organisation that they are happy to receive calls for the time being”**

### TPS Implications

- 50-70% of UK landline numbers are registered on TPS and so excluding this group will severely limit a charity's fundraising opportunities.
- The increase in fundraising pressure on non-TPS groups will drive more of them to register on TPS.
- Telephone fundraising for charities with small databases will be less viable, as they will no longer have enough prospects to call.
- Regular gifts by direct debit will dry up, as telethons are the best fundraising vehicle for gaining long-term support.

## The Telephone Preference Service is Broken

It is important to remember that the TPS is a regulatory instrument, not a law. As the TPS website says:

**“It is a legal requirement that all organisations do not make calls to numbers registered on the TPS unless they have your consent to do so.”**

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*However, the current TPS system is broken and does not provide a true representation of an individual's preference*

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We recently discovered that phone numbers can be allocated to households with the TPS tag already attached, without the household's knowledge. This means that the TPS cannot be trusted to accurately represent a household's preference to not receive marketing calls. There could be millions of households who are unaware that their phone number is TPS registered.

It will be difficult to fix this issue and even if this initial problem is solved, there are still many other issues with the TPS:

- TPS impacts the whole household. Someone in a household could register their home number with TPS, unbeknownst to anyone else in the household, or without understanding that an individual loses their right to be contacted by the charity they support.
- Anyone can register a number on TPS as there are no checks to ascertain whether the person registering is actually someone from the household.
- TPS is a blunt tool. A donor is unlikely to consider when signing up for TPS after receiving a sales call for a product they don't want, that they will also be preventing the charities they support from contacting them.
- You can register your number on TPS from the TPS homepage. However, it is much more difficult to remove a TPS number. Information on how to unregister is found on the FAQ page and one then needs to send an email request to complete the process.

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*We do not believe that the current TPS system meets the requirements needed for informed consent. Therefore, until the TPS system is fixed, or a better solution developed, we do not believe it is right or fair for charities to be excluded from calling their alumni and/or donors.*

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## The Future

A new Fundraising Preference Service (FPS) was mentioned in the Etherington report. The FPS system still needs to be developed, but if it goes live, then it will need to fix the fundamental issues of the current TPS. However, we believe the ICO are against the FPS solution, which may result in effort being spent making the current TPS system fit for purpose.

Either way, the direction of travel suggests that the government wants to ensure that everyone (regardless of whether they are on a preference list or not) can control who contacts them and by what method. With this in mind, charities should now start looking to build a body of evidence for each individual on their database, to show they have specific and informed consent to contact them.

- **Specific:** the consent must be specific to the type of marketing communication (e.g. calls or texts), and the organisation sending it.
- **Informed:** the person must understand to what they are consenting. Organisations must make sure they are clearly and prominently explaining to what the person is agreeing. This is important regardless of how you intend to obtain consent. However it is particularly important if you are relying on unticked opt-outs as opposed to opt-ins.
- **Consent:** the individual must have freely given their consent as a genuine choice and not have it forced upon them as a condition of completing a transaction.

Remember, for consent to be valid, there must be an indication signifying agreement – consent cannot be assumed from a non-response – i.e. a failure to opt-out, such as a letter saying “we will call you unless you tell us otherwise”.

**For more information on how Buffalo would approach alumni on TPS registered numbers, help you make your stewardship more sustainable, please contact our business development team on 01179 33 55 80 or at [marketing@buffalofc.co.uk](mailto:marketing@buffalofc.co.uk)**