

By email to: c.long@deafcouncil.org.uk

For the attention of Christopher Jones (Chair, Deaf Access to Communications) and Craig Crowley (Chair, UK Council on Deafness)

2 October 2018

Dear Christopher and Craig,

Thank you for your correspondence of 14 September 2018, regarding complications deaf users are facing when using third party services in telephone calls and transactions, and how this interacts with the General Data Protection Regulation ('the GDPR').

In your correspondence, you have made reference to the text relay service - now known as Next Generation Text Service ('NGT'). You have explained that users of these services have run into difficulties with, amongst others, financial institutions and insurance companies who refuse to accept these types of calls.

It appears these organisations refuse to accept calls as they believe to do so would breach the GDPR, as personal data is being disclosed to a third party. However, you have also identified an inconsistency in this approach, as it appears that other organisations are happy to communicate in this way. As such, you are looking to clarify the ICO's view on this matter.

Please be advised that the GDPR does not prevent individuals from contacting organisations using services such as textphone, NGT or even using a sign language interpreter. The matter at hand is not one of consent, but that the organisation should have appropriate security in place to protect against unauthorised or unlawful processing of personal data, as outlined in Article 5, principle (f) of the GDPR.

The same level of security should be in place for a customer using the above services, as for one who is not. The organisation must have appropriate processes in place to authenticate the customer, regardless of if they are using one of the above services before processing any personal



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data.

Having passed through the security checks and the organisation has satisfied itself of the individuals' identity, there would be no reason as to why one of the aforementioned services could not be used to correspond.

In terms of moving matters forward, please be advised that the ICO would be happy for you to refer to this correspondence in any future engagement with the organisations you have referred to. We would also be happy to consider further any material you or any associated organisation is looking to publish in order to clarify matters.

I do hope the above clarifies the ICO's position on the matter you have raised. Should you wish to discuss matters any further, please do not hesitate to contact me.

Yours sincerely,



Daniel Bowling
Senior Policy Officer
Policy & Engagement Department

