



## Acceptable Use Policy

### (Wholesale Customer)

This Acceptable Use Policy (“AUP”) must be agreed to by the Customer using Microtalk services (“Wholesale Customer”) in conjunction with our “Master Services Agreement” (“MSA”) and any amendments as agreed.

The AUP is subject to change and it is the sole responsibility of the Wholesale Customer to ensure compliance with the most up to date version which can be found at <https://microtalk.co.uk/terms-and-conditions> at any time.

In the event of any failure to comply with any of the provisions of this AUP, Microtalk reserves the right to suspend or cease your service with immediate effect.

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# General Provisions

Wholesale Customers shall not, and shall ensure that its End Users do not, use the Service or Network to distribute, transmit, forward, send or receive any material (voice or data) that we consider, at our sole discretion;

- ✓ To be threatening, abusive, defamatory, obscene, harassing or discriminatory (including, but not limited to discrimination based on race, gender, ethnic origin, religious belief, sexual orientation or disability);
  - ✓ The sending of any unsolicited promotional or marketing material (“spam”);
  - ✓ That is in any way unlawful or otherwise promotes, facilitates, encourages or is used in connection with any fraudulent purpose or any activity which would be illegal under UK or International law;
  - ✓ Causes damage or injury to any person or property;
  - ✓ Is in breach of any applicable laws or regulations; or
  - ✓ Infringes any Intellectual Property right or other proprietary right or right of privacy of any third party;
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- Wholesale Customer agrees that the Allocated Numbers will only be used for communication with end users whose identities have been verified in accordance with Know Your Customer (KYC) guidelines. No numbers shall be used for outreach unless KYC has been satisfactorily completed.
  - Wholesale Customers must provide caller identification (“CLI”) on all calls. This CLI may be withheld from the called party End User using the SIP facilities provided. We reserve the right to refuse or surcharge calls sent without such information.
  - The Wholesale Customer must not participate in any form of traffic generation for dishonest gain. Including, but not limited to, Artificially Inflated Traffic (“AIT”)
  - The Wholesale Customer must not participate in any form of traffic which could adversely affect the Microtalk network or those of our suppliers or other customers.
  - The Wholesale Customer must, at all times, comply with the provisions of the Communications Act 2003, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any other relevant legislation.
  - The Wholesale Customer must not use, or permit use of, the Service to provide services otherwise in accordance with The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013” (SI:2013/3134) or the EU Consumer Rights Directive
  - The Wholesale Customer must at all times comply with Ofcom guidance for automated (“dialler”) traffic and the Statement Of Policy on Persistent Misuse (“Ofcom Policy”), which can be found from this link: [OFCOM - Persistent Misuse guidelines](#). The Ofcom Policy offers the following examples of misuse, which are not to be considered exhaustive;

- ✓ Misuse of automated calling systems;
  - ✓ Misuse by making silent or abandoned calls;
  - ✓ Number-scanning;
  - ✓ Misuse of calling line identification ("CLI") facilities;
  - ✓ Misuse for dishonest gain; and
  - ✓ Misuse of allocated telephone numbers
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- The Wholesale Customer must not use or permit use of, the Service to intercept or monitor any data, messages or other communications without knowledge and consent of the End User.
  - The Wholesale Customer must not use numbers allocated by Microtalk as presentation CLI for dialler traffic originated through other networks (provider) without our prior written consent. In any event, the Additional Provisions for Automated Diallers below apply.
  - The Wholesale Customer must not impersonate any third party or entity by adding, removing, or altering header information or other signalling or messages transmitted via the Service.
  - The Wholesale Customer shall promptly report to Microtalk any event, condition, or activity indicative of a possible or actual breach of this Acceptable Use Policy or breach or compromise of the security of their own network and/or the Services, including any event, condition, or activity occurring within any other communications or computer network that could affect the security of the Wholesale Customer or the Service.
  - The Wholesale Customer shall at all times consume Microtalk Services in good faith, as they were intended, nor engage in any form of arbitrage.
  - The Wholesale Customer shall, at all times, ensure that allocated numbering is used strictly in accordance with the National Numbering Plan (as published by Ofcom) and any restrictions therein.

# Automated Diallers

- Wholesale Customers must not make 'voice broadcast' calls - this nature of dialler traffic is expressly prohibited on the Microtalk network.
- Wholesale Customers must seek prior written approval from Microtalk before using the service for automated dialler traffic. Such use will be granted only where assurance of compliance with the Automated Diallers provisions below is provided.

## Automated Diallers (Additional Provisions)

Please note these are offered as advice and are the minimum requirements for the Microtalk network where Wholesale Customers have been granted permission to operate predictive diallers. It is provided "as is" and without warranty of any kind, expressed or implied, that following these rules would ensure full compliance with all relevant legislation.

Within this section the following definitions apply;

<b>Predictive Dialler</b>	Any system or platform (whether operated directly by the Wholesale Customer or not) capable of dialling a telephone number prior to a live operator being able to handle the call directly.
<b>Abandoned Call</b>	An established connection but terminated by the originator / calling party.
<b>Live Call</b>	An established connection to a live individual.
<b>Silent Call</b>	An established connection where the called party hears nothing upon answering.
<b>Live Operator</b>	A person who is available to talk with an individual who answers a call and expressly excludes IVRs and pre-recorded messages.
<b>Abandoned Call Rate</b>	In accordance with Ofcom policy this is calculated as follows where A represents abandoned calls and L represents live calls; $(A/A+L) \times 100/1$

## Where permission has been granted to operate Predictive Diallers;

- All calls must ring for a minimum of 15 seconds before a call is terminated.
- The rate of calls abandoned (ACR) must be no more than 3% of live calls over a 24 hour period and must include a reasoned estimate of Answering Machine Detection ("AMD") false positives where AMD is used.
- Statistics in summary form, or CDRs, which record compliance must be retained for a minimum of six months and must be made available on request by Microtalk
- Written procedures which detail the following must be available;
  - ✓ How predictive diallers are configured;
  - ✓ How silent call generation is monitored;
  - ✓ How silent call complaints are handled.
- All Wholesale Customers must provide accurate and relevant CLI on all calls. This CLI must be a basic rate 01, 02, 03 or 080x (Freephone) number. 070x, 084x, 087x and 09x are expressly prohibited.
- Return calls to the CLI presented must connect to the organisation responsible for making the call, not an automated message. Where an automated message is played when calling the return number there must be an option to be connected to a live operator from that organisation.
- In the event of an abandoned call a brief recorded message must be played no later than two seconds after the call has been answered which;
  - ✓ Identifies the company who was responsible for the call (where a call centre is engaged in marketing or market research activities this should be the company that instructed the campaign);
  - ✓ Offers the called person an option to opt-out of any further calls by contacting an 0800, 0808, 01, 02 or 03 number only. This can also optionally be provided by means of a "press X" IVR option in addition to providing a contact number;
  - ✓ Must include no marketing content, and is not used as an opportunity to market to the called party.
- Where an abandoned call has been made to a number any repeat calls to that number in the following 72 hours MUST be made with a guaranteed live operator
- Where a call has been identified as an answering machine (including false positives) any repeat calls to that number within a 48 hour period MUST be made with the guaranteed presence of a live operator.

## Answering Machine Detection ("AMD")

Whilst Ofcom have not specifically banned use of Answering Machine Detection ("AMD") it is our view that the current technologies are not going to enable compliance with Ofcom's guidance. Ofcom's own advice support this;

"Ofcom recognises that at present, and until accuracy rates improve, it will be very difficult to use [existing] AMD technology without breaching the three percent guideline."

We therefore do not permit the use of AMD on outbound calls.

## Telephone Preference Service ("TPS")

Unsolicited calls to any telephone numbers registered with the Telephone Preference Service are prohibited by law under all circumstances. It is the Wholesale Customer's sole responsibility for ensuring compliance with this.

## Voice Messaging / Voice Broadcast

Voice broadcasting or IVR traffic is prohibited in Microtalk's network and shall be blocked by the Wholesale Customer.

# Disclosure of Information

The Wholesale Customer must, at all times, ensure all information provided to Microtalk is up-to-date and accurate.

Microtalk reserves the right to disclose the Wholesale Customer associated with an allocated telephone number or CLI to any party who provides due cause or makes a competent complaint, the competency of which will be at Microtalk's sole discretion.

Where requested by Microtalk or required by law (including, but not limited to, a request within the scope of the Regulation of Investigatory Powers Act 2000 ("RIPA")) the Wholesale Customer must provide details of the End User of any number provided by Microtalk or CLI used for the origination of traffic.

Where the End User of the service is a natural person this information will never be disclosed to any third party except as required by law.

# Support

If you have any questions regarding this Policy, please raise a support ticket via the Support Portal <https://microtalk.co.uk/get-support-ticket> or send us an email at [voice.support@microtalkgroup.com](mailto:voice.support@microtalkgroup.com).

When contacting the support via website or email, please ensure you include your Microtalk account number.

To operate an Automated Dialer the written procedures as required above should be provided including;

- ✓ How predictive dialers are configured;
- ✓ How silent call generation is monitored;
- ✓ How silent call complaints are handled;
- ✓ How your data is screened against TPS/DNC;
- ✓ How incoming calls are configured.

**Do not commence any automated dialer traffic without having previously obtained written authorization to do so from Microtalk.**