

Your Legal Questions

Paul Addison
Partner & Solicitor



Q I am regularly receiving unsolicited text message to my mobile telephone marketing various things. Is there anything I can do to stop this?

A The Privacy & Electronic Communications Regulations 2003 cover the way in which organisations can send direct marketing by electronic means, which include by text message or SMS.

Assuming that your number is a personal and not a business one (which the regulations will not cover) organisations are not permitted to send you marketing text messages that you have not agreed to receive unless:

1. The sender has obtained your details through a sale or negotiations for a sale;
2. The messages are about similar products or services offered by the sender; and
3. You were given an opportunity to refuse the texts when your details were collected, and if you did not refuse then you must have been provided with a simple way to opt out in respect of all the text messages you receive.

If you receive marketing by text message which you believe breaches the regulations you should write to or e-mail the organisation concerned and ask them to stop sending you any form of marketing or sending you unsolicited text messages. If it is unclear as to where the message comes from, or if it is from a company that you do not know anything about, it is advisable not to respond to the message because this may confirm to them that your number is live. You can try to opt out from receiving further messages by texting "STOP" to the telephone number or five digit short code shown in the text message and see if the messages then stop. If you still receive messages from companies that you have asked to stop sending them to you then you should complain to the Information Commissioner's Office who have powers to investigate the organisations responsible for sending unsolicited marketing communications.

Paul Addison is a Partner and Solicitor in the Civil Disputes & Litigation Department.
Direct Dial 01934 637 906/
addison@powellslaw.com