Sytel Compliance Statement
For Predictive Dialling
In the United Kingdom

COMPLIANCE

1. Rules Relating to Dialler Performance

Sytel enforces compliance with the provisions of the Ofcom Misuse regulations published in 2006 and September 2008. See specifically clause 4.16 from the September 2008 Ofcom Misuse Statement.

Rule	Comment
3% limit for abandoned calls	**Enforced by Sytel.**
Abandoned calls to be measured as a % of live calls, not answered calls, or any other measure	**Enforced by Sytel. As of March 2009**, Ofcom, at Sytel's request, has made it clear that abandoned calls deemed to be answering machines (when answering machine detection is turned off) should be excluded from the calculation for abandoned calls. This is the basis on which Sytel measures such calls.
Live calls not to be held up for more than two secs once a called party has 'picked up the phone'.	**Enforced by Sytel.** If the dialling gateway is controlled by a third party they can get around this rule, but we strongly advise them not to and issue instructions in our software to try and pre-empt this; we believe all such users and partners are compliant.
Answering machine detection (AMD) can be used only if false positives are counted as abandoned calls.	**Effectively this means no AMD is possible in the UK.** Sytel has had a number of private exchanges with Ofcom on this subject and made it quite clear that AMD is not an exact science and that the expected incidence of false positives makes predictive dialling unworkable in the UK if AMD is used. Ofcom are totally in agreement on this and we expect them to issue an addendum to their Sep 2008 statement, which should effectively ban the use of AMD. N.B. For more background on this, contact Sytel.

Minimum ring time of 15 secs	**Enforced by Sytel.** When other partners have their own dialling gateways, there is scope for abuse, but it is unlikely that this happens. Policy is as in the comment above in respect of the two second rule.

2. Rules Relating to Other Dialler Issues

There are a number of other rules which don't impact dialler performance, which users are obliged to observe. See specifically again clause 4.16 from the September 2008 Ofcom Misuse Statement.

Rule	Comment
No retry of an abandoned call for 72 hours unless as a preview call, i.e. agent available	If Sytel's list manager is being used, this activity will be controlled by Sytel. Otherwise other application providers using Sytel's dialler platform will be responsible for this activity.
Record holding for six months	This is under user control. If Sytel's reports are being used, they can be kept for this period.
Provision of CLI	Sytel software checks to ensure this provision is complied with.
Playing of appropriate message	As above.
The measure for abandoned calls is over a 24 hour period	Sytel meets the target of 3% for each campaign on a daily basis.

3. Compliance Regimes in Other Countries, including US

The UK regulations are in all respects as strict or stricter than government regulations in all other countries, including the US. The compliance model followed for countries such as the US is implemented as for the UK, but with allowance made for local differences. Thus for example in the US there is no recognition yet of the nuisance called by false positives, and answering machine detection can be deployed.

Also the FTC and the FCC in the US have set a rule for recording abandoned calls so that they may be tracked and balanced on a monthly basis. This has been an unnecessary and retrograde step for users. Daily balancing is enforced by Sytel and makes campaign administration considerably easier, since monthly balancing becomes automatic, requiring no administration and allows no scope for abuse.

4. Sytel's Leadership on Enforced Compliance

As shown above, in all cases where it can Sytel enforces the Ofcom rules. Users have no options. There are no settings that supervisors can override, unbeknown to management, in the search, for example, for higher levels of pacing.

Most of the regulations in place in both the UK and the US either directly or indirectly derive from the standards that Sytel has set over a decade ago. Sytel's enforced compliance actually predates not just the Ofcom rules but also those of the FTC and the FCC in the US. Sytel took a strong stance against irresponsible dialling in the 1990s and all of the performance settings in Section 1 above have been enforced not just in the UK but other countries since then, with only minor changes. For example in some countries we set a limit on abandoned calls of 5%, which has been the Direct Marketing Association requirement, in the absence of government rules.

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