

Unsolicited messages and calls about Accident Claims: Advice for Patients

The Trust has recently been contacted by a number of patients who have received text messages or phone calls from companies offering assistance with making a claim for compensation for an injury. Unfortunately, some of these patients had recently attended A&E and this led to some concerns about their information being shared.

The Trust would like to confirm that it does not share patient information and this is not as a result of any breaches in confidentiality. This problem appears to be as a result of companies sending out blanket unsolicited messages to people, whether or not they have suffered an injury or accident. These unsolicited calls and text messages are a growing menace, and are clearly causing anxiety to patients. I myself have received three such messages in June and July alone – despite having no hospital or other healthcare treatment in the last eight months, nor having had an accident.

Organisations such as the Telephone Preference Service provide useful guidance for anyone who has concerns, and I have included guidance and contact details from the Telephone Preference Service below.

Unsolicited Text Messages SMS – Guidance from the Telephone Preference Service

(Source: <http://www.tpsonline.org.uk/tps/news3.html> accessed on 5 August 2011)

Dealing with Unsolicited Text Messages: Accident Claims, Debt Management or PPI

We are aware of a spate of unsolicited text messages (SMS) relating to accident claims, debts or missold PPI. The companies sending these are seeking to solicit genuine leads which are then sold on to management firms.

Messages typically begin with the words: 'FREE MSG: Our records indicate that you are [or 'you may be'] entitled to ...' and will then state a sum of money that can be claimed. We do not believe that these companies hold any records about individuals, but are using the phrase to mislead the recipient.

What should I do if I have received such a message?

Our advice is to ignore it and not respond in any way. The companies behind these messages are looking to earn money from leads. If there are no leads, then it will no longer be viable to send them.

Will it cost me money to receive the messages?

We have not seen any examples where such messages will cost anything to receive. If the message comes from an 11 or 12 digit number (it will look like a mobile number) then no charge has been made if you received it in the UK. Similarly, if the message sender shows a company name you will not be charged to receive it in the UK.

Only messages sent from four, five or six-digit numbers can make a premium charge to your phone. If you believe this has happened, then contact your operator's customer services department. You can report any premium rate messages to the regulator.

Can the message damage my phone or collect any information?

If the message has a standard SMS icon then it is safe to open it and should not cause any damage.

However, if the message prompts you to open a link, or it has a link to click on, then avoid doing so. If in doubt, simply delete the message without reading it.

Who should I report it to?

You can report it to your network operator, who may be able to prevent further spam from the originating number. Unfortunately as the numbers often change, they cannot guarantee to stop all unsolicited messages. You can either contact your network operator's customer services or use one of the reporting numbers below:

- Orange, O2, T-Mobile and Three: Forward the SMS to 7726
- Vodafone: Forward the SMS to VSPAM (87726)

If you do not believe you have opted-in to the number, or that there is a breach of your data protection, then you can report it to the ICO. It is important to make a note of the details including:

- The time and date you received it
- What the message said
- The name or number that it came from

Complaints can be made here:

http://www.ico.gov.uk/complaints/privacy_and_electronic_communications.aspx.

Unfortunately where there is no company information it may not be possible for the ICO to follow up individual complaints.

If the SMS was concerning an accident claim, then you can report it to the Ministry of Justice's Claims Regulations. They will also need to know the date, time, message and the number it was sent from. The website can be found at

<https://www.claimsregulation.gov.uk/index.aspx>

Or you can complain by email: info@claimsregulation.gov.uk or by phone on 0845 450 6858 or 01283 233 309 (only use the 0845 number from your landline as calling from your mobile will be more expensive).

If the SMS was about debt management, then you can complain to the Office of Fair Trading on their website:

<http://www.offt.gov.uk/about-the-offt/legal-powers/legal/competition-act-1998/complaints>

Replying to The Messages

These messages usually include two 'keywords', one keyword (such as CLAIM) to make a 'claim' and STOP to opt out of further messages.

We would not advise you to reply to the text, however there is no evidence that replying to these messages will cost you money besides your standard network tariff to send an SMS. If you reply with CLAIM, then you may receive a call within a few days asking for more information. Such calls should not be made from a withheld number and the caller should identify the company name and provide details of their address or website. They should also be able to provide precise information on how they obtained your number.

However, we would advise you not to seek help from such companies, but to use reputable firms instead. If you have had an accident, there is a list of registered companies on the MOJ website: <https://www.claimsregulation.gov.uk/search.aspx>

If the company has identified themselves or supplied a telephone number during the course of phone calls or SMS then we would recommend that you make a complaint to the ICO and, if it is related to an accident claim, to the MOJ on the details above.

Should I reply STOP?

We do not have any evidence that replying to such a message will stop further unsolicited texts. We would therefore advise that you ignore it and not reply. We believe that these messages are sent via a computer and replies will also be received by a computer. Thus, replies with any other messages will not be read by a person, and simply ignored.

The regulators are well aware of the problem with spam SMS and are currently working closely with network operators and industry experts to both stop these messages.