

22nd July 2011

Central Bank of Ireland
Consumer Protection Codes Division
PO Box 559
Dame Street
Dublin 2

AA Ireland
56 Drury Street, Dublin 2

Tel: 01 617 9999
Fax: 01 617 9900

AAireland.ie

Consultation Paper CP54

Dear Sirs

I refer to the above reference, in respect of AA Ireland Limited trading as AA Insurance.

AA Ireland welcomes the opportunity to provide a submission to the Central Bank in respect of Consultation Paper CP54. Please see attached submission in respect of same.

AA Ireland would welcome the opportunity to discuss CP54 with the Central Bank of Ireland, and would be happy to respond to any queries on this submission.

Yours sincerely



Sinéad Harahan
Quality & Compliance Team Manager
01-6179369



AA Ireland
56 Drury Street, Dublin 2

Tel: 01 617 9999
Fax: 01 617 9900

AAireland.ie

Unsolicited Contact

AA Ireland welcome enhanced consumer protection. This places more control with the consumer, which is commendable. However, these provisions are restrictive, and may impact adversely on some firms' levels of business. Clarity is required on informed consent from consumers, in particular as more business is being conducted online or by telephone.

3.31 A regulated entity may only make an unsolicited personal visit or telephone call to a personal consumer who is an existing customer

In line with the market moving more towards conducting business online or by phone, we are seeking clarification on this provision. Personal consumers, who are not yet existing customers, may have expressed informed, clear interest in a firm, and its products. This would include providing the firm with all contact details, either online or by phone, and opting in on the Data Protection policy. Although these consumers are not yet customers, clear interest has been expressed, and we believe contacting these consumers should not be viewed as unsolicited.

We are seeking clarification on this point in line with the above.

3.32 A regulated entity must not, for sales or marketing purposes, make an unsolicited personal visit or telephone call, at any time, to a personal consumer who is an existing customer unless that personal consumer has given informed consent in writing to being contacted by the regulated entity by means of a personal visit or telephone call.

We are seeking clarification on informed consent in writing, as noted in this provision. With more firms using call recording and online applications in lieu of paper applications, this should be considered when seeking informed consent. We would suggest that informed consent on a call recording, or a tick box on a website should be included in this. Many businesses now operate via many mediums, including telephone and online. Existing customers may contact firms for quotes for other products the firm offer. As the customers are initiating the contact, this can be interpreted as informed consent. We would suggest that informed consent be included in a firm's data protection policy, so it is in existence once a customer has opted in.



AA Ireland
56 Drury Street, Dublin 2

Tel: 01 617 9999
Fax: 01 617 9900

AAireland.ie

3.33 In order to comply with Provision 3.32 above, a regulated entity must have obtained the consent of the personal consumer in a separate document or separate section of a document, which includes a requirement for the personal consumer to sign that section/document and which sets out:

- a) the purposes for which a personal visit or telephone call may be made if the personal consumer consents, and
- b) the times and days for the proposed contact, which must be within the times and days specified in Provision 3.35

More and more people are conducting their business, financial and otherwise, online and by telephone. Many firms operate an online and telephone quotation service, and potential clients by getting a quote are expressing an interest in the firm/quote. These individuals would also have opted in to the firm's data protection policy. As such, for online and telephone clients, there should be an option to provide their consent online if the document clearly outlines the information as contained in the provision. Similarly, for those firms who use call recording to conduct business, there should be an option to get informed consent from a customer, following the form prescribed above.

