

**M BIRD NON-CONFIDENTIAL RESPONSE TO PMI MARKET INVESTIGATION
17 DECEMBER 2013**

Dear Sir,

On 17th December on BBC News, I saw the article into the Competition Commission enquiry into motor insurance costs. This is an issue close to my heart at the moment after a two year long nightmare.

I feel that a huge part of this issue is the fraudulent claims generated by parasitic personal injury companies, both the legitimate and fraudulent ones.

These companies somehow get hold of databases of detailed information about accidents and the parties involved and then pursue them relentlessly trying to get them to make claims for non-existent whiplash injuries. In doing this they hide behind alias phone numbers or PAYG mobile numbers and ignore the TPS database and Data Protection Law.

I have had direct experience of this since a minor no fault accident in August 2011 and am still being pursued by these people even now. These companies often claim to actually be my own insurance company or calling on their behalf. I have confirmed with my own insurer and that of the third party that these claims are fraudulent and nothing to do with them.

The problem is that as an individual, there is no means to find out who or where these companies really are or where they got the information from. They hide behind alias phone numbers which are apparently untraceable. I have asked my insurer, their claims management company and the vehicle repairer and they all deny that they passed the details to any third parties. Further to suggestions they made, I have placed a data subject request but the organisation concerned also deny having anything on file about my accident.

So, I turned to the TPS, the DCO and Action Fraud for help only to find that the law and the way these agencies work together is completely non-functional.

The TPS log and record instances of companies cold calling accident victims but they have no powers to trace or prosecute the perpetrators. They simply pass the data to the DCO. As I understand it, very few companies making cold calls subscribe to the TPS database or have even heard of it.

The DCO says that although they do have the power to bring prosecutions, they have no investigatory powers. So, if I go to them to complain that someone is calling me from an alias phone number, ignoring the TPS data base and Data Protection Law, they can only prosecute if I do the investigation myself and provide them with all the evidence they need. How utterly ridiculous! Clearly as a private individual, there no way I can access phone records or trace the ownership of alias phone numbers, only the Police can do that.

And finally, Action Fraud which is now the public interface of the Police for fraud related issues. They only investigate reports in aggregate, i.e. if they get multiple reports about a company, or individual who is breaking the law, they do have powers via the Police to investigate and prosecute but they will not pursue individual cases or report back to individual complainants on them.

So we are completely snookered and once again, it is the crooks who use the law hide behind and victims who have no real rights.

If only we can stop these parasitic companies getting the information in the first place, it will kill all these fraudulent claims and the associated costs to the motor insurance industry overnight.

So what we need to achieve this is:-

1) A change to the law to make the registered owner of an alias phone number liable for its misuse by any third party.

2) A change to the law to give the TPS the power to trace misused alias phone numbers back to their origin and to report back to individual complainants. We should have a right to know who is calling us when TPS and Data Protection laws are broken. It is difficult to see how the TPS could be given such powers under the current setup as it is a wholly owned subsidiary of a limited commercial company, the Direct Marketing Association.

3) A major shake up in the way the three agencies/organisations liaise and work with each other.

I am afraid the whole thing is presently a complete shambles of un-joined up thinking and until we tackle these issues we are not going to make any inroads in this problem.

Yours faithfully

M Bird