otelo

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REPORT 0083123

PARTIES TO THE COMPLAINT

Member Company **NTL Group**

Complainant **Dr Ian Goldby**
7 Hannah Crescent
Nottingham
NG11 7ER

NATURE OF ORIGINAL COMPLAINT

In November, ntl began blocking emails sent by 'WebFusion', the Internet Service Provider (ISP) of St Nicholas' Church, Nottingham. Dr Goldby's initial enquiry to ntl was made through its support website, but he received only an automated response. The customer made two subsequent telephone calls to ntl's Technical Support Line, the second of which took over one hour to conclude, including the time he was put on hold.

Dr Goldby states he then received an emailed response claiming that the emails were being blocked because they contained virus attachments. He denies that this was the case, as all of the blocked emails were short text messages with no attachments whatsoever. He decided at this point to make an official complaint, and he received a call from a representative who advised him that ntl had started using the 'SORBS' real-time blacklist to block all emails from blacklisted ISP's, with the intent of reducing junk email received by ntl customers. Dr Goldby says that WebFusion was on the SORBS blacklist because a previous customer sent junk emails. The customer informed the representative that the emails being blocked were legitimate and ones he wanted to receive. The representative regretted that he could not help, but provided the address for ntl's Complaints Department.

Dr Goldby then sent a letter to the Complaints Department, and a reply was received which said ntl would not stop using SORBS to filter his incoming email. He believes this really meant the company would not help him. Another letter of complaint was sent saying this was unacceptable, and he asked for information on ntl's official complaints procedure and requested a copy of its Code of Practice. However, he received no reply to this letter, so another was sent a month later again requesting this information. He complains that after another two months there has still been no response.

The customer's complaint is now twofold. Firstly, ntl will not allow him to decide for himself which emails he should be able to receive, and is blocking legitimate emails. Secondly, the company has handled his complaint badly. During calls he has been left on hold for long periods and often fobbed off with an incorrect reason. He also complains that he has now found that his complaint is being completely ignored, particularly when he asked for its Code of Practice and escalation procedures. His letter of concern was sent to ntl's Customer Concern on 30 March, but has not received an acknowledgement or a response.

NTL GROUP'S INVESTIGATION OF COMPLAINT AND DECISION

ntl blocks emails from certain domains entering its network when it has been found that emails from such domains have been used to extensively spread 'SPAM'. These blocks are applied to the whole network and not just to individual email accounts.

ntl blocks emails from suspect domains in order to protect its network and to protect its customers

INVESTOR IN PEOPLE

from all such SPAM attacks.

It notes that Dr Goldby contacted ntl on 2 December to complain that some of the emails sent to him had not been received. ntl conducted an investigation. After attempting to contact Dr Goldby on 8 and 9 December, ntl finally managed to contact the customer on 10 December and reported that the domain in question had been blocked because of SPAM activity and that the originating domain would have to contact ntl in order for its emails to be unblocked. Incorrect.

OMBUDSMAN'S REVIEW

1) Dr Goldby has complained that since November he has been unable to receive all of the emails he was being sent because ntl had blocked all emails sent by the ISP, WebFusion. The Ombudsman can understand the frustration expressed by the customer on this issue, but she can also understand the stance taken by ntl in this matter, as the receipt of SPAM emails has become a huge problem. The Ombudsman welcomes the fact that, where it has become apparent to ntl that an ISP has become involved in this sort of activity, it has now taken steps to prevent such emails being received by its customers. No, apparent to SOREES.

2) The Ombudsman can accept that these may have been emails Dr Goldby wanted to receive, but it seems apparent that the reasons for these being blocked have been fully explained to the customer. In addition, it would appear that the customer has been advised that this matter could be resolved if WebFusion contacted ntl in order for its emails to be unblocked. The Ombudsman is unsure if this action would have made any difference to the situation, as the domain had apparently been involved in such activity in the past. However, these are obviously the procedures that ntl has in place in such matters and it would appear the company's response on this matter is appropriate given the circumstances.

No.

Not publicised

3) The Ombudsman is concerned that Dr Goldby's letters appear not to have received a response and this fact she finds unacceptable. Although ntl's position in this dispute seems clear, the customer has legitimately requested copy of ntl's code of practice and information relating to its complaints procedures. The Ombudsman has received copies of the letters in question and, on the balance of probability, she considers that this demonstrates that the customer has not received the level of customer service he could have expected.

PROVISIONAL CONCLUSIONS

The Ombudsman cannot dispute the information provided by ntl over the issue of SPAM emails, and she feels that where the company has received evidence of such activity taking place, then it has acted appropriately. The Ombudsman welcomes the procedures ntl has put in place to protect its customers in such matters, and advises Dr Goldby to ask WebFusion to contact ntl in order for its emails to be unblocked, as this seems the only way forward on this issue.

However, the Ombudsman believes the information provided does indicate that Dr Goldby has received poor customer service in this dispute, and she requires ntl to make a £25 gesture of goodwill to take account of this. The Ombudsman requires this payment to be sent with a letter of apology for any distress its actions may have caused in this matter.

I asked for NTL to white list WebFusion – they would not.