

## Bluetooth spam not covered by ICO guidance

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Following discussions with the Department of Business, Enterprise and Regulatory Reform and others the Information Commissioner's Office has amended its guidance on the Privacy and Electronic Communications Regulations 2003. The guidance previously stated that marketing messages sent using Bluetooth technology would be subject to PECR rules relating to the sending of unsolicited marketing.

However, the Regulations only apply to messages sent over a public electronic communications network and we have concluded that Bluetooth messages are not in fact sent using such a network. We have amended our guidance accordingly. It is for government to decide whether the law should be changed to cover such marketing.

We would like to stress that regardless of whether a particular technology is covered by PECR, consumers are increasingly aware of, and concerned about, the sophisticated methods of sending marketing to them and it is good practice to take their concerns into account when devising a responsible marketing strategy. We would urge marketers considering the use of Bluetooth technology to consult industry guidelines on good marketing practice.

[PECR guidance](#).

**For more details please contact the ICO press office on 0207 025 7580**