

CODE OF CONDUCT FOR TELEMARKETING

This code of conduct has been devised by the DMA Finland (Asiakkuusmarkkinointiliitto, ASML) in extensive cooperation with companies, communities and authorities from different fields, including for instance the Consumer Agency and the Office of the Data Protection Ombudsman. The Office of the Data Protection Ombudsman has checked the legality of this code of conduct in a manner indicated in the Personal Data Act (523/1999), 42 §.

1. SCOPE

These instructions define good practice in telemarketing. The instructions are applied when a sales person calls a consumer and also, when applicable, when a consumer calls a sales person.

In addition, especially the Consumer Protection Act, the Personal Data Act and some special acts as well as authoritative instructions and regulations apply to telemarketing and must be taken into consideration. In particular, it should be borne in mind that telemarketing is distance selling indicated in Chapter 6 of the Consumer Protection Act.

These instructions strive to avoid repeating the content of the acts. Several sections of these instructions concretize the regulations of the previously mentioned acts in practical situations. Member companies of ASML have been committed to following this code of conduct.

2. BEFORE THE CALL

DATA PROTECTION

Handling personal data, including subcontractor relations and contracts, in telemarketing as a whole must be carefully planned. The company must choose the target group of telemarketing carefully and systematically as well as prepare different elements of this action by considering the special characteristics of the target group.

Personal data must be handled meticulously and securely. Calling by forming phone number lists by drawing lots or by otherwise generating phone numbers automatically is not allowed. Contacting a consumer by telephone must always be based on real personal data. The consumer's telephone number is considered personal data. The company and its subcontractor must be able to reveal the address source of the consumer's contact information to the consumer.



The company must make sure that it has sufficient reporting and follow-up systems to realize quality control and follow-up with regard to contacting special groups. Recording phone calls is a part of good quality control. It is recommended that calls are recorded as evidence of the transaction. ASML has separate instructions for recording phone calls.

CALLING TIMES AND NUMBER OF CALLS

Consumers can only be called from Monday to Friday between 9:00 a.m. and 8:30 p.m. and on Saturdays between 10:00 a.m. and 6:00 p.m., unless otherwise agreed with the consumer.

The phone number of the calling company must be visible to the recipient of the phone call. The consumer must be given sufficient time to answer the call; the company must allow at least 15 seconds or 5 ring tones for answering the call.

The company must aim at not calling a consumer with regard to the same commodity within 2 months of the previous phone call, unless the new call is based on the consumer's expression of intent.

OPT-OUT AND PERMISSIONS

The company, on behalf of which the telemarketing takes place, must maintain an opt-out register or those consumers who have given the company a law-based marketing refusal. According to authoritative definitions of policy a consumer can give an opt-out to a company only if the company handles the consumer's personal data in a marketing purpose.

Consumer's opt-out must also be accepted during a telephone sales call. Opt-outs must be adhered to without delay. The consumer must be offered lawful information regarding opt-out, restrictions and the address source. The realization of the right to opt-out must be carefully seen to also when services are outsourced.

If the company asks for a separate permission to call the consumer, this permission must be asked in an individualized and clear manner. The company must retain information of the origin of the permission. ASML has a separate code of conduct for the practical realization of the consumer's request required by the special regulation of telemarketing of mobile subscriptions.

As a self-regulation service, ASML maintains a general telephone preference service for consumers (so called Telephone Robinson). The Robinson service offers consumers a more extensive restriction possibility of telephone offerings than the company-specific right of refusal set by the law. When calling a consumer, the time that has passed since updating the company's call register



based on the telephone preference service must be less than one month. The premise is that after giving a restriction the consumer would not receive any calls.

The Robinson restriction does not prevent managing offerings or other communication closely related to the existing customer relation or other pertinent connection. Utilizing the Robinson service is a part of good business practice in telemarketing. Member companies of ASML are obligated to use the service in their operations. Hundreds of other companies use the service as well.

SENIORS AND OTHER SPECIAL GROUPS

Collecting and handling age-related information of consumers must be organized in such a way that the company has the required, accurate and up-to-date information available in different situations.

The premise is that with regard to conducting matters via telephone, seniors are in the same position as other target groups. At the same time, special care must be followed in planning and executing contacts targeted at seniors.

The company can set company-specific calling restrictions based on, for instance, the age of the consumer. The company may also have an individual-level note in its customer data stating that the customer in question will not be called at all with regard to certain kind of issues but, instead, other communication channels are used. Sometimes family members have justified need to take care of matters related to seniors' telephone transactions. The company must beforehand plan how to promote the realization of the shared intent of family members and seniors in different types of practical situations.

Telephone sales calls should not be made to minors unless the guardian has given a specific permission to do so.

It is essential to constantly follow-up on the feedback given by customers and the sales personnel of the company as well as to revise operations based on this feedback. Before making a call, the company must ensure that basic, additional and support information related to the matter in question is efficiently available to the consumer, personnel, and subcontractor.

AUTOMATIZATION RELATED TO CONTACT

If a sales call from the company to the consumer is realized with a beforehand made recording, specific permission is needed from the consumer for this kind of a sales call according to the Act on Data Protection in Electronic Communications.

If, on the other hand, the number selection of the sales call from the company to the consumer is automatized but communicating the message takes place

in interaction between the company representative and the consumer, no specific permission is needed. Taking into account that using automatized calling systems requires prior consent from the consumer, when using automatic number selection, the company must avoid situations in which it cannot handle the call immediately when the consumer answers it. These kinds of silent calls cannot, even during a short period of time, comprise more than 1-2% of the overall number of made calls.

If, however, the consumer receives a so called silent call, information of the exceptional situation, i.e. a “call notice”, can be offered to the consumer at the latest within 5-10 seconds of answering the call. This short notice must contain information that a person from the company strives to handle the call quickly. This notice message should not include any marketing.

During the silent calls, the consumer’s waiting time must not exceed 15 seconds. If the waiting time runs over, the call must be automatically ended in such a way that the consumer receives a polite message of the ending of the call.

If, as a result of a so called silent call, the consumer calls back the company, a. the consumer’s call must take highest priority in call routing, if possible, or b. within technical possibilities an automatic notice should be arranged stating only the maker and purpose of the attempted call.

Consumer’s call back must not result in more costs than normal telephone charge.

3. DURING A CALL

STARTING THE CALL

Immediately in the beginning of the telephone conversation, the sales person must clearly state his/her name and the commercial purpose of the call. In the beginning of the call, the company must in a sufficient way make sure that the person at the other end of the call is the person the company was calling to.

CLEAR LANGUAGE

The company must avoid terms, abbreviations, and other expressions that are not generally known. Good rule of thumb is to use clear common language. The matter should not be hidden behind special terms. The sales person must constantly observe the progression and content of the conversation. Special attention must be paid on considering information gained during the call and on clarifying possible unclarities.

SALES SPEECH

The main content of marketing must always be the product itself.

The sales person cannot use methods that are against good practice, untrue or misleading.

- The conversation should not be started with promises of gifts, free order or contract periods or in other corresponding ways so that the

consumer gets an impression that the call in question is not a sales call at all but for instance a notice of achieved or earned benefits.

- In addition, the sales person must not define or modify prices, pricing structures or other terms of sale.
- The sales call must not be masked as a customer survey, a research call or other similar non-commercial contact.

Main features of the product must be expressed clearly. As a starting point, the commodity's suitability to the person must be ensured by questions. In the case of a complicated commodity, this can be done by mapping the person's use habits or other issues by asking questions. The sales person can go through a clear calculated example of the financial costs created by the contract for the person.

If the consumer expresses a wish to end the call, the consumer's wish must be respected immediately and the call must be ended politely.

SPECIAL CONDITIONS

Benefits, offers, free gifts, draws and the terms and restrictions of corresponding elements must be described to the consumer as clearly as possible. Essential and deviating terms of contract should be described especially clearly; for instance the ongoing nature of the contract's term and a discounted starting period related to this or other similar matter.

- The sales person must be especially clear and informing in situations where a matter agreed on during the phone call leads to the termination or modification of the valid contract of the consumer.

SUMMARY

At the end of the call, a summary must be made of the agreed matters. This summary is an essential part of good-quality telemarketing and benefits all parties by compiling and condensing the agreed matters.

During the summary, essential content of the made contract or other agreed issue must be talked through with the consumer, so the consumer understands the rights and obligations as well as other agreed issues of the made contract. For instance the following sections are included in the summary: what has been agreed on, what happens in the future, when the commodity will be delivered or when the service begins, etc. If necessary, an intermediate summary can also be made during the phone call regarding the agreed matters.

THE SUMMARY MUST INCLUDE THE FOLLOWING BASIC ELEMENTS:

- What has been ordered / agreed on
- What are the conditions / restrictions / benefits
- Right of withdrawal or lack of it
- What happens after the phone call – are any measures required from the consumer, etc.

- Meticulous confirmation of the consumer's contact information
- "Do you have any more questions...?"

4. AFTER THE CALL

In no circumstances should a commodity or a contract be sent to the consumer after the call if a contract has not been clearly and unquestionably made. Such activity is against the law.

Without the consumer's order a sales person cannot send anything else than free gifts, samples or similar. In this case, the material sent to the consumer must clearly state that the consumer is not obliged to pay anything nor does the consumer has the obligation to return the gift or sample or react to the delivery in any way.

5. CONTROL

ASML and its Telemarketing group continuously control the adherence of this code of conduct. ASML follows the overall situation also with the help of cooperation arrangements and information received from different authorities. The primary goal is to quickly clarify and resolve any arising issue between the involved parties.

ASML has the right to give a written warning to a company if the code of conduct is breached as well as to inform authorities of the issue and make it public. Parties have to be heard in the matter. If activities against this code of conduct are continuous, the matter will be dealt with by the board of ASML. If the board finds that a member company has substantially breached the code of conduct and clearly acted without regard of the rules, the board can dismiss the member in accordance with ASML's rules or take other appropriate measures. The board must hear the company in question in the matter and allow for a reasonable deadline for the company to modify its operations to comply with the rules.

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