

# **Irish Cellular Industry Association (ICIA)**

**3 Ireland  
Meteor Mobile Communications  
O2 Ireland  
Vodafone**

## **The Irish mobile operators Code of Practice for the responsible and secure use of mobile services**

The ICIA (Irish Cellular Industry Association) is an alliance of the mobile operators 3 Ireland, Meteor, O2 and Vodafone and the mobile handset manufacturer Nokia. The ICIA is affiliated to the Telecommunications and Internet Federation, which is part of ICT Ireland, the voice of technology within IBEC

May 2006

## **1. Introduction**

The mobile operators Meteor, O2, Vodafone and 3 have developed this Code of Practice for application in the Irish market. Mobile services for the purpose of this Code refer to voice, data, text, multi-media, mobile Internet access and video telephony services.

The Code establishes the standards which mobile operators will adhere to on the issues of:

- Parental controls for minor's access to mobile services
- Malicious or offensive person to person communications
- Unsolicited commercial communications (Spam)
- Internet access
- Premium rate services
- Access Controls for Content Services

The Code represents the minimum common commitment of the mobile industry. Individual operators may introduce additional measures that are consistent with the Code. The mobile operators shall regularly investigate and, where appropriate, implement any effective and viable technology, solutions or procedures that may be developed that would assist in achieving the objectives and aims of the Code.

## **2. Parental Controls for Minors**

The operators shall maintain measures where permissible by law that will give parents visibility of their child's mobile phone usage and the services they access. The operators shall facilitate on receipt of a valid and lawful request access by parents to their child's mobile phone account subject to all applicable data protection and privacy laws.

This will allow both the parent and child (a child being any individual under the age of 18 and still in the care of a parent or guardian) to have access to the records held by the mobile operator regarding the child's account, including: numbers called, account balances, and the services available on the child's mobile phone.

Operators shall review and update the scope of these parental controls in line with the appropriate legal and technological developments over time.

## **3. Person to Person communications**

The sending or receiving of communications between two mobile phone customers is known as "person to person communications". This Code deals with person to person communications that can cause offence, or constitute an illegal act such as malicious communications, the transmission of illegal content, harassment or bullying.

- Operators shall make their malicious or offensive communications reporting procedures and policies available to their customers
- Operators shall respond to all customer reports of malicious or offensive person to person communications in a prompt and responsible manner and advise customers of the next appropriate steps
- Operators shall advise and encourage these customers to forward any complaints to the Gardaí for investigation where appropriate
- Operators shall fully co-operate with the Gardaí in investigating and prosecuting offences.

#### **4. Unsolicited Commercial Communications (Spam)**

Spam is any unsolicited, unwelcome and/or indiscriminate commercial communication used for direct marketing purposes, including the bulk distribution of messages, where the recipient has no existing or prior relationship with the sending third party. In the case of mobile phone customers, such messages may take the form of unwanted voice, video, text messages, picture messaging and emails.

- Operators shall maintain and highlight reporting lines for customers to report or forward suspected cases of Spam to them
- Operators shall report cases of indiscriminate commercial communication, including bulk distribution of messages, to RegTel and the Data Protection Commission for further investigation where appropriate.

#### **5. Internet Access**

Mobile operators provide a means of access to the Internet; however, they have no control over the content or services accessed by mobile phone users through such access to the Internet.

The Internet Service Providers Association of Ireland (ISPAI) manages the Hotline reporting service. The Hotline service provides a central point of contact for members of the public and operators who become aware of any child pornography on the Internet. The ISPAI co-operates with the enforcement agencies in investigating and prosecuting any offence.

Members of the ISPAI are bound by the Code of Practice which requires that operators have an acceptable use policy that prohibits customers from sending messages that are likely to cause offence or any other material which is distressing, grossly offensive, indecent, obscene, menacing or in any other way unlawful.

- Operators shall continue to adhere to the provisions applicable to internet access in the ISPAI Code of Practice;
- Operators shall advise customers to report all suspected cases of child pornography to the Hotline reporting system;
- Operators shall continue to maintain and revise their acceptable use policy as appropriate.

##### **5.1 Access Controls for Internet Content**

The nature of internet access means that Mobile Operators have no control over content which is offered on websites, including those accessible via mobile phones. They are therefore unable to require that it is classified in accordance with the independent classification framework.

The mobile operators are committed to developing the necessary tools that will allow user, parents and carers to control internet access. The nature of the controls may vary across the networks but in accordance with the Code, mobile operators will at a minimum facilitate the blocking or filtering of internet access so that access to Internet content can be restricted. The access restriction will be applied at the network level, not at the mobile device level, and will be simple for the customer to invoke.

#### **6. Premium Rate Services**

The Regulator of Premium Rate Services (RegTel) authorises and supervises the content and the promotion of premium rate services within the Irish market. In addition, RegTel classifies the categories of Premium Rate Services (PRS) offered in the Irish market.

PRS are generally used for the purchase of value-added services such as ringtones, entry to competitions and various types of promotions. Costing more than standard calls and texts, PRS are run on special number ranges in Ireland (15XX-XXXXXX for calls and 5XXXX for texts). All providers of PRS must adhere to the mandatory RegTel Code of Practice. The mobile operators are subject to the RegTel Code of Practice. RegTel investigates all suspected breaches of their Code of Practice and will impose sanctions on non-compliant PRS providers where appropriate. The mobile operators co-operate and aid RegTel with these investigations and ensure continued enforcement of RegTel's Code within the industry.

## **7. Access Controls for Content Services**

As mobile technologies evolve, mobile users are benefiting from an increasing range of mobile services such as picture messaging, video and Internet browsing and have access to a growing variety of information and entertainment services.. These have been facilitated by more advanced phones with colour screens and enhanced operating systems complemented by higher data speeds over the mobile networks. This enables access to a growing variety of information and entertainment services.

Whilst these developments deliver significant benefits to phone users of all ages, the mobile industry recognises that they may also present challenges in ensuring that access to certain content can be managed particularly in the case of users under the age of 18.

In addressing this, the mobile operators have extended this Code to encompass Access Controls as a means of self regulation of the new forms of content that are available. The intention is to empower customers including parents and guardians with the ability to manage the type of content that can be accessed by their children over mobiles.

In developing this section of the code, the mobile operators have worked closely with RegTel, ComReg, the Internet Advisory Board, the Department of Communications and Commercial Content Providers as represented by the Mobile Messaging Forum (MMF), the representative body for content providers.

### **7.1 Commercial Content**

This section sets out the access controls, which will apply to commercial content. Commercial content is any content that involves a discrete commercial arrangement between the mobile operator and the party contracting with the mobile operator (the Commercial Content Provider) for the provision of content over the mobile network other than merely by the content provider's consent of access by mobile to its Internet site.

#### **7.1.1 Classification of Commercial Content**

Mobile operators will establish an Independent Classification Body that will be responsible for developing and implementing a classification framework for content offered over mobile phones. All mobile operators will contract with the independent classification body. The body shall provide a framework for classifying commercial content that is unsuitable for customers under the age of 18. The framework will be consistent with standards used in other media and only treat as age restricted, content that would receive an 18 classification in other media such as magazines, films, videos and computer games.

Mobile operators will require by means of their contract, Commercial content providers to classify in accordance with the framework as Age Restricted all content unsuitable for customers under the age of 18. The body will advise commercial content providers on whether an item of content should be classified 18, in accordance with the classification framework, to investigate complaints regarding

classification and to rule on such complaints. The mobile operators through their commercial contracts will enforce the rulings of the body with content providers.

Categories of Commercial Content, which will fall within the classification framework of the Independent Classification Body, including but not limited to:

- Images
- Audio/visual content
- Games

Where these services are charged via premium rate voice or premium rate SMS numbers, their provision is regulated under the RegTel Code of Practice and this Code will not apply to SMS services. The RegTel Code of Practice and the IMCB Classification Framework will be mutually supportive in order to ensure that consistent standards are applied regardless of whether the content accessible over mobiles is offered over premium numbers or otherwise.

#### **7.1.2 Controlling Access to Age Restricted Commercial Content.**

Each mobile operator will either independently or with the assistance of Commercial Content Providers, place commercial content classified as Age Restricted behind access controls. This content will only be accessible to those customers that are verified as being 18 years of age or over. Mobile operators will introduce a process by which reasonable and practical steps are taken to verify that a customer is 18 or over. Acceptable methods include but are not limited to:

- in-store verification upon inspection of a document containing customer's date of birth
- credit card verification
- age confirmation using 3<sup>rd</sup> party agencies such as credit agencies
- documents and/or process used for contract mobile phone customers

Provided that access controls are consistent with the basic provisions of the Code, operators and content providers may adopt commercial and brand positions with respect to the content and services made available. Furthermore, the way in which the code is implemented by each of the mobile operators may vary as different technical solutions may be required to suit its specific network structure.

## **8. Legislative Context**

The operators remain subject to all relevant legislation, regulatory and statutory requirements that govern the provision of mobile services within Ireland and the EU.

## **9. Enforcement**

To be compliant with this Code of Practice, the operators must adhere to the following commitments:

- Operators are responsible for publishing this Code on their website
- Operators shall maintain and revise appropriate parental controls for minor's accounts
- Operators shall establish and maintain a malicious or offensive communications reporting line for person to person communications
- Operators shall maintain reporting processes for suspected cases of Spam in conjunction with assisting RegTel and the DPC on their investigations into these cases
- Operators shall facilitate the reporting of suspected cases of illegal content accessed via the

- Internet by providing a link to the Hotline reporting service from their websites.
- Operators shall review and update this code as an industry when appropriate over time
  - Operators shall provide assistance to law enforcement agencies in the pursuit of criminal investigations.
  - Operators shall introduce appropriate access controls for content services in accordance with the provisions set out in the Code of Practice.

#### **10. Implementation and Administration**

The mobile operators take responsibility for the implementation and administration of this Code. They will keep the Code under review and make changes, where this is deemed necessary, for the Code to remain relevant to customers.

Each mobile operator will enforce the terms of the Code through its agreements with commercial content providers.

It is intended that access controls for content services will be available from mobile operators during 2006.

### Annex – Key contacts

Organisation	Address	Telephone	Fax	Email	Web
Commission for Communication Regulation (ComReg)	Block DEF Abbey Court Irish Life Centre Lower Abbey St Dublin 1	01 804 9600 Or LoCall 1890 22 9600	01 804 9680	Email details available on <a href="http://www.comreg.ie">www.comreg.ie</a>	<a href="http://www.comreg.ie">www.comreg.ie</a>
Data Protection Commissioner (DPC)	3rd Floor Block 6 Irish Life Centre Lower Abbey St. Dublin 1	01 874 8544	01 874 5405	<a href="mailto:Info@dataprotection.ie">Info@dataprotection.ie</a>	<a href="http://www.dataprivacy.ie">www.dataprivacy.ie</a>
Hotline.ie	Unit 24 Sandyford Office Park Dublin 18	1890 610 710	1890 620 720	<a href="mailto:Report@hotline.ie">Report@hotline.ie</a>	<a href="http://www.hotline.ie">www.hotline.ie</a>
Internet Advisory Board (IAB)	72-76 St. Stephens Green Dublin 2	01 602 8661	01 602 8634	<a href="mailto:Iabsec@justice.ie">Iabsec@justice.ie</a>	<a href="http://www.iab.ie">www.iab.ie</a>
Irish Cellular Industry Association (ICIA)	84 – 86 Lower Baggot Street Dublin 2	01 605 1533 01 605 1616 01 6051653	01 638 1653	<a href="mailto:Icia@ibec.ie">Icia@ibec.ie</a>	<a href="http://www.icia.ie">www.icia.ie</a>
Internet Service Providers Association of Ireland (ISPAI)	Unit 24 Sandyford Office Park Dublin 18	01 663 0099	01 663 0008	<a href="mailto:Info@ispai.ie">Info@ispai.ie</a>	<a href="http://www.ispai.ie">www.ispai.ie</a>
Regulator for Premium Rate Services (RegTel)	Crescent Hall Mount Street Crescent Dublin 2	1850 741 741	1850 741 747	<a href="mailto:Info@regtel.ie">Info@regtel.ie</a>	<a href="http://www.regtel.ie">www.regtel.ie</a>
Meteor Mobile Communications	4030 Kingswood Avenue CityWest Business Park Naas Road Dublin 24	1905 01 430 7085			<a href="http://www.meteor.ie">www.meteor.ie</a>
O2 Ireland	28/29 Sir John Rogerson's Quay Dublin 2	01 609 5000		<a href="mailto:cust.care@o2.com">cust.care@o2.com</a>	<a href="http://www.o2.ie">www.o2.ie</a>
Vodafone Ireland	MountainView Leopardstown Dublin 18	1907 01 203 7777	01 203 7778		<a href="http://www.vodafone.ie">www.vodafone.ie</a>
3 Ireland	3 Customer Services Hutchison 3G Ireland Ltd, PO Box 333 Dublin 2.	1800 330 333			<a href="http://www.three.ie">www.three.ie</a>