



meteor

O<sub>2</sub>



## 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 – Meteor, O<sub>2</sub> and Vodafone, and the mobile handset manufacturers Nokia and Siemens. The ICIA is affiliated to the Telecommunications and Internet Federation, which is part of ICT Ireland, the voice of technology within IBEC.

## 1. Introduction

The mobile operators Meteor, O<sub>2</sub> and Vodafone 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.

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 that will give parents greater visibility of their child's mobile phone usage and the services they access. The operators shall facilitate authorised access for parents to their child's mobile phone account.

This dual access allows both the parent and child 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 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 more clearly 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 their complaint to the Gardaí for investigation
- Operators shall fully co-operate with the Gardaí in investigating and prosecuting offences.

## 4. Unsolicited Commercial Communications (Spam)

Spam is any unsolicited and generally unwelcome commercial communication used for direct marketing purposes, where the recipient has no existing or prior relationship with the sending third party. In the case of mobile phone customers, Spam takes the form of unwanted text messages, picture messaging and emails.

- Operators shall maintain and highlight reporting lines for customers to forward suspected cases of Spam to them
- Operators shall report suspected cases of Spam to RegTel and the Data Protection Commission for further investigation.

## 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 open access to the Internet.

The operators are active members of the Internet Service Providers Association of Ireland (ISPAI) which 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 ISPAI Code of Practice
- Operators shall advise customers to report all suspected cases of child pornography to the Hotline reporting system
- Operators shall prominently display a link to the Hotline and the ISPAI on their home page to facilitate reporting
- Operators shall continue to maintain and revise their acceptable use policy when appropriate.

## 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 (15XXXXXXXX for calls and 5XXXX for texts).

All providers of PRS must adhere to the mandatory RegTel Code of Practice.

The mobile operators shall adhere 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 shall continue to co-operate and aid RegTel with these investigations and to ensure continued enforcement of RegTel's Code within the industry.

## **7. Legislative Context**

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

## **8. 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 child pornography by providing a link to the Hotline reporting service on their home page
- 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.

## **9. 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.

## 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	26 Upper Baggot Street, Dublin 4,	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)	26 Upper Dublin 4 Baggot Street, Dublin 4	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>