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## **Mobile industry announces UK code of practice for passive location services using mobile phone technology**

An industry group made up of mobile network operators and location service providers has today, 24<sup>th</sup> September, announced a Code of Practice for location services in the UK.

The Code covers the use of mobile phone technology to provide passive location services and offers protection to users of the new services and other owners of mobile handsets. The types of safeguards specified include the need for consent, text message reminders for locatees and an easy way to terminate the service.

The code applies to all those who base their service on location data provided by the mobile network operators and will be enforced through contracts between the service providers and network operators.

Extensive consultation has also taken place with children's charities, industry participants, the Home Office, The Information Commissioner's Office and the Association of Chief Police Officers (ACPO) and the industry working group has valued their input.

Assistant Chief Constable Stuart Hyde, representing ACPO commented: "The Code of practice provides a framework within which location based services can be delivered safely and securely. We support the use of technology, particularly where it is generated within the UK. These services will assist in locating mobile phones where there is a need and will be subject to good safeguards. Our primary concern is child protection and so we have agreed a number of measures to prevent abuse by potential offenders. We applaud the partnership that has evolved between the network operators, children's charities and application providers."

It is expected that passive location based services will bring real benefits in situations where the whereabouts of groups such as staff, children or patients is of direct importance.

These could include circumstances where there is a need to fulfill duty-of-care toward lone workers; assist parents in the supervision of their children and help carers keep track of patients with illnesses such as degenerative mental conditions.

The Code focuses on four key areas:

- child protection
- consent
- anti-surveillance
- ease of use

When it comes into force on 1 January 2005, the Code will provide consumer, particularly child, protection measures that supplement the legal requirements of the privacy and data protection legislation. In anticipation, many providers of location based services are already compliant with the Code.

Ends

**A copy of the Code of Practice can be obtained by sending an e-mail to:**  
[mobilebg@btopenworld.com](mailto:mobilebg@btopenworld.com)

### **Notes to Editors**

**Passive location services** are those whereby a mobile phone user, once he or she has consented, can be located by another, when that person initiates a location request, whether from a mobile device or computer.

Some of the main measures of the code include:

### **Child protection**

- Only a parent or guardian can open an account for the purposes of locating children under the age of 16. A child can only participate in a location service with the express knowledge and consent of his/her parent or legal guardian.
- As part of the registration process a parent/guardian must provide proof of ID and place of residence. The service will not be activated until the address given has been checked as correct.
- Services aimed at parents and children must be marketed appropriately and responsibly and in a way that does not exploit parents' concern or fear that their child may become a victim of crime.

### **Consent**

- It is essential for the location service provider (LSP) to check that the consent required by the Privacy and Electronic Communications Regulations is actually submitted from the mobile device to be located and that it has not been 'spoofed' from some other device.
- If consent is refused, the service must not be activated – even if the location service has been requested by a parent.

### **Anti-surveillance**

- Location services should not be used to undermine customer privacy and, in particular, should not be used for any form of unauthorised surveillance.
- With corporate customers, LSPs must, through their contractual terms and conditions, make it clear that it is their customer's responsibility to use the location service within the law - including adherence to all relevant privacy and data protection legislation.
- LSPs must send out (or ensure that their corporate customers send out) a confirmation SMS or e-mail to a mobile device which is the subject of a business location service. Where there is no text or email enabled, notification to the locatee must be sent in writing to the locatee's postal address.
- With consumer customers, LSPs, subsequent to activation, must send out periodic randomised SMS alerts to remind them that other parties can locate their mobile phone.

### **Ease of use**

- It is a fundamental principle of the code that location services should be easy for customers to use.
- Advice on key safety messages and how to use location services should be readily to hand, both by telephone and via a web site (which should also be accessible via WAP).
- Location services should be easy to stop or temporarily suspend.
- Locatees should easily be able to obtain information about whom, at any given time, can locate them.
- Locatees should be made aware of what data is made available when his or her handset is switched off.
- Where practical, in the interests of simplicity, recommended industry standard text (as laid out in the code) should be used for obtaining consents, sending alerts and stopping.