

Outline of Industry Code of Practice for the use of mobile phone technology to provide passive location services in the UK

Background

Location Services are now available whereby a mobile phone user, once he or she has consented, can be located by another, when that person initiates a location request, either from a mobile phone/device or personal computer. These are known as ***passive location services***.

Some services rely on position data supplied by GPS satellites; other services rely on position data supplied by the mobile network operators – namely the cell where the subscriber is located.

This Code of Practice applies to the latter, where the mobile network operators have the locus, through their commercial arrangements, to enforce compliance with the Code on the location service providers (LSPs).

The Code provides consumer (particularly child) protection measures that supplement the legal requirements of the privacy and data protection legislation (including Regulation 14 of the Privacy and Electronic Communications regulations 2003 – Restrictions on the processing of location data).

The full version of the Code forms part of a commercial agreement and contains protection measures for consumers that would be compromised if disclosed. The following summary of the Code is, nevertheless, in the public domain.

The Code focuses on four key areas:

- child protection,
- consent,
- anti-surveillance and
- ease of use.

Child protection

- Only a parent or guardian can open an account that is used to locate children under the age of 16, so that her or she only participate in a location service with the 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 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.
- LSPs must install secure measures that check that the consent is being sent from the handset being located.

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 contract 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. The Code lays down a minimum recommended frequency for sending out such alerts, based either on elapsed time or on the number of location requests.

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 and should employ the industry wide Universal Command to stop services.
- 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 or suspending services

Code of Practice for the use of passive location services in the UK
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This Code of Practice has been compiled for use by all location service providers. The working group that has developed the Code of Practice comprised of representatives from the following organisations:

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Britannic 3G Services

Creativity Software

Follow Us

MI International

Mobile Commerce

Multimedia Messaging Systems/mTrack

MX Telecom

O2

Orange

Ordnance Survey

T-Mobile

Trackaphone

Vodafone