

ICIA Code of practice

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

The Irish Cellular Industry Association (ICIA) is affiliated to the Telecommunications and Internet Federation (TIF) and is an alliance of the following mobile operators:

- [eir Mobile](#)
- [Three](#)
- [o2](#)
- [Vodafone](#)

1. Introduction

The mobile operators eir Mobile, O2, Three 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, 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 minors' 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 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.
- Operators shall offer capabilities which can be used by parents to customise access to content by children using mobiles.

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 will publish their controls to counteract malicious person to person communications on their corporate websites.
- 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 An Garda Síochána 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 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 the Data Protection Commissioner for further investigation where appropriate.

Office of the Data Protection Commissioner, Lo call 1890 252 231 info@dataprotection.ie
www.dataprotection.ie

5. Internet access

Mobile operators provide a means of access to the internet but have no control over the nature of content or services offered through the internet. Internet Service Providers (ISPs) are obliged under European law to freely provide access to all content unless it is illegal. As responsible mobile operators and supporters of the European Framework for Safer Mobile Use by Younger Teenagers and Children (EU framework), mobile operators restrict access to illegal websites and will continue to work with law enforcement authorities regarding illegal content.

The Internet Service Providers Association of Ireland (ISPAI) established and manages Ireland's Hotline reporting service. The Hotline service aims to combat illegal content, especially child pornography, being hosted and distributed on the internet. The Hotline reporting service provides a central point of contact for members of the public and operators to report suspected child pornography or other illegal content they may encounter 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 ISPAI Code of Practice, which requires that operators have an acceptable use policy that prohibits their customers

from using members' services to create, host or transmit any unlawful, libellous, abusive, offensive, vulgar or obscene material or engage in activities deliberately calculated to cause unreasonable offence to others. Members must also abide by 'Notice and Takedown' procedures where illegal content has been identified.

- 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 continue to maintain and revise their acceptable use policy as appropriate.
- Operators will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.

Internet Service Providers Association of Ireland, Tel: 01 294 5280 Lo call 1890 610 710 report:hotline.ie
www.hotline.ie

5.1 Access controls for internet content

Mobile operators recognise the need to promote the safety of younger teenagers and children using mobile services and to provide parents with the means to protect children from accessing age-inappropriate content. Consequently, as per the EU framework, operators have made available control systems that are designed to block or filter internet access thereby protecting children from inappropriate content.

The nature of the controls may vary across the mobile operators 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. Specifically

- Operators shall offer capabilities which can be used by users and parents to customise internet access using mobiles.
- Operators shall provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by users and/or parents to ensure safer use by their children.

6. Premium rate services

The Commission for Communications Regulation (ComReg) authorises and supervises the provision, content and the promotion of premium rate services within the Irish market. In addition, ComReg 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, sports/weather alerts, entry to competitions and various types of promotions. Costing more than standard calls and texts, all providers of PRS must adhere to the mandatory ComReg Code of Practice.

ComReg investigates 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 ComReg with these investigations and ensure continued enforcement of ComReg's Code within the industry.

7. 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.

8. Enforcement

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

- Operators are responsible for publishing this Code on their website
- Operators shall maintain appropriate parental controls for minors' 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 ComReg and the Data Protection Commissioner (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 course of criminal investigations.
- Operators shall introduce appropriate access controls for content services in accordance with the provisions set out in the Code of Practice.

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 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.

Contact details

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O2
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Tel: 01 609 5000
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Vodafone Ireland
Mountain View
Leopardstown
Dublin 18
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Web: www.vodafone.ie

Three
3 Customer Services
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Fax: 083 333 3334 - please ensure you state it's for the attention of Customer Services
Email: customer.servicesie@3mail.com
Web: www.three.ie

Other contacts

Commission for Communications Regulation
(ComReg)
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey St
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Tel: 01 804 9668 or LoCall 1890 229 668
Fax: 01 8049680
Email: consumerline@comreg.ie
www.comreg.ie

Office of the Data Protection Commissioner
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