



# Code of Practice

## Mobile Phones

The Irish Mobile Operators' Code of Practice for the Responsible and Secure Use of Mobile Phones





# Contents

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Introduction .....	2
Parental controls for minors .....	2
Person to person communications .....	3
Unsolicited commercial communications (spam).....	3
Internet access .....	4
Access controls for internet content.....	5
Garda blocking initiative .....	6
Premium Rate Services .....	6
Legislative context .....	7
Implementation and administration .....	7
Compliance .....	7
Annex – Key contacts.....	8

# Introduction

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**Telecommunications Industry Ireland is the Ibec industry representative body. Its mobile operator members eir, Tesco Mobile, Three Ireland, Virgin Media Ireland and Vodafone Ireland have developed this Code of Practice for application in the Irish market. Mobile services for the purpose of this Code refer to voice, text and mobile internet access i.e. data.**

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
- Garda blocking initiative

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.

*Note: contact details for all signatories to this Code and regulatory agencies or other entities referenced in this Code can be found in the Annex to this document.*

# Parental controls for minors

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The operators shall where permissible by law<sup>1</sup> provide parents or legal guardians with the ability to access and manage their child's mobile phone account. This will give visibility of usage and control over the services accessed by the child.

This allows the parent or legal guardian and child (a child being any individual under the age of 18 and still in the care of a parent or legal 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. The operators shall facilitate, on receipt of a valid and lawful request, access to child's mobile phone account subject to all applicable data protection and privacy laws.

- Operators shall publish on their websites information on parental controls that are available which will enable parents or guardians to customise the services their children / younger teenagers have access to on their mobile phones.

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<sup>1</sup> Data Processing - if a child U16, the processing of data can be considered lawful only when consent is given and authorised by the parent or legal guardian of the child.

# Person to person communications

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**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 An Garda Síochána for investigation where appropriate.
- Operators shall fully co-operate with An Garda Síochána in investigating and prosecuting offences.

# Unsolicited commercial communications (spam)

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**Spam is any kind of unsolicited, unwelcome communication that may be sent out in bulk for direct marketing purposes (i.e. advertising), phishing or spreading malware (e.g. FluBot mobile phone scam), where the recipient may have no existing or prior relationship with the sending third party.**

Unsolicited communications can be sent using many forms including voice calls, text messages, picture messaging, and emails. However, email and text spam are by far the most prevalent. For example, an SMS purporting or claiming to be from a known brand, asking subscribers to click on a link or provide financial details in order to pay for goods, services or customs duty.

Operators shall investigate cases of indiscriminate commercial communication when reported, and the links within them may be blocked where feasible.

# Internet access

**Mobile operators provide a means of access to the internet however they have no control over the nature of content or services offered through the internet. Internet Service Providers (ISPs) are obliged under European law to 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<sup>2</sup> ('EU framework'), mobile operators restrict access to illegal websites and will continue to work with, law enforcement authorities, including An Garda Síochána regarding illegal content.**

Hotline.ie is Ireland's primary channel for members of the public to anonymously, confidentially and securely report potentially criminal content online, especially child sexual abuse material, and activities relating to the sexual exploitation of children such as child grooming.

Hotline.ie works with national and international partners in law enforcement, online service providers and industry to ensure that whilst child sexual abuse material is swiftly removed from the Internet, the children within the imagery may also be identified and safeguarded.

Hotline.ie operates in conjunction with An Garda Síochána, and its operations and procedures are approved and overseen by the Department of Justice.

Members of Hotline.ie abide by the principles set out in the Hotline.ie Code of Practice, which outlines the framework for collaboration between Hotline.ie, online service providers, and An Garda Síochána for the purpose of countering illegal content online. The Code sets out minimum requirements for participating

companies and details the 'Notice and Takedown' referrals procedure for the removal of online criminal content, roles and responsibilities. It also includes general good practice and information regarding Hotline.ie's expert advisory and assessment services for the operational handling and processing of harmful and potentially illegal content.

- Operators shall continue to adhere to the Hotline.ie Code of Practice;
- Operators shall advise customers to report all suspected cases of online child sexual abuse and exploitation to Hotline.ie;
- Operators shall continue to maintain and revise their acceptable use policy as appropriate, and ensure the policy unambiguously prohibits illegal content and/or activities, whilst clearly articulating that:
  - (a) child sexual abuse material in all its forms will not be tolerated;
  - (b) in the event that illegal content is reported, notified or discovered, the operator will collaborate fully with An Garda Síochána and other relevant bodies such as Hotline.ie; and (c) a user's failure to comply with the policies for acceptable use will have consequences, i.e. referring the issues to Hotline.ie or directly to An Garda Síochána as deemed appropriate.
- Operators will continue to work with law enforcement authorities, including An Garda Síochána in executing their legislative obligations regarding illegal content.
- Hotline.ie is a registered business name of Internet Service Providers Association of Ireland CLG (ISPAI), Registered Company 285632. Members of the public can make a report about something they have seen on the internet to [www.hotline.ie](http://www.hotline.ie)

<sup>2</sup> <http://www.gsma.com/gsmeeurope/wp-content/uploads/2012/04/saferchildren.pdf>

# Access controls for internet content

**Mobile operators provide a means of access to the internet, however they have no control over the nature of content or services offered over the internet. This includes games and applications that can be downloaded from the internet such as Instagram, Snapchat, WhatsApp, Yolo and TikTok, to highlight some of the more prevalent applications available in the market. Mobile operators recognise the need to promote the safety of younger teenagers and children using mobile services and to provide parents and guardians with the means to protect children from accessing age-inappropriate content and services. Consequently, as per the EU framework, operators will provide information on the controls that are available which block or filter internet access, thereby enabling parents and guardians to customise their children's access.**

As technology is evolving at a rapid pace, mobile phone manufacturers, platform providers and app creators are especially well positioned to drive innovative solutions and create digital platforms where parental controls are integral to their designs. As a result, parental control features and tools are now built into mobile phones which makes it even easier for parents and guardians to activate them. These controls can limit how much time is spent online as well as restricting access to certain applications or websites. Specifically, operators shall provide information on their websites regarding the

controls that are available to parents and guardians to customise mobile internet access.

- Operators shall provide advice and access to information regarding the responsible use of mobile phone services and measures which can be taken by parents and guardians to ensure safer use by their children.

As part of this requirement, operators will publish on their websites a booklet entitled, 'A Parent's and Guardians Guide to the Responsible and Secure Use of Mobile Phones'. This booklet will explain how mobile phones work and their capabilities, beyond talk and text. It will offer parents advice for dealing with negative experiences that children may encounter with their mobile phones, such as bullying and where to report inappropriate communications.

In addition it will provide information on Ireland's official online safety hub 'Be Safe Online' which is a one-stop-shop for online safety resources.<sup>3</sup>

It will also explain the safety options available to parents, including filtering technologies, and barring facilities of premium rate services.

<sup>3</sup> <https://www.gov.ie/en/campaigns/be-safe-online/>

# Garda blocking initiative

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**All signatories to this Code are also signatories to a Memorandum of Understanding with An Garda Síochána to block access to websites containing child sexual abuse material.**

The Garda blocking initiative<sup>4</sup> is a voluntary scheme under which ISPs and An Garda Síochána collaborate to block access to illegal child sexual abuse material (CSAM).

Under the Blocking Initiative, the Garda National Protective Services Bureau (GNPSB) will provide each ISP with an updated list of suspect domain names. This is a list of websites that have been verified by Interpol to contain the most severe child sexual abuse material.

Currently ISPs involved in this initiative block illegal content identified by the Internet Watch Federation (“IWF”).<sup>5</sup> Once the Garda blocking initiative is live, this list will replace the use of IWF list.

# Premium Rate Services

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**The Commission for Communications Regulation<sup>6</sup> (ComReg) authorises and supervises the provision, content and the promotion of Premium Rate Services (PRS) in Ireland. In addition, ComReg classifies PRS offered. 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. All providers of PRS must adhere to the mandatory ComReg Code of Practice.<sup>7</sup>**

ComReg investigates suspected breaches of their Code of Practice and will impose sanctions on non-compliant PRS providers where appropriate.

- Operators will continue to co-operate and aid ComReg with their investigations and ensure continued enforcement of ComReg’s Code. See ComReg’s website for further information regarding premium rate services.<sup>8</sup>

<sup>4</sup> <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/february/internet-sites-containing-child-abuse-material-to-be-blocked-10th-february-2020.html>

<sup>5</sup> <https://www.iwf.org.uk/>

<sup>6</sup> <https://www.comreg.ie/>

<sup>7</sup> <file:///C:/Users/gsp6/Downloads/ComReg1445.pdf>

<sup>8</sup> <https://www.comreg.ie/premium-rate/about-premium-rate-services/>

# Legislative context

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

# Implementation and administration

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**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 it to remain relevant.**

# Compliance

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

- Operators are responsible for publishing this Code on their website;
- Operators shall advise on parental controls for minors’ accounts;
- Operators shall publish on their websites information on parental controls that are available which will enable parents to customise the services their children / younger teenagers have access to on their mobile phones;
- Operators shall maintain reporting processes for suspected cases of spam in conjunction with assisting ComReg and the Data Protection Commission (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.ie reporting service from their websites;
- Operators shall provide assistance to law enforcement agencies, including An Garda Síochána, in the course of criminal investigations;
- Operators shall review and update this Code as an industry when appropriate over time.

# Annex – Key contacts

Organisation	Address	Telephone	Email	Web
<b>Commission for Communications Regulation (ComReg)</b>	One Dockland Central, Guild Street, Dublin 1, D01 E4X0	018049668	consumerline@comreg.ie	www.comreg.ie
<b>Data Protection Commission (DPC)</b>	21 Fitzwilliam Square South, Dublin 2, D02 RD28	01 874 8544	info@dataprotection.ie	https://www.dataprotection.ie/
<b>Hotline.ie</b>	25 Sandyford Office Park, Blackthorn Avenue Dublin 18 D18 XN28	01 294 5280	general.enquiries@hotline.ie	www.hotline.ie
<b>eir</b>	2022 Bianconi Avenue, Citywest Business Campus, Dublin 24 D24 HX03.	1905 (Bill Pay) / 1747 (Prepay)	https://www.eir.ie/support/	https://www.eir.ie/
<b>Tesco Mobile Ireland</b>	<b>Head Office,</b> Gresham House, Marine Road, Dun Laoghaire, Co Dublin; <b>Customer Care,</b> Tesco Mobile Ireland, Butlerstown IDA, Cork Road, Waterford.	1903 or 1749	www.tescomobile.ie/help-centre/contact-support.aspx	www.tescomobile.ie
<b>Three Ireland</b>	28/29 Sir John Rogerson's Quay, Dublin 2 or Three Customer Care, National Technological Park, Plassey, Limerick.	1913 or +353 (0) 83 333 3333	www.three.ie/contact-us/ or www.three.ie/chat	www.three.ie
<b>Virgin Media Ireland</b>	Macken House, 39/40 Mayor Street Upper, Dublin 1, D01 C9W8	1908 or 01 2458000	Customer.Support@virginmedia.ie	www.virginmedia.ie
<b>Vodafone Ireland</b>	Mountain View, Leopardstown, Dublin 18.	1907 or 01 203 7777	https://n.vodafone.ie/support.html	www.vodafone.ie



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