



UK Code of practice for the self-regulation of content on mobiles

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Associate Signatories



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Introduction

This Code of Practice has been published by EE (which operates the Orange, T-Mobile and EE brands in the UK), Telefonica UK (O2), Vodafone and Three (referred to collectively in this Code as ‘the mobile operators’) for use in the UK market.

The Code was first published in 2004, in anticipation of the mass take-up of new mobile devices with enhanced features, including colour screens, picture messaging, video cameras and Internet browsers. Today the majority of children have a mobile and an increasing proportion of them go online using a mobile phone or smart phone¹.

The intention behind the Code is that parents and carers should have access to the information with which to show their children how to use mobile devices responsibly and the power to influence the type of content accessible to children. The Code covers audio visual content, such as games and videos, which the mobile operators and their partners provide to customers and Internet access. It does not cover premium rate voice or premium rate SMS text services, which continue to be regulated under the PhonepayPlus Code of Practice.

Mobile operators have different responsibilities for commercial content – where they have contractual agreements with content providers – than they do for general content on the Internet. The mobile operators’ commercial content is classified in accordance with a framework provided by an independent body and any content with an 18 rating is placed behind access controls. With respect to Internet content, though, the mobile operators are not rating content or services but offer a filter to customers. The operators have agreed with the provider of the independent framework that they will review relevant evidence and provide advice to mobile operators on where they may wish to set their Internet filters. The independent framework provider will also review complaints about the websites that complainants believe either should or should not be placed behind the filter and provide guidance to the mobile operators on the filtering of the sites that are the subject of the complaint.

The Code does not cover communications between individuals but it does give assurances to customers that the mobile operators are taking action to combat bulk and nuisance communications.

This Code provides a basic common framework and does not prevent mobile operators and content providers from adopting different commercial and brand positions with respect to the content and services they supply, providing these are consistent with the overall provisions of the Code.

Each mobile operator may choose or need to use different organisational and technical solutions to enable it to meet aspects of the Code. Mobile Virtual Network Operators (MVNOs) may also make use of the mobile operators’ Internet filtering infrastructure. **Associate Signatories** to the Code are MVNOs that are publicly declaring their support of and compliance with the requirements of the Code.

¹ Ofcom, Children’s Media Use 2012

The Code

1. Commercial content

Mobile operators have appointed an independent body (see Glossary) to provide a framework for classifying commercial content that is unsuitable for customers under the age of 18. The framework is consistent with standards used in other media and only treats as 18 content that would receive an 18 type classification for the equivalent material in, for example, magazines, films, videos and computer games.

Commercial content providers are required to self-classify as 18 all content unsuitable for customers under the age of 18, in accordance with the framework. This requirement does not apply to premium rate voice or premium rate SMS (texting) services, which continue to operate under the PhonepayPlus Code of Practice.

By default, all commercial content not classified as 18 is unrestricted.

Each mobile operator places commercial content classified as 18 behind access controls and only makes it available to those customers that it has satisfied itself, through a process of age verification, are 18 or over.

The mobile operator also places behind access controls all commercial chat rooms for mobile, unless they are moderated chat rooms.

2. Internet content

Mobile operators have no control over the content that is offered on the Internet and are therefore unable to insist that it is classified in accordance with the independent classification framework.

Mobile operators therefore offer a filter to the mobile operator's Internet access service so that the Internet content thus accessible is restricted. The filter is set at a level that is intended to filter out content approximately equivalent to commercial content that would be rated as 18 against the independent framework.

3. Illegal content

Mobile operators work with the Internet Watch Foundation (IWF) and law enforcement agencies to deal with the reporting of content that may break the criminal law. If illegal content were to be identified on servers hosted by a mobile operator, including web or messaging content, it would be removed, in accordance the relevant notice and take-down provisions.

Mobile operators receive the IWF's list of URLs containing potentially illegal content and, in order to protect customers from being exposed to such content (and thus committing an offence), block the Internet browser from accessing any URL on the list.

4. Unsolicited bulk communications

Mobile operators will continue to take action against unsolicited bulk communications (i.e. spam), including text messages, picture messages and e-mails.

5. Malicious communications

New forms of content may give rise to additional sources of malicious communications. The mobile operators will continue to deal vigorously with such matters, adapting existing procedures as appropriate.

Mobile operators will ensure that customers have ready access to mechanisms for reporting to them concerns about malicious communications and other safety matters.

6. Information and advice

Mobile operators will provide advice to customers - including children, parents and carers - on the nature and use of new mobile devices and services and support other relevant media literacy activities designed to improve the knowledge of consumers.

Advice will include encouraging parents to talk to their children about how to deal with issues arising from their use of mobile services.

Information on the Code is available on the web site of each mobile operator.

7. Other legislation, regulation and classification

Nothing in the Code overrides the mobile operators' or content providers' responsibilities to abide by all relevant legislation and regulation (such as the Gambling Act 2005).

All content that is supplied through a Premium Rate Service must abide by the PhonepayPlus Code of Practice.

All those that deliver advertising or promotion through the medium of a mobile device must abide by all relevant Data Protection legislation, including the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended) and the Committee for Advertising Practice's Code of Practice.

Nothing in the Code prevents mobile operators from providing, for information purposes, further divisions of commercial content classification, where they deem that such an approach would be useful to customers in assessing the age range for which content is designed (e.g. for games).

8. Implementation and administration

The mobile operators take responsibility for the implementation and administration of the Code.

They will keep the Code under review and make changes, where this is seen as 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.

Glossary

Access controls – methods of preventing unrestricted access to content, including barring, PIN controlled access and subscription only services.

Age verification – a process by which reasonable and practical steps are taken to verify that a customer is 18 or over. Acceptable methods of age verification include: –

a) at the point of mobile device sale for new customers: inspection of document containing customer's date of birth (e.g. Driving licence, Citizen Card etc.); visual check (is the customer clearly over 18?);

b) "customer not present": a valid credit card transaction for the customer; age confirmation using 3rd party agencies (e.g. Experian or Dun & Bradstreet etc.);

c) documents and/or process used for contract mobile phone customers, combined with a process by which customers can manage access controls.

Commercial content – means content provided by commercial content providers (encompassing own brand and third party providers) to their mobile customers. Mobile operators act as the delivery and access provider and thus exercise an element of commercial control over the content delivered. Commercial content includes pictures, video clips, mobile games. It does not include content accessed via the Internet - where mobile operators are providing only the connectivity.

Commercial Content provider – a mobile operator, or a provider having a contractual relationship with a mobile operator, supplying content to customers through a mobile device.

Chat Room – A chat room for mobile is a virtual environment where people can communicate with others, including people they don't know, by exchanging written words or images (for example, through WAP or SMS) via their mobile devices. The term does not encompass a commercial text service where a person communicates only with a (premium rate) SMS service provider. A moderated chat room is a chat room where either a person or special technology is used to block personal details and keep conversation appropriate.

Filter, filtering – a technical way of reducing the likelihood of unwanted material being accessed via the Internet. Methods include blocking sites with certain key words or sites that appear on 'black lists' or sites that are categorised as adult (NB: this is undertaken according to the MNOs rules). The filter will generally be applied at the network level, not the mobile device level, and will be simple for the customer to invoke.

Independent body – This body's role is to define classification criteria for 18 content that is consistent with other media; to provide advice to commercial content providers on whether an item of content should be classified 18, in accordance with the classification framework; to investigate complaints of mis-classification and make determinations on those complaints. The body also provides a process for appealing such determinations. The determinations of the body will be enforced by the mobile operators through their commercial contracts with content providers. The mobile operators take responsibility for all other aspects of the Code.

Internet content – content accessed on the Internet (including sites that can be accessed using WAP), where the mobile operator provides only connectivity and cannot exercise commercial influence over the type of content supplied to the customer.

PhonepayPlus Code of Practice – PhonepayPlus is a co-regulatory body that has responsibility for the regulation of premium rate services delivered over electronic communications networks. Its Code of Practice can be found at www.phonepayplus.org.uk.

SMS – Short message service – the official description of the service known as ‘text/texting’.

WAP – Wireless application protocol – a protocol used by mobile phones to browse either commercial or Internet content.