



UK code of practice for the self-regulation of new forms of content on mobiles



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Introduction

This Code of Practice has been developed by Orange, O2, T-Mobile, Virgin Mobile, Vodafone and 3 (referred to collectively in this Code as 'the mobile operators') for use in the UK market.

The background to the Code is that, increasingly, mobile devices are available with enhanced features, including colour screens, picture messaging, video cameras and Internet browsers and can be used to access a growing variety of content.

In anticipation of these products being widely adopted by consumers, including consumers under the age of 18, the mobile operators are putting in place the measures described in this Code. The intention is that parents and carers should have access to the information with which they can show their children how to use new mobile devices responsibly and the power to influence the type of content they can access.

The Code covers new types of content, including visual content, online gambling, mobile gaming, chat rooms and Internet access. It does not cover traditional premium rate voice or premium rate SMS (texting) services, which will continue to be regulated under the ICSTIS Code of Practice.

The Code does not cover peer to peer communications but it does give assurances to customers that the mobile operators are taking action to combat illegal, 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.

The Code

1. Commercial content

Mobile operators will appoint an **independent classification body** (see Glossary) to provide a framework for classifying **commercial content** that is unsuitable for customers under the age of 18. The framework will be consistent with standards used in other media and only treat 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 will be 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 will continue to operate under the **ICSTIS Code of Practice**.

By default, all **commercial content** not classified as 18 will be unrestricted.

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

The mobile operator will also place behind **access controls** all commercial content **chat rooms**, 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 will therefore offer parents and carers the opportunity to apply a **filter** to the mobile operator's Internet access service so that the **Internet content** thus accessible is restricted. The **filter** will be set at a level that is intended to **filter** out content approximately equivalent to **commercial content** with a classification of **18**.

3. **Illegal content**

Mobile operators will work with law enforcement agencies to deal with the reporting of content that may break the criminal law. Where a mobile operator is hosting content, including web or messaging content, it will put in place notify and take-down provisions.

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.

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.

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

7. **Other legislation, regulation and classification**

Nothing in the Code conflicts with mobile operators' or content providers' responsibilities to abide by all relevant legislation and regulation.

All content that is supplied through a Premium Rate Service must abide by the **ICSTIS 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

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 computer 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**.

Where new **commercial content** classified as **18** is offered, the mobile operator will deliver it in accordance with the Code.

It is anticipated that **filtering** for **Internet content** will be available from mobile operators during 2004.

Processes for dealing with illegal content will be agreed with law enforcement agencies by the end of April 2004 and implemented during 2004.

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 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 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, music, sounds and experiences such as gambling. 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 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**). 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 do not contain an ICRA label. The filter will be applied at the network level, not the mobile device level, and will be simple for the customer to invoke.

ICSTIS Code of Practice – ICSTIS (Independent Committee for the Supervision of Telephone Information Services) is a co-regulatory body that has responsibility for the regulation of premium rate services delivered over electronic communications networks. The ICSTIS Code of Practice can be found at www.icstis.org.uk.

Independent classification body – This body's role will be 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 shall provide 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 will 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.

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.