

Children's Charities' Coalition for Internet Safety



George Kidd
Director
ICSTIS
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17th February, 2004

Dear George,

It was good to meet you at the beginning of January. I have reflected further on our conversation, we have had a discussion within CHIS and now we want to put a number of points to you about the mobile environment.

It is obviously much harder for parents, teachers or other responsible adults to supervise, control or support their children's use of mobile phones, as compared with fixed line phones. In our view this changes, or at any rate raises, ICSTIS's duty of care.

I understood you to say that premium rate services that are or will be accessible via mobile phones can be divided into two broad categories: those which provide adult services of one kind or another, and those which provide access to other or generic services.

In relation to adult services, ICSTIS policy is to seek to limit access to persons aged 18 or above. Many of these adult services will often be sexual in nature and might involve providing access to text based, un-moderated chat, or to pornographic content. Gambling also features in amongst adult services. In relation to other or generic premium rate services you said ICSTIS policy was to seek to limit access to persons aged 16 or above.

I pointed out that since 16 was well known to be the age of consent to sex, in many people's minds a cut off of 16 would, in this context, easily be mistakenly associated with matters sexual.

You acknowledged that there was no clear or research based evidence for selecting 16 as a cut off point for generic services, saying ICSTIS had taken what was largely a commonsense view of the matter, but you noted that 16 was at least in line with the age at which a child could no longer be required to attend school and could go out in search of full time paid work.

However in relation to both adult and generic services it was acknowledged that all ICSTIS could do anyway was insist that the service providers advise all customers about the relevant age limits, and ask them to confirm by a text message that they comply with them. I think you characterised this as being a policy of "discouragement". In relation to adult content or services it was also necessary for the supplier to warn the would-be purchaser about the nature of the content or service they were about to buy or get involved with. And in all cases clear information had to be provided about costs.

The other main way in which ICSTIS sought to manage the premium rate environment was by placing limits on where adult services could be advertised, and you also noted that since many of these services were anyway relatively expensive, this too would act as a brake on most children's use or exposure.

As you will recall from our conversation, in relation to mobiles there are a number of technological developments coming down the track, and some are already here, which I think ought to cause ICSTIS to look again at some of these issues. Perhaps you are already doing so.

Firstly, the quality of pictures which mobile handsets can now receive are of such a high order they are bound to act as a greater draw than might have been the case hitherto. They are nearly equivalent, in some cases, to TV or video standards. We are no longer talking about fudged or semi-cartoon like stick people. Incidentally, some of the pictures I have seen, some of which I sent you, I do not think could legally be displayed in a public place, indeed I think they are on the edges of illegality. If they were in a video they would normally only be available for sale in a licensed sex shop under the R classification. Is it ICSTIS policy to allow such images to be sold using the services which you regulate?

The speed and ease of use of GPRS and the new handsets also make it more likely that people will access both adult and generic content and services. When 3G arrives on a large scale we can expect to see a further increase in take up and usage.

Secondly, as you know, all of the UK mobile network operators have now pledged to establish an age verification system for all handset users. The idea is that if you provide proof that the normal user of a handset is aged 18 or over then that phone will automatically be enabled to receive adult content and services. Some operators may then require the user also to confirm that they actually want to receive such material, whereas others may turn on that facility automatically if only the first hurdle is cleared. Either way they are all agreed on the first part. This therefore means that in the foreseeable future the infrastructure will be in place to bar all adult content provided directly by or through the network operators from going to handsets where the owner has not proved they are 18 or above. Of course many adults who do not want to be bothered with adult content may choose not to "prove" they are over 18, but that is their prerogative. It is also possible that some network operators will classify internet access as being an adult service.

The point, therefore, is obvious. I think ICSTIS should seek a way of barring short codes or other premium rate numbers which supply adult content or services to all mobile handsets not registered to an adult. I am not suggesting you could then relax any of the other elements of your existing policies but at least you could be more confident that your primary injunctions were being observed.

If ICSTIS could be completely confident that the generic service providers were just that then, I suppose in principle, there would be no grounds for objecting to 16 or 17 year olds continuing to access them. However, if the internet and other experience is anything to go by, you might expect an increase in paedophiles starting to trawl in these otherwise seemingly innocent areas, just because they know it will be harder for children to get into other places and so are more likely to be concentrated in these. Thus, might it not be safer and less confusing all round to follow the Mobile Network Operators' lead and have a simple binary system i.e. only mobile phones registered to adults should be able to access any premium rate numbers of any kind?

It is entirely possible, I suppose, that you may have no choice in the matter i.e. the Mobile Network Operators themselves might decide to operate such a bar on all phones not registered to adults. If a particular child wants to have access to certain premium rate services of a generic nature I can see no objection in principle to that idea, providing the child's parent or legal guardian expressly consents in writing.

I am copying this letter to Hamish Macleod of the Mobile Network Operators' Group as they may wish to consider what they can do at their end to assist in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', is written over a light grey rectangular background.

John Carr