



children's charities' coalition on internet safety

Andy Baker
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B8, 81 Newgate Street
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28th March, 2013

Dear Mr Baker,

The provision of WiFi in public spaces

As you know, under the auspices of UKCCIS a number of companies are currently engaged in formulating a code of practice which will set out standards in relation to the provision of WiFi services in what are, effectively, public or semi-public spaces where children and legal minors are likely to be found on a regular basis.

We trust the necessary discussions will be concluded before too long and that an announcement will be made detailing the outcomes. The discussions have certainly been taking a considerable amount of time. We first raised questions around public WiFi provision at least 5 years ago. It was also referred to in our *Digital Manifesto* which was published in 2009. Professor Byron specifically referred to the issue in her report of March 2010.

This protracted timescale is somewhat at odds with one of the alleged principal benefits of the UK's self-regulatory system i.e. that the industry is able to respond swiftly to changing technologies and changing conditions. We wonder if matters would have been resolved any quicker if a more traditional public policy making, legislative or regulatory route had been followed?

There are two principal reasons why we have sustained an interest in WiFi:
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1. We very much welcome the proliferation of WiFi but unless it is properly controlled and monitored it will, inter alia, undermine the efforts made by the UK's mobile phone networks, since 2004, to limit legal minors' access to pornography and other age sensitive materials on the internet. For this reason we have urged WiFi providers, as far as possible, to mimic the policies the mobile companies have adopted in this respect. One way of doing that would be to provide a filtered service.

2. Our view is that WiFi providers should take care not to facilitate access to hard core pornography and other age inappropriate materials in what are, essentially, public or semi-public spaces where children and young people are regularly to be found. This is not about free speech. There are many alternative venues available for anyone wishing to access adult content over the internet. This is about child protection, common decency, a time and a place.

As we understand it about six months ago BT asked the Home Office to provide a letter giving assurances that, were they as a company to introduce filtering of adult content on WiFi services, they would not be at risk of breaching the Regulation of Investigatory Powers, Act, 2000.

At the February, 2013, meeting of the [UKCCIS Executive](#) a BT representative indicated that the letter they had requested had still not been received.

It is lamentable if BT's legitimate concerns have not been addressed by the Government although we note that BT's nervousness is quite obviously not shared by all of its competitors. Several have already gone ahead.

As we see things it must be open to, say, a High Street retailer, a hotel chain or transportation provider to enter into a contract under which they ask a WiFi company to provide access on their properties to only a part of the internet rather than all of it.

If anyone has an obligation to account for the nature of the internet service supplied it is whoever owns the property. They are the principals in this matter. We very much doubt that, say, a toy shop, a coffee bar or train company could face any sort of legal challenge for requiring a WiFi provider to block porn.

Thus, our questions to you are as follows:

1. Whenever you are asked to provide WiFi access in what is for all practical purposes a public or semi-public space, namely where it is reasonable to expect legal minors are likely to be present on a regular basis, will your company's default offering always include the provision of filtering to restrict access to content which is not appropriate for legal minors? Will it be the case that such filtering cannot normally be modified or removed either at all or without the individual user first completing an age verification process to determine that they are 18 or above? However, what is at issue here is not just the age of the person accessing the internet, but the age of the people likely to be sitting nearby and overlooking it.
2. We think it is important for there to be no financial disincentive attached to introducing filtered WiFi in public and semi-public spaces. Equally there should be no risk of delays in implementing a filtered system because of

additional engineering requirements: hence the importance of filtering being included in the defaults. Do both of these conditions apply in your company?

3. Where a would-be purchaser of a WiFi service wishes to provide unrestricted access to the internet in a public or semi-public space where legal minors are likely to be found on a regular basis will you decline to provide the service?
We imagine you will not want your brand to be associated with such irresponsible and anti-social behaviour

We look forward to hearing from you on this important issue.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', with a large, stylized initial 'J'.

John Carr OBE
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