

# A RESPONSE BY CHILDNET INTERNATIONAL TO THE

## INDUSTRY GUIDELINES FOR THE USE OF MOBILE PHONE TECHNOLOGY TO PROVIDE PASSIVE LOCATION SERVICES IN THE UK

JANUARY 2004



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Childnet International welcomes the drafting of the Guidelines for the use of mobiles to provide Location-Based services (LBS) and the attention that the mobile operators (MOs) and LBS providers are giving to the issue of child protection on their services.

Clearly there are major safety concerns surrounding the possibility that someone may be able to locate a child they are talking to on a mobile, particularly given the near saturation level of the child market in the UK for mobiles and also the experience there has been with grooming cases ending in offline meetings where children have been hurt<sup>1</sup>. These Guidelines show that serious consideration has been given to the potential inappropriate use of this service.

It is right that the document will be kept under review by its working group and in this way it will be well placed to keep pace with technological developments.

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<sup>1</sup> The personal nature of mobile phones means that they have been used in most, if not all, of the known grooming cases in the UK.

However, there are one or two points in the Guidelines document that Childnet feels needs further clarity or Childnet does not deem as satisfactory in terms of child protection.

- The document as a whole, from the perspective of its function, seems somewhat unclear. There is a certain ambiguity about the document in that it is providing guidelines for industry, but with the intention that these should become minimum standards for LBS Providers. It seems more that it is written in terms of a Code of Practice, for example in outlining minimum standards, yet there are no sanctions specified for not adhering to these minimum standards where one would expect there to be.
- Childnet also has a concern that the document and the policy itself are very complex, and we have concerns for parents trying to understand and use these services effectively.
- For the Child Locator service, where it is explained that the relationship between the locator and the child must be recorded, Childnet approve very much of the principle in practice, but we wait to see how this will work in practice, given the range of challenging issues and practical difficulties involved.
- For the Child Locator service in this document the child needs to give consent to being located before any location service is activated, and if consent is refused then the service should not be activated. However, in Childnet's view the issue of child consent is a complex one, and experience suggests that this is an issue that gives rise to much debate. A recent ruling in Finland, for example, means that children under 14 are not able to withhold consent for parents to trace them in precisely this situation. Conversely, the COPPA<sup>2</sup> Act in the United States requires companies to obtain parental consent in order to collect personal information from children under 13 for marketing purposes – in this instance therefore parents give consent on behalf of their children.
- Childnet also feels that the safety text message that accompanies request for consent in the Friend Locator services does not say enough – although it explains there is a safety concern, it doesn't explain why there is a safety concern. In this respect it is inadequate and we do not feel that this is sufficient in itself as a safety warning, and shows no differentiation or targeting of the audience of the message. There is a need for a much broader awareness programme for parents and children aimed at raising awareness of the safety issues involved in these services before the point of consent, in order to ensure that users are making an informed decision.

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<sup>2</sup> Children's Online Privacy Protection Act

The Friend Locator service - parents should be very concerned at the possibility of a third party, possibly unknown to them, may be able to know where their child is. Childnet sees the lack of parental consent for this service as a possible way for someone to side-step the controls in place in the Child Locator service. If an adult other than a parent wants to be able to locate a child using this service then the Friend Locator service enables this. This service should not therefore be available if the 'locatee' is under 18.

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