



National Implementation Report

The **Polish** Mobile Operators' implementation of the provisions of the 'Code of good practice in the area of safe use of mobile phones'

April 2010

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Introduction

This report has been prepared by four Polish MNOs ("Mobile Operators") as part of a third review of the implementation of the European Framework for Safer Mobile Use by Younger Teenagers and Children (the "Framework") in the European Union.

It is important to note that Mobile Operators have adopted a national code of conduct – 'Code of good practice in the area of safe use of mobile phones' (the Code). The provisions of the Code are in most aspects a reflection of the issues identified as key areas of the Framework and include:

- Commercial content
- Classification
- Internet content
- Illegal content
- Information obligations
- Legal and regulatory actions

Due to the voluntary nature of the Framework and Code recommendations, Mobile Operators have undertaken different approaches in implementing the provisions, taking particular care, however, in abiding by existing regulation relating to definition of the content into the following categories: prohibited (illegal) content, content prohibited for persons under the age of 18, identified in Polish law as adult content, and all other content.

Additionally, Mobile Operators take into consideration the national societal norms and values to further improve and ensure safe use of the Internet through mobile services. This approach is reflected in an additional voluntary initiative – the "Agreement for the Internet Safety of Children," of which Mobile Operators are all signatories as of 2009.

The report addresses implementation of the recommendations of the Framework in the following areas:

- Access control mechanisms- appropriate means for parents for controlling access to this content should be provided;
- Classification of commercial content- mobile operators' own and third party commercial content should be classified in line with existing national standards of decency and appropriateness so as to identify content unsuitable for viewing by younger teenagers and children;
- Education and awareness-raising- mobile operators should work to raise awareness and provide advice to parents on safer use of mobile services, as well as ensure that customers have ready access to mechanisms for reporting safety concerns; and
- Fighting illegal content on mobile community products or the Internet- mobile operators should work with law enforcement agencies, national authorities and INHOPE or equivalent bodies to combat illegal content on the Internet.

The report is based on information collected from Mobile Operators and child protection stakeholders in February 2010 and findings are presented according to the areas identified in the implementation questionnaire prepared by GSMA Europe.

The national 'Code of good practice in the area of safe use of mobile phone' as well as the GSMA Europe Questionnaire are provided in Annex I and Annex II.

Implementation of national code of conduct

This part of the report contains information on Mobile Operators' approach in implementation of the recommendations of the Framework and is divided into four sections which correspond to the four high level areas of Framework, as well as a section on other relevant information:

- a. Access control mechanisms
 - b. Classification of commercial content
 - c. Education and awareness raising
 - d. Fighting illegal content on mobile community products or the Internet
- Other information

Access control mechanisms

Methods of implementation of access control mechanisms and scope of content covered

Operators employed various approaches to the access control mechanisms.

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| Orange | Orange uses disclaimers (a warning message containing information that the content is suitable for customers over 18 with the request of age confirmation) for the categories of content classified as suitable for adult customers. In addition, in the process of implementation are technical blockades' in terms of access to the own brand adult content and other service provides adult content that could be ordered by clients via Customer service or via orange-on line. |
| P4 | P4 employed the solution based on time restrictions of the service. Access to the content classified as suitable over 18 is available only between 11PM-6AM (WAP/ www). |
| Polkomtel | Polkomtel introduced extended mechanisms of control over the access to the contents offered under own brand. The client may decide whether he/she wishes to have open access to the adult-only content or to block the access from his/her account. Blocking the access to the 18+ content is possible by SMS, a WAP application and by contacting the Customer Service. The client also has the option of putting the block on the MSISDN numbers he/she owns. Blocking the access to adult-only content is done on the client's request. |
| PTC | PTC introduced the service 'Blockade 18+' to enable customers to block access to the content, which has been classified as 'adult'. The service is available free of charge for all customers in the post-paid and pre-paid segments and not active (i.e. off) by default. Customers can activate the service by various channels: Customer Care, by self-care tools (IVR and internet self-care systems) or in PTC shops. To de-activate the service, postpaid customers can contact Customer Care or should visit a PTC shop; prepaid customer must be registered and verified as over 18 and then can request for de-activation. Non-registered prepaid users can not de-activate the service. The service is currently applicable to Premium Calls and services using payments based on Premium WAP/ www. The project is ongoing and further enhancements are |

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| | <p>planned in 2010 to increase the scope of the content.</p> <p>It is important to note that some operators have not yet fully completed the projects related to access control and the further enhancements are planned to better fulfill the goal of increasing safer use of the phone by children and teenagers.</p> |
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Cooperation with contracted content providers

All operators have contacted the Third Party content providers to secure the necessary amendments in contracts that are related with code of conduct.

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| Orange | Orange signed annexes with content suppliers that obliged them to classify the supplied content according to the provisions of law. At the moment, all the categories of content have been classified as suitable for adult customers contain disclaimers. |
| P4 | P4 secured its content partners to complying with the requirement for access controls by content selection at their own portals. |
| Polkomtel | Polkomtel is in the process of signing the contract for content provision focused on the familiarisation of each new provider with the provisions of the Code and is obliged to observe the implementation of those provisions. |
| PTC | PTC signed amendments to the contracts with Third Party content providers, so that content classified as 'adult' should only be offered by using appropriate access control mechanisms. In addition, as the results of the agreement between signatories of the CoC, Third Party content providers were asked to migrate content classified as 'adult' to dedicated range of numbers (voice calls numbers, SMS and MMS Premium numbers) in order identify 'adult' services and then be able to block on customer requests. PTC service 'Blockade 18+' covers also the content delivered by Third party content providers. The service is currently applicable to Premium Calls and services using payments based on Premium WAP/ www. The project is ongoing and further enhancements to increase the scope of the content are planned in 2010. |

Other technical means implemented by signatories

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| General | Some operators have implemented or intend to use additional technical means to increase safer mobile use. Disclaimers are used on the PTC, Polkomtel and Orange services, where the content is not suitable for users below 18 years, while P4 plan in future to implement an SMS which will block the adult content for a given type of mobile phone. |
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Classification of commercial content

Framework of commercial content classification used for 'own' branded content

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| General | In Poland no specific framework to classify mobile content exists. Therefore all mobile operators classify own-brand content based on existing general law regulations, in particular the regulation of the ordinance of the National Broadcasting Council developed for classification of TV-related content. The classification |
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| | framework in Poland generally consists of two categories: content prohibited for persons under the age of 18, identified by Polish law as adult content, and all other content. In some cases additional internal corporate practices are applied in content classification. |
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Framework of commercial content classification used by third party content providers

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| General | In terms of classification of content of professional third party content providers, all MNOs have ensured through their contractual relationships that external content is appropriately classified according to national classification standards. Verification procedures of various nature have been introduced by the operators in order to ensure the correct classification. Those include: random checks on a case-by-case basis, the right to regularly review the implementation of existing contractual commitments and verification and classification before the actual commercial launch of external content. Additionally, contract penalties have been introduced in case of breaching of contract' terms relating to appropriate classification of content. |
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Raising awareness and education

Information policies implemented by operators, including the description of the target audience

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| Orange | <p>TP/ Orange made available the www.bezpiecznemedi.tp.pl website, where a chapter on mobile phones is featured. The website is meant for parents and guardians. The brochure "Safer Media" has also been published and made available in TP-Orange stores throughout Poland and in local Client Ombudsman offices. The Orange Foundation is also very active in promoting safer usage of electronic media among Polish teachers by developing programmes with Polish NGOs as well as providing courses for children in Polish schools. The Orange Foundation works also with children directly, as more than 100 volunteers from TP – Orange have already conducted more than 130 classes in Polish schools for around 4,000 students on safe behaviour in the electronic media, within the framework of the Orange volunteering programme.</p> <p>In addition the Orange Foundation, together with the Nobody's Children Foundation (Fundacja Dzieci Niczyje), established the project www.helpline.org.pl in 2007. Via this website parents, children and other people can be informed about online dangers. This has also included workshops for the police and judges in 2008.</p> |
| P4 | PLAY takes action by preparing a website concerning child protection in Internet. The necessary information can be obtained at : http://p4.playmobile.pl/pl/o-firmie |
| Polkomtel | Polkomtel informed its network users via its webpage about the option of blocking access to certain services classified as adult services. The NGOs are working to ensure the safety of children on the internet and the media have been informed in direct contact and several conferences. |
| PTC | PTC developed a special information service (available on corporate web page) targeted at parents and carers to increase safety of mobile use by children and |

youths. These include: advice on safe mobile use, vocabulary of mobile multimedia terms and description of PTC services, which can improve safer mobile use. In 2009 PTC also joined an initiative of the telecommunication industry, media and NGOs 'Agreement for the Internet' safety of children'.

Availability of information for parents regarding the availability of protective measures

General

In general, operators communicate with parents via their company websites. Parents can find information about the measures introduced and possibilities of blocking access to certain services. Moreover there is the website: www.bezpiecznedia.tp.pl, where all kinds of information about safety on the Internet and mobile phones can be found. A similar set of information is published in a paper brochure "Safer Media", with an entire chapter (out of four) refers to the provision of mobile phone security. This brochure has been made available to parents and guardians free of charge in Orange stores in Poland and local Client Ombudsman offices. All the information on electronic media security along with the PDF version of the above mentioned brochure is made available at the same time on a TP-Orange dedicated website: www.bezpiecznedia.tp.pl (it means "Safe Media" in Polish).

Management of customer complaints processes regarding the 'Code'

General

All the signatories established overall complaints management processes for all services. They are accessible to customers through several channels: customer care consultant, e-mail, regular mail, fax and shops.

In addition clients have other communication channels at their disposal: 1) a child hotline run by the Fundacja Dzieci Niczyje (Nobody's Children Foundation); 2) www.helpline.org.pl or call 0800 100 100 for help (the above information is featured at www.bezpiecznedia.pl and in the "Safe Media" brochure); 3) the Polish Police at 112 or 997; 4) contact with the press office of each mobile operator.

Fighting illegal content on mobile community products or the Internet

Cooperation with the relevant authorities in the field of fighting illegal content

General

In compliance with the legal regulations all Polish operators cooperate with the relevant state authorities (including the Police with its specialised 'Abuse Forum' working group and courts) in cases related to illegal content on the internet and different sorts of activities harmful to minors. Operators also support the NGOs concerned with the safety of children in the digital world. These NGOs monitor the net, tracing cases of misuse to report them to relevant authorities and prevent their display. They run dedicated web pages to facilitate these processes: Kidprotect.pl, www.bezpiecznyinternet.pl, stoppedofilom.pl, www.helpline.org.pl, national INHOPE hotline (www.dyzurnet.pl) and others. PTC is the signatory of the initiative 'The Mobile alliance against child sexual abuse', which is designed to pro-actively limit

access to illegal child images in the Internet. The technical measures of this initiative are implemented in the PTC network. Polish operators also cooperate with Office of the Government Plenipotentiary for Equal Treatment which runs a special programme for child protection.

Management of customer complaints processes regarding illegal content

General

Firstly, customers can either contact the Polish Police at 112 or 997 or the prosecutor's office. There are numerous help lines for children and parents, and customers can consult specialised portals and brochures. Customers are also free to use all available channels to contact the operator and report their concerns, including demands for removal of certain materials. They can communicate and report abuses or illegal content to consultants of Customer Service Departments; they can file claims (by mail, e-mail, fax or phone) to the respective Complaints Department or report their concerns orally for the record or in writing at the Point of Sale (Service). Customers' claims and letters (also regarding illegal content) must be resolved within 30 days (due to the provisions of the Telecommunications law and operators internal procedures).

The relevant state regulations, as well as the company regulations, establish the time and method of reaction and of informing the client about it.

Support national takedown procedures

General

To date, there have not been any reported from customers concerning any illegal content within the operators' services and portals. Therefore, there was no need to create procedures above and beyond those currently in use. However, if it will become necessary, operators are ready to support the creation of such procedures.

Other information

Review of the Code

Each operator monitors and verifies the implementation of the National Code on a permanent basis, especially when new products and services are being introduced. Regular control and monitoring is usually the responsibility of a dedicated team which also can prevent illegal or harmful content from being displayed.

In the operators' opinion the Code has proven its value and there was no need for a revision so far.

Publication of the Code

The Code is available at the Polish Chamber of Information Technology and Telecommunications website (www.piit.org.pl). Operators' websites show the possibilities of using the mechanisms for controlling the access to the contents specified by the Code.

Stakeholder cooperation on child protection

This part of the report presents the views of a relevant stakeholder, namely a hotline 'www.dyzurnet.pl', managed by NASK (a member of INHOPE), concerning mobile operators' role in protecting children in their country of operation.

The following questions were posed to the stakeholder:

1. How do you think the national code of conduct signed by mobile operators has helped in the pursuit of safer mobile use by children?
2. Are you aware of any educational/awareness-raising initiatives on this issue by the mobile operators in your country?
3. What do you think are the key child protection priorities for the ICT sector for your country?

1. How do you think the national code of conduct signed by mobile operators has helped in the pursuit of safer mobile use by children?

The conclusion coming from our review is that mobile operators treat seriously the obligations of Code in the area of children safety. The progress has been observed, thanks to the development of the educational materials, campaigns related to safer use of the mobile phones and through the initiatives of classification of commercial content in the two categories: 'adult content' and 'other content'. Thanks to the initiatives taken, the risk of children having access to inappropriate content, including pornography, containing violence or bullying is to be decreased.

2. Are you aware of any educational/awareness-raising initiatives on this issue by the mobile operators in your country?

As the NGO active in the field of children safety we observe various initiatives promoting safer use of mobile phones by children. These are for example the campaign 'my first phone', the vacation guide for children 'Mobile phone on the holiday – aids how to make sure that phone could be your 'friend'- not an 'enemy'', and the initiative of the phone dedicated for children. The dynamics of those initiatives, including the campaigns are addressing the problems of children safety in the proper way and promoting the rational use of the phone, especially for the youngest users of mobiles.

3. Q3: What do you think are the key child protection priorities for the ICT sector for your country?

Signatories of the Code have obliged to certain individual and common communications and educational actions, development of the common procedures related with the fighting over illegal content and engagement in the international safety initiatives in the area of children safety in electronic media.

Our hotline dyzurnet.pl receives claims from the parents regarding the SMS Premium services (which are used as a payment means for mobile content services, such as games or internet access services) without clear information on price for the service, or SMS with worrying marketing messages, including of the erotic nature.

The [www](http://www.dyzurnet.pl) sites of mobile operators contain the information on our hotline 'www.dyzurnet.pl', where mobile customers can report the problems with inappropriate content, and these claims are routed directly to us. Based on the notifications, we generally see that further potential improvements could be made in the fields of mobile content and account management services, which are dedicated for young users.

Conclusion

Signatories have taken considerable effort in implementing the provisions of the Code and customers can now benefit from the available opportunities that were provided in 2009.

The overall implementation progress is at various stages among signatories, but all operators are eventually committed to fulfil the Code obligations.

Despite the initial positive results achieved so far, it is a common belief that there is still a room for further improvements and other initiatives in the child safety area to be taken by ICT industry.

It is also worth to stress that all operators share a view that apart from the actions taken by operators, a continuous education of parents and carers is vital to achieve the ultimate goal of increasing safer use of the modern means of communication by children and teenagers.

We do see a special role of government with this regard (for example public educational campaigns of modern communications in the age of information society), which in addition could be supported by relevant NGOs.

The Polish Code of Conduct

Code of good practice in the area of safe use of mobile phones

Introduction

The hereby Code was adopted by P4 sp. z o.o., Polkomtel S.A., Polska Telefonía Cyfrowa sp. z o. o., Polska Telefonía Komórkowa sp. z o. o., Wirtualna Polska S.A. and Telekomunikacja Polska S.A., called hereinafter “Signatories”, for the use in the Polish telecom market.

The Signatories sign the Code perceiving fast development and increasing accessibility of technological solutions (inter alias: colour screens, video cameras, possibility of recording short films, picture messaging and Internet browsers) which can be used to access a growing variety of content.

In anticipation of fast development of these products, being widely adopted by consumers, including consumers under the age of 18, the Signatories are putting in place the recommendations defined in this Code. In particular this Code is an expression of perceiving the necessity of such cooperation with clients which will allow to promote safe use of mobile telephony services, in particular among young people and children.

In particular the intention of Signatories is that parents and carers should have access to the information making possible to show children and young people how to use mobile phones responsibly and what appropriate types of content are designed for this group of recipients.

The Code covers rules of access to texts (also called “content”), including visual content, online gambling, chat rooms and Internet access.

The Code provides framework solutions and does not prevent Signatories from adopting further solutions in this area with respect to provisions of the hereby document. Each of Signatories may choose or use other organisational or technical solutions remaining consistent with overall provisions of the Code. Taking into consideration the above, the Signatories will regularly review the telecommunications market and technical solutions accessible on it to achieve the provisions of the hereby Code.

The Signatories commit to apply the hereby Code with its reference to their own content available to users under their own brand. The Signatories do not possess sufficient possibilities to control content distributed or made available by remaining (external) content providers. Nevertheless they will cooperate with content providers, and in particular inform them on signing the hereby Code.

Detailed Provisions

Commercial content

The Signatories should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.

Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media. The Signatories will work with its contracted content providers to ensure access controls for their content.

Classification

The Signatories will classify and assess content unsuitable for users under 18. The above distinction should comply with standards used in other media or by other subjects which mission is to protect users under 18 against access to inappropriate content.

Each Signatory commits to classify own content. Through their contractual relationships with professional third party content providers, mobile providers should ensure, after consultation, that these providers classify their commercial content.

Internet content

The Signatories cannot take responsibility for the content offered via Internet.

Taking into consideration the above, the Signatories commit to provide parents and carers with information making aware children and young people how to use phones in a responsible way and what are appropriate types of content designed for this group of recipients.

Illegal content

The Signatories take actions aiming to report to appropriate state institutions on the violation of respective laws in the scope of this Code.

The Signatories support national authorities in dealing with illegal child images and will facilitate the notification of this content where hosted on mobile community products or on the internet sites owned by them.

The Signatories will support the creation of appropriate legally authorized national take-down procedures for such illegal content, including a commitment to liaise with national law enforcement.

Information obligations

The Signatories commit to provide advice to consumers, including children, young people and carers on the nature and scope of use of the modern communication devices. They also commit to undertake and support other actions aiming to deepen consumers' knowledge in this area.

Legal and regulatory actions

Provisions of the hereby Code do not infringe commitments of Signatories resulting from other regulations.

Any changes made to the Code require a written form for its validity.

Application of the Code

The Code will be implemented one year following its signing.

In case of severe technical implementation problems an additional period of 6 months can be granted for implementation upon notice of the other signatories.

The Signatories commit to:

- implement and apply the Code,
- update its provisions,
- review and make appropriate changes complying with stage of development of the services, which appropriate provisions refer to.

Each of Signatories informs the content providers which contracts are binding of the fact of signing this document.

Each of Signatories commits to:

1. publish the Code on its web side,
2. introduce and update solution concerning access control to content services according to the provisions of the hereby document.

The Signatories express their will to cooperate with institutions and organisations, which within their statutory tasks realize targets defined in the hereby Code.

Glossary

The following expressions mean:

Commercial content – means content provided by content provider. In case of services sold under own brand, including own content, the Signatories act as content providers which includes in particular picture, video clips, mobile games, music or access to on line gambling. It does not include content accessed via the Internet, where the Signatories are providing only the telecom infrastructure.

Commercial content provider – the Signatory or provider, which signed a contract with the Signatory. The above contract should provide delivering content to users via teleinformatic tools.

Internet content – content accessed on the internet (including sites that can be accessed using WAP where the Signatory provides only connectivity and is not responsible for the services offered in the remaining field.

6. GSMA Europe Questionnaire

Access Control mechanisms

Q1: How did you implement the access controls and what content is covered?

Q2: How are contracted content partners complying with the requirement for access controls?

Q3: What other technical means for safer mobile use have been implemented by your company?

Classification of commercial content

Q1: Which is the classification framework used by your company to classify content?

Q2: How is the classification taking place? Who assesses? How is classification being enforced vis-a-vis contracted content providers?

Education and awareness raising

Q1: Which information has been made available to which target groups which media?

Q2: Which information has been made available to parents regarding protective measures being available and on which media? In how far use of existing information has been made?

Q3: How can customers express concern and complaint about issues covered by the CoC towards your company?

Fighting illegal content on mobile community products or the Internet

Q1: How does your company cooperate with the relevant authorities in the fight against illegal content?

Q2: How can your customers complaint and express concern on illegal content?

Q3: What steps have been undertaken to establish a national takedown procedure and to what result?

Other information

Q1: When did you review the code and to what result?

Q2: How did you publish the CoC?