

Children's Charities' Coalition on Internet Safety



Secretary of State and Lord Chancellor
Department of Constitutional Affairs
Selborne House, 54-60 Victoria Street
London SW1E 6QW
7th July, 2004.

Dear Lord Falconer,

Children and the Data Protection Laws

I am writing to draw your attention to a number of important ambiguities or omissions in the data protection laws which could, potentially, put children at risk. We are keen to discuss with you, at the earliest opportunity, changes to the law which would remedy these deficiencies.

The ambiguities or omissions we have identified became apparent in the course of discussions we have been having with the mobile phone networks in relation to the rapidly emerging market for passive location services. Passive location services provide one person with the opportunity to track the physical whereabouts of another e.g. a child, through their mobile.

We think the emergence of passive location services also raises other policy and non data protection legal issues which, for the sake of completeness, we have included in this letter even though we recognise they may not directly be part of your Ministerial concerns.

I have discussed key elements of our views with the Office of the Information Commissioner, but it would seem that, in the main, they are outside the scope of their remit, hence this letter to you as the Minister responsible for data protection issues.

You will know that location services are already on sale in the UK. The relevant mobile phone networks (02, 3, Vodafone, T-Mobile and Orange) are now seeking to develop guidelines which will govern how these services are to be managed, and these guidelines may well go beyond the strict legal requirements.

We have been consulted about the proposed guidelines. Our discussions with the mobile companies are continuing and the police are now also involved in an advisory role. We may well end up, pragmatically, agreeing a satisfactory working solution with regard to certain key issues around verification and consent, but it is already quite clear that some of the matters that have been causing difficulties go well beyond a narrow concern with mobile phones and location services. Potentially they affect the way a very wide range of other online or similar remotely managed services are marketed or supplied to children.

In the attached note I have set out the matters fairly fully because this is likely to be the first time your Department will have been asked to consider them in such a specific or detailed way. I apologise for the length of the note nonetheless.

I have also copied this letter to the Home Office, DTI, the DfES (Children's Minister), OFCOM, and to the Information Commissioner. These agencies may have an interest either in the substantive data protection matters or in some of the other issues we have identified.

Yours sincerely,

John Carr
Secretary

