

*XIIth INTERNATIONAL CONFERENCE  
OF DATA PROTECTION COMMISSIONERS  
PARIS, SEPTEMBER 19th, 1990*

RESOLUTION ON PROBLEMS RELATED  
TO PUBLIC TELECOMMUNICATION NETWORKS  
AND CABLE TELEVISION

Having taken account of certain general principles on Integrated Services Digital Networks (ISDNs) in its resolution, of 31st August 1989, the XIIth International Conference of Data Protection Commissioners welcomes the second report of the working group on «Telecommunications and Media» which indicates that these principles should be put in concrete terms and be guaranteed at the technical level. These principles may be applicable to any kind of telecommunications including analogue forms as well as certain forms of mass media communication (especially cable television). Network operators in the public and the private sectors as well as firms offering telecommunications services should adhere to these principles.

*I - DIRECTORIES*

Telecommunications directories happen to have become the most important publicly available personal data files in the world. The Conference notes with concern the difficulty in controlling the use of these data worldwide. The risks are enlarged by selling directory data on electronic media.

Personal data collected by a network operator should be adequate, relevant and non-excessive with regard to the purpose of making available a telecommunications service to the data subject and connecting him to the network.

Personal data contained in a directory should be limited to such as are strictly necessary to identify reasonably a particular subscriber. He/she also has the right not to indicate his/her sex (and the place where he/she lives). On the other hand this would not exclude the publication of additional data at the request of the subscriber. Subscribers have the right, free of charge and without having to give reasons, to have no personal data included in a directory.

When collecting basic data, a network operator should fully inform the data subject of whether or not he is obliged to have his data included in a subscriber directory regardless of the medium of publication.

Basic data relating to co-users of the subscriber's terminal may only be included in a directory with their consent.

The communication of basic data by a network operator to a third party for marketing purposes may only be carried out with the free and informed consent of the data subject unless the subscriber according to national law is given the opportunity to object.

Basic data of subscribers having refused to have their data included in a directory or having decided to have their name on a no-publicity list should not, in any case, be communicated to any third party.

Regard shall be had to the highest geographic level at which one can draw subscribers' information from the directory.

The Conference is concerned about the increasing dangers of direct marketing by telephone and will look into these problems in greater detail.

## *II - CALLING LINE IDENTIFICATION*

The introduction of a service feature permitting the display of the number of the line used by the caller on the called subscriber's telephone before the connection is established raises serious questions of privacy.

It is important to reconcile the privacy requirements of the individual telecommunication user — caller and person being called — with the requirements for freedom of communication. This is achieved through adherence to the following two principles :

- It must be possible for the caller to decide by simple technical means on a call-by-call basis whether he wants to be identified or not even at the risk of his call not being accepted by the called person.

- This non-identification procedure must be free of charge for the subscriber.

In application of these principles the following measures shall be taken :

Subscribers must have the right, free of charge, to indicate on the directory that they will not operate a procedure for identification of the calling line.

Regard should be had to the need to restrict disclosure of transmitted information concerning the caller to third parties.

As an exception, the suppression of the calling line identification may be overridden in case of persons calling emergency services such as fire brigades or ambulances according to national law.

The operator may also override the suppression of the calling line identification in order to trace malicious calls on request of the called person.

These principles shall be equally guaranteed when operating international calls.

## *III - MOBILE TELEPHONES*

When providing and operating a mobile telephone service, network operators should inform subscribers of the security risks which usually accompany the use of the mobile telephone network, particularly in the absence of encryption of communications. The operator should advise the subscriber in particular that as long as problems of data security exist subscriber should refrain from using the mobile telephone network for the purpose of communicating confidential messages. Network operator should be obliged to offer subscribers to the mobile telephone network effective encryption procedures.

Effective technical devices shall be introduced so as to prevent unauthorized access to the network.

The storage of traffic data must be strictly limited to the time required for connecting the subscriber to the mobile telephone network. The tariff system shall be designed in such a way that the locations where the mobile telephones have been used do not form part of the billing data.

#### *IV - BILLING*

Further consideration should be given to the question as to what extent the storage of the complete number of the called person is necessary for billing purposes in general.

#### *V - CABLE TELEVISION*

The recording of individual viewing profiles by cable television companies offering «pay per view» programmes is an encroachment upon customers' privacy.

Therefore, cable television companies should only operate «pay per view» systems if a practical and economic opportunity is available to customer (e.g. pre-paid cards or decoders) allowing them to receive the programmes without such information being recorded.

Audience ratings and royalties must not be calculated on the basis of identifiable viewers' data.

The Conference is concerned that in the field of cable television numerous data protection problems will arise in the near future and therefore will monitor developments in this area closely.