

Is new mobile directory legal?

The controversial 118 800 mobile phone directory which launched last week is likely to face serious legal objections over privacy issues including the Data Protection Act, according to Martin Noble, associate at Birmingham law firm Shakespeare Putsman.

The service, which was due to go live last Thursday, faced technical problems on launch and opened for business on Friday (19 June). The directory allows callers to be put through to mobile phone users who are prepared to receive the call. The current directory is reported to contain details of 15 million out of the 40 million or so mobile phone users in the UK. Questions have already been asked about how mobile numbers end up in the directory with consumers and mobile networks expressing concern about numbers being made available.

Connectivity is the company behind the new 118 800 service (online at www.118800.co.uk). Callers ask to be put through (at a price) to a mobile phone number simply by providing a name and location. Connectivity acts as an intermediary and rings the target, requesting permission to connect the caller to them. Alternatively, an online service sends an SMS to the target asking them to call back the person searching for them.

Many mobile phone users will be concerned about unwanted calls, security, and how their personal information fell into the hands of Connectivity in the first place.

Several online blogs report users who are clearly fed up with cold callers and regard this new service as a significant contributor to that. Whilst the traditional paper phone book has been around for years, many still regard their mobile phone number as being truly private – only being given to friends, family and work colleagues. The recent stories of unencrypted personal data being left on public transport on CDs and memory sticks are also worrying.

Connectivity says its mobile phone directory is made up from various sources, including companies to which customers have provided their personal information with the expectation that this personal information will be shared. It also says that it has worked closely with the regulatory authorities to provide a service that protects privacy without ever giving out a mobile number.

That said, in 2006 guidance from the Information Commissioner (responsible for regulating the use and storage of personal information) made it very clear that personal data must not be included in a directory unless the user has been informed of the purposes of the directory and given the opportunity to decide whether it should be included. So, can it really be said that someone has agreed to have their number included in the new mobile phone directory, simply by ticking a box to say that they are happy for their information to be shared with a third party?

Many mobile phone users may find themselves in the new 118 800 directory, having unwittingly ticked (or not ticked) a box which appeared in the small print when completing a form or transaction. This is where the problem appears to lie, as Connectivity's use of such personal information has not been sanctioned in a transparent way – as is legally required.

If you find yourself on the database or are bombarded with unwanted calls, you can remove yourself by contacting the directory provider concerned. According to the Information Commissioner, you are entitled to verify, correct or withdraw the data free of charge at any time. In future, do also be wary of whether you are being asked to opt in or out of an information usage policy when completing written, online and telephone transactions and consider the width of the requested permission.

ENDS

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Notes to Editors:

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