

Telecom's trial of Calling Line Identification services

John Mackay reports on the introduction of calling number display and other telecommunications services

Telecom has announced that it will trial calling line identification ("CLI") services in the Northern New South Wales town of Wauchope for three months from March of this year. More than 400 households and businesses in Wauchope will be supplied with devices to take part in the experiment which will be designed to assess the social and privacy implications of CLI services before their introduction. Wauchope has been selected by Telecom as the area in which to conduct a trial because of the high percentage of local calls which are made by residents - 60% of total calls are between local residents.

Functions

CLI is data that is generated at the time a call is established and includes the called party's phone number, the calling party's phone number, the time of day, the duration of the call and the routing of the call. One CLI service (known as calling number display ("CND")) enables the calling party's number to be displayed on a miniature screen attached to the called party's phone. CND will allow people to screen incoming calls and to make a choice whether or not to answer them (provided that the calling party has not blocked the transmission of its CND).

Another CLI service is call return, which allows a customer to instruct the network to dial the number of the last person who called that customer. Selective call diversion services will allow calls from numbers chosen by the subscriber to the service to be diverted to another number specified by the subscriber. CLI can also operate as a de facto answering service because the device affixed to the receiver can store the last 20 telephone numbers which have called. If the experiment is successful, Telecom anticipates that it could begin offering CLI services on a commercial basis later this year.

CLI services not only offer customers new applications, CLI services are claimed to facilitate efficient management of traffic on the telecommunications network, efficient route selection and billing

procedures and enables more effective information management systems to be established.

Privacy

There are, however, serious concerns that the privacy of users will not be adequately protected. In response to the concerns regarding privacy Telecom has set up a local group to monitor the progress of the experiment and has also established a privacy committee to advise it during the trial.

In short, the most important issue is whether users will understand that information about their telephone number will be transmitted to the party they are calling. There is the risk that there will be inadvertent transmission of a customer's number to the called party. For example, in a domestic violence situation where a couple has separated, the calling party may not wish the called party to know the telephone number that the party is calling from.

Another major privacy issue involves business use of CLI. There is concern that businesses will use CLI to identify people making anonymous enquires and pursue them with unwanted follow-up material. As part of its experiment in Wauchope, it is proposed that Telecom will provide laptop computers to ten businesses which will allow them to identify the caller immediately from their number using reverse phone book software.

Some of the privacy concerns associated with CLI services may be reduced by making available to customers a "blocking" facility. "Blocking" refers to the ability of the maker of the phone call to decide whether or not to send their number identification on any particular occasion. There are two ways in which blocking might occur:

1. Choosing not to send number identification for a particular phone call. The calling party would activate that choice by dialling a particular code for each phone call made.
2. Choosing not to send number identification from a particular phone line.

Blocking number identification prevents

the number appearing on the phone of the called party, but does not prevent the information being collected and stored in the network. Tracing threatening, obscene or malicious calls will be possible even if the caller has blocked their number identification. Information will also be available to the emergency services about the origin of the call, even when the caller has blocked their number identification.

Recommendations

The trial of CLI services was recommended by Austel in its report on Telecommunications Privacy in December 1992. Austel recommended that telecommunications operators should adopt a cautious approach to the introduction of CLI services with weight being given to consumer-based privacy concerns. The principle of informed choice was emphasised by Austel under which consumers should be given an adequate opportunity to understand how the service is going to work, and how it will affect them given their particular circumstances.

As part of this principle of informed choice, Austel recommended that the Telecommunications Privacy Committee supervise the development by the carriers and other interested parties of a code of conduct that should ensure that customers have the opportunity to make an informed choice. The code would make provision for a public awareness program to inform the community about the implications of both sending and receiving CND and the "default option" where a customer does not make a choice.

Telecommunications Act

In relation to service providers, Austel recommended that the *Telecommunications Act* be amended to remove any doubt whether Austel may vary its service providers class licence to require a service provider receiving CLI to develop for approval by the proposed Telecommunications Privacy Committee a code of conduct for dealing with such information.

Austel recommended that the code be subject to the jurisdiction of the Telecommunications Industry Ombudsman so that the Ombudsman can receive and resolve complaints alleging breaches of the code

and, where applicable, recommend to Austel whether it should take action under the service provider's class licence for a breach of the service provider's obligation to observe the code.

We await with interest the results of Telecom's experiment in Wauchope.

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Copyright Convergence Group

Bridget Godwin describes the Group's functions and Terms

of Reference

A government initiative to establish the Copyright Convergence Group (the CCG) was announced by the Minister for Justice, Duncan Kerr, in October 1993. The Group was formed in January 1994. The Chair of CCG is Victoria Rubensohn, a communications consultant. The other members of the Group are Professor Mark Armstrong, chair of the ABC and director of the Centre for Media and Telecommunications Law and Policy, Peter Banki, Chairman of the Copyright Council of Australia and a partner at Phillips Fox, and Malcolm Colless, the General Manager for Corporate Development and a director of News Limited.

Terms of Reference

The CCG recently advertised for comments and contributions from members of the public and interested parties. The Terms of Reference for the Group were released by the Minister on 16 March 1994 and read as follows:

The Copyright Convergence Group is asked to consider, having regard to the fundamental changes which are occurring in the manner in which copyright materials are being used and the need to facilitate such uses while providing appropriate protection for copyright owners and creating a positive environment for the development of industry, and having regard to Australia's current international obligations and ongoing consideration in relevant international fora, the adequacy and appropriateness of protection under the *Copyright Act 1968* (the *Act*) for broadcasts and other electronic transmissions and the underlying copyright materials used in those transmissions, in particular:

- (i) the scope of the diffusion right granted to authors of original works (s.31), the makers of cinematograph films (s.86) and the operation of s.26 of the *Act* (references to subscribers to a diffusion service) and to what extent (if any) the rights of authors and makers of cinematograph films to control the electronic transmission of their works should be varied or extended;
- (ii) whether the owners of copyright in sound recordings, and television and sound broadcasts should have the same exclusive rights with respect to cable and other electronic transmissions as are currently afforded to authors of works and makers of cinematograph films and to what extent (if any) the rights of the owners of copyright in sound recordings and television and sound broadcasts to control the electronic transmission of those recordings and broadcasts should be varied or extended;
- (iii) whether copyright should subsist in electronic transmissions which are currently not the subject of protection under the *Act* and if so, the nature of any such copyright;
- (iv) the operation of s.199 of the *Act* (reception of broadcasts);
- (v) the need for regulation of the unauthorised use of secured or encoded transmissions;
- (vi) amendments which may be consequential on any of the above.

The Copyright Convergence Group intends to consult widely with a broad range of parties to assist them in developing their views. Part of this process is the opportunity to present written comments to the CCG. Contributions should be received by the Group by 22 April 1994. As is evident from the Terms of Reference the CCG is not undertaking a

complete review of all copyright principles. The CCG has been established to produce a concise list of specific proposals for legislative change which can be considered by the government for early implementation, and which are intended to address some of the more immediate problems arising in the *Copyright Act* as a result of technological convergence.

In addition to the process of written consultation, the CCG will be holding a seminar in early to mid June, which is intended to be a further opportunity for interested parties to comment on the work of the Group. The Group will be distributing an issues paper with some preliminary views on necessary amendments prior to the seminar, which will be held in Sydney.

The Copyright Convergence Group may be contacted by telephone on (02) 581 7417 or by facsimile on (02) 581 7778.

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