



Our Reference: 20110810
Your Ref: 8-OFCOM- [REDACTED] 11-MC-NG

25 August 2011

Martin Caton MP
House of Commons
London
SW1A 0AA

Dear Mr Caton

Security of mobile phone networks

Thank you for your letter dated 2 August on behalf of your constituent [REDACTED] regarding his concerns about access to voicemail messages and the security of mobile phone networks.

In relation to phone hacking as it has been reported, the security issues are likely to revolve around the confidentiality of personal data. This issue is primarily addressed by detailed requirements in legislation such as the Data Protection Act and the Privacy and Electronic Communications (EC Directive) Regulations 2003 (the "privacy regulations"), enforcement of which principally falls to the Information Commissioner's Office.

However, your constituent appears to have concerns about a current vulnerability in voicemail systems. Recent changes to the Communications Act 2003 place new duties on communications providers to manage the security of their networks and services, and in particular to minimise the impact of security incidents (such as criminal damage to masts) on end users. Ofcom has powers to impose financial penalties for breach of these rules. As these powers are new, they did not apply in the period during which the reported phone hacking of which we are aware took place.

Without more information, we cannot take a view on your constituent's concerns. We understand that matters falling specifically under the privacy regulations are for the Information Commissioner's Office to consider. It is also important to note that we must exercise our powers proportionately, in particular, that we cannot act on unsubstantiated assertions. We would therefore recommend that your constituent provide full details of the vulnerability he identifies, to ourselves and/or the Information Commissioner's Office, in order that we may determine whether any action is appropriate by either body. The contact details for the Information Commissioner's Office are: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Our address of course you have.

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I hope this information is useful. If you have any further questions about this or any other Ofcom matter, please do not hesitate to contact me.

Yours sincerely



Lynette Huntley
Director, Government and Parliamentary Business



CC.
Dave Evans, Information Commissioner's Office