TESTIMONY OF
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BEFORE THE U.S. SENATE
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT
SAFETY AND INSURANCE

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Good afternoon, Chairman Pryor, Ranking Member Wicker, and members of the Subcommittee. My name is K. Dane Snowden, and I am the Vice President of External & State Affairs at CTIA – The Wireless Association® ("CTIA"). Before joining CTIA, I was Chief of the Consumer & Governmental Affairs Bureau at the Federal Communications Commission ("FCC") for four years. In my capacity at the FCC, I oversaw all agency consumer related policy issues ranging from the creation of the National Do-Not-Call regulatory policy to the consumer outreach and complaint divisions. Thank you for affording me this opportunity to share with you the views of CTIA and our member companies on protecting youth in an online world.

Today, my comments will highlight the wireless industry's continuing efforts to empower parents, safeguard privacy, and help ensure America's children and teens are using their wireless devices in a responsible manner. Through a diverse wireless ecosystem of service providers, device manufacturers, and software and application developers, the wireless industry is proactively facilitating the educational and social growth of today's youth by preparing them for an increasingly digitized and mobile future. Mobile technology offers many benefits to children and teens, including thousands of applications ("apps") focused on civic, educational, health care and social opportunities. Even with the challenge

of protecting children in the more "open" mobile wireless ecosystem, the wireless industry continues to empower parents with choice and control over mobile content so that they may determine appropriate mobile uses for their children and encourage responsible behavior. The wireless industry also has launched a series of educational initiatives and partnerships designed to promote mobile safety and responsible use.

Given the wireless industry's substantial ongoing efforts, CTIA and our member companies support congressional efforts which encourage stakeholders to educate parents and children regarding responsible mobile device practices. As an active member of the U.S. Department of Commerce National Telecommunications & Information Administration's ("NTIA") Online Safety & Technology Working Group ("Working Group"), CTIA also supports the *Youth Safety on a Living Internet* ("OSTWG Report") report's findings that there is no "one-size-fits-all, once-and-for-all solution" to every aspect of online safety, rather there must be a layered, multi-stakeholder approach which utilizes available content control tools and enhances online safety educational strategies for children and parents.[1]

I. CHILDREN ARE USING MOBILE DEVICES AND SERVICES TO ACCESS INTERNET CONTENT AND UTILIZE NUMEROUS INNOVATIVE BENEFITS ON A REGULAR BASIS.

CTIA recognizes the increasingly prominent and common role that wireless devices and services are playing in the development of America's youth. Children are actively using mobile devices on a regular basis, and progressively using mobile phones at younger ages. According to an April 2010 report by the Pew Internet & American Life Project, 83% of 17 year-olds now own a cell phone (up from 64% in 2004), and 58% of 12 year-olds now own a

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[1] National Telecommunications and Information Administration, *Youth Safety on a Living Internet: Report of the Online Safety and Technology Working Group* (June 4, 2010), *available at* http://www.ntia.doc.gov/reports/2010/OSTWG_Final_Report_060410.pdf ("OSTWG Report").

cell phone (up from 18% in 2004).[2] These children view mobile devices as critical tools for meeting their communications needs and a "centerpiece in teen social life" through text messaging, photo and video sharing, Internet access, "apps", and other mobile data services.[3] In addition, a mobile device may often be the only link to the Internet for children from low-income or minority homes where home broadband adoption is generally lower than other demographic communities.[4]

As part of this surge in children's mobile technology use, all elements of the wireless ecosystem, including carriers, manufacturers, and software and application developers, have enabled numerous innovative and beneficial tools for children, from education to health care to safety and civic participation. Using "mLearning" as just one example, innovative mobile wireless services offer personalized educational benefits as children use mobile devices to harness information on the Internet, choose from the thousands of educational "apps", and participate in class through text messaging, online polling and other multi-media uses. In fact, an entire segment of the mobile device market dedicated entirely to promoting reading through "e-readers" and downloadable books has recently developed.

It is not hard to imagine that one day soon mobile devices may replace students' traditional "book bags." Indeed, today millions of school-age children never leave home for school without a hand-held mobile device. And while some parents insist on this for safety reasons, the versatility of mobile devices for recreation as well as communication ensures that few kids need to be convinced to carry one to and from school. Despite their popularity

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[2] Pew Internet & American Life Project, *Teens and Mobile Phones* (April 20, 2010), *available at* http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones.aspx ("Pew Teens and Mobile Phones Report").

[3] Comments of CTIA – The Wireless Association®, MB Docket No. 09-194 (filed Feb. 24, 2010) ("CTIA Empowering Parents NOI Comments"); *see also*, Pew Internet & American Life Project, *Teens and Sexting* 2 (Dec. 15, 2009), *available at* http://www.pewinternet.org/~/media//Files/Reports/2009/PIP_Teens_and_Sexting.pdf ("Pew Sexting Report").

[4] CTIA Empowering Parents NOI Comments at 8.

with students, however, the utility of mobile devices as part of the educational mission has not been widely appreciated, and school administrators occasionally bemoan their potentially distracting influences. Unfortunately, this perception overlooks the vast educational benefits of mobile devices discussed above.

In order to address these issues, the *OSTWG Report* recommends policies and incentives to support "digital citizenship" which encourages children to respect themselves and others online and off and "media literacy" which promotes critical thinking about what is posted, shared, produced and uploaded as well as content that's consumed.[5] In addition, CTIA recommends that government agencies help ensure parents, teachers, and children take advantage of the learning opportunities provided by mobile devices, including updating school technology policies to more fully utilize mobile and Internet services and modify federal Universal Service programs to be more technology neutral.[6] As mobile devices and services become more ubiquitous among America's children and teens, congress should consider these recommendations which can help provide guidance in the evolving online mobile environment which children are increasingly and regularly utilizing.

II. THE WIRELESS INDUSTRY CONTINUES PROACTIVE EFFORTS TO EMPOWER PARENTS AND ENCOURAGE RESPONSIBLE USE.

a. *The Wireless Industry Has Proactively Offered Tools and Developed Best Practices to Empower Parents and Protect Children.*

The wireless industry has taken action to empower parents with choice and control over mobile wireless content so that they may determine what is appropriate for their children. Carriers, moreover, have taken extensive steps to meet the demands of parents for

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[5] OSTWG Report at 31–34.

[6] CTIA Empowering Parents NOI Comments at 13–20.

these tools and have introduced a series of initiatives to educate parents and children about the responsibilities and risks of mobile connectivity. In the "open" mobile wireless ecosystem, the *OSTWG Report* found that children are increasingly exposed to the same risks faced across other technological platforms, even as many of those risks are similar to ones they face offline.[7]

In response to consumer and governmental demand for open access, open devices, and greater Internet connectivity on handsets, carriers have moved away from "walled garden" approaches which offered consumers service provider-reviewed services and protected consumers, including children, from harmful content and online activities. Today, wireless carriers generally have little control over content consumers may access on their networks in the "open" wireless ecosystem. Instead, numerous entities in the wireless ecosystem create, distribute, and manage content that can be accessed by consumers, including children. As a result, children may be exposed to the same questionable content that is available on the open Internet including violent, offensive and adult-themed content, personalized advertising, privacy risks and the plethora of mobile applications which are not intended for use by children. In addition, the technological advantages of mobile previously highlighted which have opened doors for positive educational and social interactions also present opportunities for children to engage in irresponsible or inappropriate behavior on mobile devices and services, such as texting while driving, sexting, textual harassment and cyberbullying.

In addressing these issues, CTIA plays a key role in facilitating industry discussions about mobile safety and responsible use through voluntary, self-regulatory best practices and guidelines under which carriers, manufacturers and application vendors agree to provide

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[7] OSTWG Report at 5.

significant protections for consumers and, most specifically, children. In 2004, well before

the influx of wireless data services, applications and video services, CTIA developed

Guidelines for Carrier Content Classification and Internet Access to provide consumers with

information and tools to make informed choices when accessing wireless content.[8] Under

these voluntary guidelines, participating carriers agree to develop content classification

standards and educate consumers about the meaning of the chosen categories and ratings.

While the implementation of advanced parental control technologies is left to individual

wireless providers and third-party application vendors, the guidelines play an important role

in providing a set of baseline requirements that help standardize content classifications for

the carrier-content available on wireless devices. This in turn facilitates outreach and

educational campaigns intended to inform parents about the types of content accessible via

wireless devices, as well as the tools available to offer children a safe user experience.

Today, individual wireless carriers offer parents a variety of tools that can control

children's access to certain content (*e.g.*, filters) and prevent the distribution or receipt of

inappropriate content (*e.g.*, feature or service limits); educate children and parents about how

to be safe online; and provide parents with options to manage their children's messaging,

calling, and data usage.[9] Product manufacturers have also deployed effective parental and

content controls to help protect children.[10] In addition to carrier-provided advanced

technologies and parental controls, consumers today can independently download third-party

solutions to their wireless devices through app stores, websites, and other outlets, opening up

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[8] Wireless Content Guidelines, CTIA Consumer Info,
http://www.ctia.org/consumer_info/service/index.cfm/AID/10394 (last visited June 28, 2010) ("Guidelines for Carrier Content Classification and Internet Access").

[9] FCC, *Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*, Report, MB Docket 09-26, ¶99 (2009) ("FCC Child Safe Viewing Act Report").

[10] For example, the Apple iTunes and App Stores include content-based age ratings for apps, and the iPhone and iPad allow users to restrict apps based on their rating. Apple's rating system includes four categories: 4+, 9+, 12+, and 17+. *See* Apple iTunes Store and product descriptions as of June 26, 2010.

a host of additional content management tools for parents.[11] As the *OSTWG Report* found, the marketplace for parental controls is functioning fairly well, but more can be done to improve awareness and usage of existing tools while also striving to improve the tools themselves.[12]

In addition to the *Guidelines for Carrier Content Classification and Internet Access*, CTIA has worked with carriers and other members of the wireless ecosystem to extend this successful, self-regulatory model to location based services ("LBS"), common short codes and mobile financial services. With the aggregation of personal information on the Internet and evolving wireless ecosystem which may rely on, use or incorporate the location of a device to provide or enhance a service, great diligence is necessary to safeguard privacy, prevent fraud and unwanted dissemination of personally identifying information ("PII"), especially with regard to children. CTIA's *Best Practices and Guidelines for Location-Based Services* ("LBS Guidelines"), built on the now familiar foundation of "Notice-and-Consent," promote and protect user privacy as new LBS services are developed and deployed.[13]

CTIA's *LBS Guidelines* provide special protections for children, and they recognize that in some circumstances – including protecting the safety of children – a wireless carrier's account holder (rather than an authorized user, such as a child) may need to determine whether LBS may be used at all or a location disclosed to a third-party. For example, a parent/account holder may want to subscribe to LBS to know when a child arrives at school

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[11] FCC Child Safe Viewing Act Report at ¶104.

[12] OSTWG Report at 60.

[13] In April 2010, CTIA released an update of the wireless industry's voluntary "Best Practices and Guidelines for Location-Based Services," which promotes and protects the privacy of wireless customers' location information. CTIA – The Wireless Association®, Best Practices and Guidelines for Location Based Services, http://www.ctia.org/business_resources/wic/index.cfm/AID/11300 (last visited June 28, 2010).

or may want to prevent the disclosure of a child's location information for safety reasons. Importantly, CTIA's *LBS Guidelines* are expansive in scope by applying to *all* LBS providers, including application developers and equipment providers, and not simply limited to wireless carriers. These guidelines, which CTIA recently updated to reflect changes in the technology, the market, and consumers' demands, are an example of how self-regulation has the flexibility and the speed to adapt to the rapidly evolving wireless ecosystem.

CTIA understands that protecting children in these online and mobile environments is a challenging task for the industry, government and – especially – parents. Despite these challenges, the wireless industry continues to respond with effective, innovative solutions to empower parents with choice and control over the mobile content and services their children increasingly utilize. However, congress should recognize the consensus of online safety experts and industry that there is no single, one-size-fits-all parental control technology or safeguard for all media platforms because of the great variety in capabilities and operating systems, even among competing providers within the same media platform, and rapidly innovating technologies.[14] As the Working Group recommended, government policies can and should encourage stakeholders to help educate parents and children regarding safe, responsible mobile device practices that are already available.[15]

b. *The Wireless Industry Develops and Implements Educational Outreach and Partnership Efforts to Empower Parents and Educate Children.*

Even with the availability of parental control tools and self-regulatory best practices, CTIA recognizes that education and information are the keys to helping parents navigate the diverse marketplace of parental control tools and keep up with their children's evolving

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[14] *See* FCC Child Safe Viewing Act Report; OSTWG Report at 65.

[15] OSTWG Report at 65 – 66.

mobile usage. For this reason, CTIA and The Wireless Foundation recently announced *Be Smart. Be Fair. Be Safe: Responsible Wireless Use* ("Be Smart") (www.besmartwireless.com), a national education campaign focused on equipping parents with the necessary materials and tools to help children use their wireless devices responsibly. This site features resources such as sample family rules for parents, lesson plans for teachers, information about the latest research and surveys, and a toolkit with links to parental controls features offered by our member companies.

Launched in March 2010, the *"Be Smart"* campaign has already reached millions of viewers and listeners of newspapers, magazines and radio stations around the country. Just last month, The Wireless Foundation held a "*Be Smart*" event with Illinois Attorney General Lisa Madigan to bring together local and national online safety experts, parents, law enforcement and industry representatives to discuss the latest research and initiatives in mobile online safety and more events are being planned. In addition, the *"Be Smart"* site links to CTIA and the National Safety Council's *On the Road, Off the Phone* campaign to educate young people and empower parents to talk to their teenage drivers about the dangers of potential distracted driving resulting from cell phone use while behind the wheel.[16]

As the *OSTWG Report* recommended, these education and awareness-building efforts are absolutely crucial to ensure parents have the tools they need and children are taught to make informed and responsible choices. In March 2010, CTIA joined representatives from industry, academia and online safety advocates to support congressional legislation which promotes online safety education through government grants to educational agencies, nonprofit organizations, and schools to carry out Internet safety and digital media literacy

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[16] On the Road, Off the Phone: How to Talk to Your Teenagers, http://info.howcast.com/onroadoffphone (last visited June 28, 2010).

measures in schools to prevent harm from occurring in the first place.[17] Grant recipients would be authorized to use the funds to develop tools to teach children how to safely, securely and ethically use the Internet and support peer-driven Internet safety initiatives and develop public education campaigns to promote awareness of online risks and improve the health of young people.

CTIA also supports efforts to coordinate and share information at the federal and state levels. For example, the recent efforts between the FCC, Federal Trade Commission ("FTC"), and the U.S. Department of Education (as part of the OnGuardOnline public-private coalition) to release the *Net Cetera* online safety guidebook for parents is a positive example of how government agencies can help protect children. Among other things, the *Net Cetera* guidebook can help parents communicate with their children about using mobile phones safely and responsibly and OnGuardOnline.gov provides links to information about available parental control tools and technologies across technological platforms. CTIA also supports efforts of state Attorneys General to provide information and education about issues such as cyberbullying, textual harassment and online predation of children.[18] Given these on-going public and private initiatives, CTIA believes that awareness and outreach can help parents utilize the available tools and that education is the best way to ensure children are utilizing mobile devices and services for responsible and positive purposes.

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[17] *See* Adolescent Web Awareness Requires Education Act, H.R. 3630, 111th Cong. (2009) ("AWARE Act"); *see also,* School and Family Education About the Internet Act of 2009, S. 1047 111th Cong. (2009) ("SAFE Internet Act").

[18] *See*, National Association of Attorneys General, 2008 – 2009 Presidential Initiative – Year of the Child: Protecting and Empowering Our Next Generation, http://www.naag.org/year-of-the-child1.php (last visited June 27, 2010).

III.   CONCLUSION

Today's tech-savvy children continue to embrace mobile technologies for educational, entertainment, safety, and other purposes. The wireless industry has proactively deployed effective tools that empower parents, and it will continue to innovate in the future. As the wireless industry develops innovative devices, cutting-edge applications and deploys next-generation networks, CTIA believes that our industry's best practices must continue to evolve to reflect the growing consumer demands in the wireless ecosystem. It is our hope that the *OSTWG Report* will help to inform online safety initiatives at the federal, state and local levels of government and further encourage partnerships with the wireless industry to educate parents and children about responsible wireless use. We look forward to working with this Committee to craft policies which properly balance the need for flexibility in responding quickly to behavioral, technological and market changes. The Wireless industry believes with voluntary initiatives and strategic collaborations, we will continue to ensure the delivery of the benefits of wireless products and services to all Americans. Thank you.

Attachment A

PARENTAL EMPOWERMENT TOOLS

Content filters - Wireless carriers may provide parents with the ability to filter content available on a carrier's network. Wireless carriers, manufacturers and third party vendors may also offer wireless content filters for open Internet access.

Calling and text limits – Wireless carriers offer a variety of calling, text and data plan options which allow parents to place limits on the amount of wireless services their children use.

Camera function limits – Wireless devices may include password protected locks on camera and video features. Wireless carriers offer data plans which allow parents to place limits on the use of e-mail and picture messaging.

Parental notifications – Wireless carriers may offer features to notify a parent when a child sends or receives calls or messages from unknown sources or when their child's wireless device leaves a specified area.

Pre-approved calls – Wireless carriers may offer features which allow a child's wireless device to receive or send calls or messages only to specified numbers.

Purchase limitations – Wireless carriers offer plans and features which allow parents to place limits on the type of content a child may purchase such as music, games, and video. Wireless devices may also include built-in feature limitations.

Ratings - A system for classifying and providing information about specific content such as games, music, video and apps. Wireless carriers and manufacturers may rate content or utilize existing rating systems to help parents filter content for children.

Time of day restrictions – Wireless carriers may offer tools to limit wireless usage to certain periods (i.e. non-school hours).

EDUCATIONAL OUTREACH

Be Smart. Be Fair. Be Safe. Responsible Wireless Use **-** Together with kids, parents, experts and educators, The Wireless Foundation and our member companies, CTIA developed the *Be Smart.* campaign to help parents, educators and policymakers locate and utilize the tools and information necessary to ensure children make the right choices when using their wireless devices and services. The campaign's cornerstone is its Web site (www.besmartwireless.com) which offers a toolkit of the parental control features and filters that are offered by the CTIA's member companies and an example of family rules; educators are provided two lesson plans for 6th-12th grade students; and policymakers can learn more about industry initiatives as well as suggestions on what they can do to help foster the digital future.

Get Wise About Wireless **-** A partnership between the Wireless Foundation and the Weekly Reader Corporation Consumer & Custom Publishing that equips parents and teachers with tips and tools to help students defeat digital bullies by practicing proper cell phone etiquette and safety behaviors. Educational kits sent to schools contain an educator guide, a family take-home pamphlet, a classroom poster and a student mini-magazine. (www.wirelessfoundation.org/getwise)

On Road, Off Phone **-** As teens and novice drivers learn the complex task of driving a motor vehicle, safety should always come first. The wireless industry and National Safety Council urge teens to adopt an "On the Road, Off the Phone" philosophy to avoid the dangers of distracted driving. (www.onroadoffphone.org)

Wireless Carrier Tools – Wireless carriers offer websites which highlight their parental empowerment tools and educate their customers about responsible wireless use. (http://www.besmartwireless.com/pages/tools_from_the_wireless_industry)

PARTNERSHIPS

National Center for Missing & Exploited Children (NCMEC) – In 2008, CTIA and our member companies joined forces with NCMEC to keep child pornography off of wireless networks by creating the Wireless Child Safety Task Force, whose mission is to help keep wireless devices and services free of child pornography.

Family Online Safety Institute – In 2009, CTIA and FOSI held a joint conference where federal and state policymakers, industry leaders and online safety advocates discussed major challenges and solutions for children in the mobile environment.

National Crime Prevention Council – The Wireless Foundation and NCPC developed the 2009 – 2010 *Crime Prevention Month Kit: Staying Safe in a High-Tech World*.

National Safety Council - The wireless industry and National Safety Council teamed up for the driving "On the Road, Off the Phone" campaign.