Communications Consumer Panel and ACOD comments on the proposal to amend the PECR Regulations to enable the future implementation of a national public emergency alert system

Introduction

The Communications Consumer Panel and the Advisory Committee for Older and Disabled People (ACOD) welcome the opportunity to comment on this consultation on the proposal to amend the PECR Regulations to enable the future implementation of a national public emergency alert system.

The Panel works to protect and promote people's interests in the communications sector. We are an independent body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages Ofcom, government, the EU, industry and others to look at issues through the eyes of consumers, citizens and microbusinesses. The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers. There are four members of the Panel who represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues.

There is also cross-membership with Ofcom's Advisory Committee on Older and Disabled People (ACOD). This means that Members, in their ACOD capacity, also provide advice to Ofcom on issues relating to older and disabled people including television, radio and other content on services regulated by Ofcom as well as about issues concerning the postal sector.

Response

The Panel acknowledges that, during an emergency situation, there is a high demand for information. This information is potentially most effective when issued early on in an incident, allowing those who receive it to take the recommended action to limit the impact of the emergency. However we understand that no alert system will reach all affected people all of the time.

25 January 2015

We fully agree that, with greater access to a range of communications technologies, the way in which people receive information is changing and that it is important for emergency communications to keep pace. We note from the consultation document that emergency responders have identified that quickly alerting the public in the vicinity of an emergency is a gap in their current capability.

We welcome the Government's recognition that a public alert system should not be reliant on one particular technology, and that the implementation of a mobile-based system to sit alongside existing communications methods - such as social media, TV and radio broadcasts - would provide a significant enhancement to current capabilities. We agree that a public alert system should be capable of disseminating alert messages through multiple channels to improve the likelihood that it is received by as wide an audience as possible.

We agree, too, that alert messages should be sent quickly and be geographically targeted so that they a) reach those believed to be at direct risk due to their location; and b) do not trouble other people needlessly. Similarly, it is important that warnings are not issued unnecessarily, as this may diminish their impact on future occasions. As the consultation notes, the system should only be used where it would be a useful and proportionate means of responding in the circumstances. The issuing of stand-down messages is also key.

We note that similar systems have been used in other countries and that UK research found that 85% of people consider a mobile alert system to be a good idea. In other research, 76% of people felt that auto-enrolment in such a scheme was acceptable. The privacy of individuals' locations is a significant concern and we recognise the steps that have been proposed to ameliorate this issue. It is vital that robust security arrangements are in place to protect the integrity of the system and that network operators' reports back to the relevant authority do not include personal data or information on which users have been sent the message.

Should such an alert system be implemented in future, it is crucial that it is well publicised before it is rolled out, so that people are aware that they may receive a message from relevant authorities – and that they know how to establish that it is genuine. It is important that people do not mistake such messages for scams or hoaxes – and equally that scammers are not able to take advantage of the existence of any such system.

The Panel recognises the potential value of the proposed alert system, but would encourage government, working with Ofcom, to ensure that its use is compatible with the application of the Mobile Telephony Priority Access System (MTPAS) for First Responders. Specifically, although mobile network access in the vicinity of an emergency may be limited to priority users via MTPAS (for traffic management or other reasons), this should not prevent the general public in that vicinity receiving the emergency message, given that they are likely to be the most in need of the information.

We have some concerns about the apparent limiting of the system to the four mobile network operators – excluding the virtual mobile network operators. Whilst we understand that there may be additional technical complexities, if such a system is to be put into

operation, ideally it should cover all UK mobile service providers. Not to do so could risk generating confusion amongst members of the public as well as reducing the efficacy of what is intended to be a ubiquitous national alert system. As ACOD, we would stress the particular importance of the availability of the alert system through all providers for some disabled people, for example those who are deaf or have hearing impairments, who might be unaware of alerts through other channels.

Subject to the comments above, the Panel would therefore support Option 2 – to introduce "a targeted and specific exemption in PECR to allow operators to process and store traffic (and location data also if necessary) for the limited purpose of operating a public emergency alert system. Details of users contacted in this manner would not be provided to the issuing agency."