



# Report on Transparency in Communications

TELEFÓNICA 2016

*Telefonica*



# Contents\_

- 03 Introduction
- 04 Policies and application procedures
- 04 Scope of the report
- 05 Indicators of this report

## Report by countries

- 08 Germany
- 09 Argentina
- 11 Brazil
- 13 Chile
- 15 Colombia
- 17 Ecuador
- 18 Spain
- 20 Central America
- 21 - Costa Rica
- 22 - El Salvador
- 23 - Guatemala
- 24 - Nicaragua
- 25 - Panama
- 26 Mexico
- 28 Peru
- 30 United Kingdom
- 32 Uruguay
- 34 Venezuela
- 36 Glossary





# Introduction\_

The confidence of society in the digital economy is essential for all the actors working in this ecosystem to succeed. At Telefónica we are convinced that access to and the management of the data provide enormous potential to improve decision-making, improve customer experience and, generally, improve people's lives.

But this trust is not automatic. The surveys tell us that there exists a great deal of uncertainty and confusion in society concerning what data companies and institutions have, what they can do with them and what their rights are. It is important for the actors in the digital ecosystem to contribute to generating confidence regarding the proper use of the data.

Telefónica believes that it is a priority objective to generate a relationship of trust with its customers, not only guaranteeing their right to privacy, but also protecting their data so that nobody has access to them, offering more and more tools to give them greater control over the use and value of these data.

Trust is also earned by being transparent, as a result of which we are committed to

providing society with information on the requests we may receive in relation to certain data. At Telefónica we are subject to the legal environments in which we operate, which means that, in exceptional circumstances and always within the express provisions of the national laws, we must respond to the requirements of the competent authorities concerning certain information on the communications of our customers or the blocking of contents. At Telefónica, in all of these cases, we implement a strict procedure which guarantees, at the same time, compliance with our obligations regarding collaboration with the justice administration and the protection of the rights of the affected parties.

The purpose of this report is to provide information on the regulatory environment to which we are subject in each country, what type of and how many requirements we manage and how we respond to them.

## OUR COMMITMENT TO HUMAN RIGHTS

In 2006, respect for human rights became one of the pillars of our [Responsible Business Principles](#). In 2012 we were pioneers in conducting a global assessment of the impact of our operations in accordance with the United Nation's Guiding Principles on Companies and Human Rights. Since then, our permanent objective has been to ensure compliance with aspects related to human rights which could be identified in our global policies and procedures.

We are convinced that, apart from the efforts each company may make to promote respect for human rights, global progress is achieved by means of dialogue and continuous collaboration between governments, industry, civil society, investors, supranational organizations and other stakeholders. Therefore, within the specific

area of Privacy and Freedom of Expression, in March 2013, we, together with other operators and manufacturers in the sector, set up [the Dialogue Group of the Telecommunications Industry for Freedom of Expression and Privacy](#).

As a member of this Group, Telefónica is one of the companies which signed the "[Principles of the communications sector on freedom of expression and privacy](#)" and we annually provide updates on our progress in our Integrated Report.

---

In 2012 we were pioneers in conducting a global assessment of the impact of our operations in accordance with the United Nation's Guiding Principles on Companies and Human Rights



## Policies and application procedures\_

► **Privacy Policy.** Approved in 2013 and updated in 2016, it forms part of our strategy at Telefónica to design a new trust-based digital experience (Digital Trust). This policy establishes the way in which we protect the privacy of our customers and that of anyone who entrusts us with their [personal data](#).

It establishes common standards of behaviour which are mandatory in all our regions and entities and it constitutes a framework for a culture of privacy based upon three pillars:

- The self-regulation of user rights and security, guaranteeing compliance with local and international laws and, on occasions, complementing their scope.
- Privacy as the driving force of trust and a key attribute of Telefónica.
- Privacy as an enabler of innovation, well-being and prosperity in the digital world.

Telefónica's Privacy Committee, chaired by the Privacy Director (CPO), guarantees the implementation of the principles established in the Privacy Policy. The Group has a PO (Privacy Officer) in each country for the local implementation of the Privacy Policy.

► **Global procedure for requirements from competent authorities**

It defines the overall internal procedure for requirements from authorities in accordance with each national legislation.

The principles governing the process are: Confidentiality, Completeness, Rationale, Diligent Response and Security.

► **Global Security Policy**

Inspired by the principles of honesty and trust contained in the Telefónica Group's Responsible Business Principles and guided by the national and international standards and regulations in the matter, it establishes and regulates the general provisions and guiding principles of the security issues to which this Policy refers, applicable to all the companies which form part of the Telefónica Group.

## Scope of the report\_

As is the case of other companies in our sector, at Telefónica we receive requests for information concerning the communications of our customers and users, requests to block access to certain sites and contents and to filter content, as well as requests with the purpose of temporarily suspending the service in specific areas (in the event of, for example, disturbances and public unrest), made, as stipulated in the respective national laws, by the State security corps and forces, administrative and governmental bodies and courts and tribunals.

The purpose of this report is to set out the procedure for the processing of such requirements by Telefónica, within the framework of the legality in force in each jurisdiction and beneath the prism of maximum respect for privacy, freedom of

expression and the secrecy of the communications of our users. The period we reflect corresponds to the requirements received between 2013 and 2015.

This report reflects the information on the legal context which, in each jurisdiction, enables the authorities to formulate these kinds of requirements. It should be noted that the specific legal framework of each country also includes limitations in relation to the information that the operators can provide on the requirements received, as a result of which the report also indicates these types of limitations to the information provided; therefore, when we do not provide data, we explain why we do not provide them.

---

Our objective is to transparently explain our efforts with regard to the right to freedom of expression in telecommunications



# Indicators of this Report\_

In the following sections we report on the number of requests we receive, distinguishing:

▶ **Interceptions of communications.** The orders and requirements originating from the competent authorities, within the framework of criminal investigations and, if appropriate, civil cases, with the aim of intercepting communications or accessing [data traffic](#) in real time.

▶ **Metadata associated with communications.** The requirements originating from the competent authorities whose aim is to obtain historical data referring to:

- ▶ the name and address of the registered user (subscriber information);
- ▶ the data to identify the source and destination of a specific communication (e.g. telephone numbers, internet service user names, etc.);
- ▶ the date, time and duration of the communication;
- ▶ the type of communication;

- ▶ the identity of the communication equipment (including [IMS](#) or [IMEI](#));
- ▶ the [location](#) of the user or device.

▶ **Blocking and filtering of certain contents.** Requirements from the competent authorities in terms of blocking access to specific websites or content. These involve requests to block access to websites or contents, as opposed to requests to delete user content. By way of example, blocking requests are issued because websites or contents infringe local laws (usually in relation to child pornography, online betting games, copyright, libel, the illegal sale of medicine, weapons, registered trademarks, etc.).

\* "0" no. of requirements. There is a legal context but we have not received any requests.  
Not applicable. There is no legal context, we have no records or we cannot publish due to a legal prohibition.

▶ **Geographical or temporary suspensions of the service.** A requirement from the competent authorities to temporarily or geographically limit the provision of a service. These requirements are usually connected with circumstances involving situations of force majeure, such as natural catastrophes, acts of terrorism, etc.

In addition, in this *Transparency Report* our objective is to explain, in a comprehensive and clear manner, our efforts with regard to requests and demands with a potential relevant impact on the right to freedom of expression in telecommunications. We identify these request and demands as **major events**. We have not had any situation classified as a **major event**.

Certain situations involving **major event** may lead to the following actions:

▶ **Service restriction or denial** (including SMS, voice services, e-mail, voice-mail, Internet or other services) where the reason is to limit freedom of expression.

Examples:

- Denial or restriction of an entire service nationally.
- Denial or restriction of access to a website(s) for politically motivated reasons to limit freedom of expression e.g. Facebook; news sites (e.g. [bbc.co.uk](#)); websites of opposition party in the run up to elections; websites of human rights groups etc.

---

Our objective is to transparently explain our efforts with regard to the right to freedom of expression in telecommunications



- Targeted shutdown (e.g. one or a small number of cell sites) of any service where the reason is politically motivated.
- Denial of access to networks or services for individual customers where the reason is to limit that individual's legitimate freedom of expression.

▶ **Network Shutdown / Access control**

Examples:

- Shutting down the entire network nationally.
- Controlling access to the network in a specified area or region where the reason is politically motivated.

▶ **Legally unfounded interceptions**

Situations where authorities intercept communications lacking any legal basis connected with major events.

▶ **Government mandated communications**

Examples:

- Sending messages/communications to our customers on behalf of a government or government agency.

▶ **Significant operational changes**

Examples:

- Significant changes (or proposed changes) to operational surveillance techniques (e.g. data access, data retention and interception) which have the effect of reducing the operator's control and oversight of such activities. (E.g., a change of process to allow continuous direct access and execution capability by a government / government agency).
- A change in process to establish mass interception.

▶ **Significant legal changes**

(E.g., significant changes [or proposed changes] to the law that give government authorities increased powers to mandate law enforcement assistance from the operator).

Example:

- Changes to national interception or communications laws.



# Report by countries\_

<b>08</b>	Germany
<b>09</b>	Argentina
<b>11</b>	Brazil
<b>13</b>	Chile
<b>15</b>	Colombia
<b>17</b>	Ecuador
<b>18</b>	Spain
<b>20</b>	Central America
<b>21</b>	- Costa Rica
<b>22</b>	- El Salvador
<b>23</b>	- Guatemala
<b>24</b>	- Nicaragua
<b>25</b>	- Panama
<b>26</b>	Mexico
<b>28</b>	Peru
<b>30</b>	United Kingdom
<b>32</b>	Uruguay
<b>34</b>	Venezuela



# Germany

Telefónica has 48.4 million accesses in Germany.

Telefónica's revenue in Germany reached 7,888 million Euros and OIBDA, 1,858 million Euros. Non-SMS data revenue account for 72% of total data revenue.

Telefónica invested 2,230 million Euros in CapEx, devoted mainly to improve network quality and accelerate deployment of the LTE network.

## LAWFUL INTERCEPTIONS

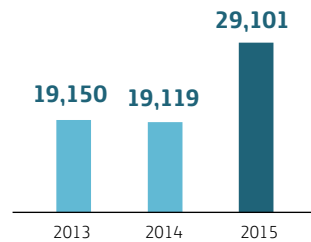
### Legal Framework

- ▶ The German Telecommunication Act (Telekommunikationsgesetz - TKG) § 110.
- ▶ §100a StPO (The German Code of Criminal Procedure).
- ▶ Article 10 Act (Artikel 10 Gesetz - G10).
- ▶ Various Länderpolizeigesetze (laws by German Federal Land „Länder“).

### Competent Authorities

- ▶ Law Enforcement Agencies (LEAs) like Police authorities (national and federal), Intelligence services and German Customs (national and federal).

## Requirements



## METADATA

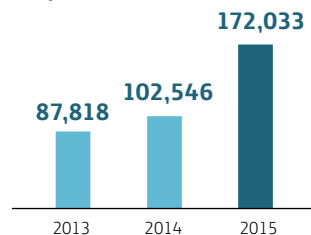
### Legal Framework

- ▶ §§96, 113b TKG (Telecommunications Act).
- ▶ §100g StPO (The German Code of Criminal Procedure).
- ▶ Various Länderpolizeigesetze (laws by German Federal Land „Länder“).

### Competent Authorities

- ▶ Law Enforcement Agencies (LEAs) like Police authorities (national and federal), Intelligence services and German Customs (national and federal).

## Requirements



## CONTENT BLOCKING AND FILTERING

### Legal Framework

- ▶ No existing law in German legal/regulatory framework or other sources which allows content blocking and/or filtering.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

## SUSPENSION OF SERVICES

### Legal Framework

- ▶ No existing law in German legal/regulatory framework or other sources which allows content blocking and/or filtering.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

Broadband customers

# 2,098.0

Fixed telephony accesses

# 1,997.8

Mobile telephony customers

# 43,062.8

Other customers

# 1,204.6

Total accesses

# 48,363.2

Customers in December 2015  
(data in thousands).





# Argentina

Telefónica has operated in Argentina since the privatization of telephone services in 1990. During its years of management, the Company has established itself as a leading group of companies specializing in integrated telecommunications. After making the first significant investment of Spanish capital, it has contributed throughout these years to the development of communications by means of investments in infrastructures and a wide range of fixed and mobile telephony and internet services.

Telefónica managed 26.9 million accesses in Argentina at the end of 2015.

As for the financial figures, at the end of 2015 Telefónica's income in Argentina totalled 3,915 million Euros and the OIBDA stood at 1,006 million Euros.

In 2015 Telefónica invested 938 million Euros in Argentina, designed to expand capacity and coverage, mainly for the 4G network but also for fixed networks.

In 2015 Telefónica invested 938 million Euros in Argentina, designed to expand capacity and coverage, mainly for the 4G network but also for fixed networks

## LAWFUL INTERCEPTIONS

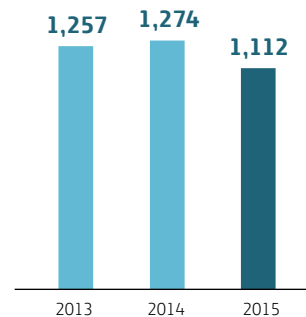
### Legal Framework

- ▶ National Constitution of Argentina (article 18).
- ▶ Law 19,798 (articles 18 and 19): Inviolability of communications.
- ▶ Law 27,078, article 5: Inviolability of communications.

### Competent Authorities

- ▶ Judges. The procedure establishes that the above must officiate at the Directorate for the Capturing of Communications, a body currently dependent of the Supreme Court of Justice of the Nation, and this body is that which requests the intervention from the corresponding supplier company.

### Requirements



Broadband customers  
**1,886.3**

Fixed telephony accesses  
**4,635.2**

Mobile telephony customers  
**20,389.2**

Other customers  
**23.1**

Total accesses  
**26,933.8**

Customers in December 2015  
(data in thousands).



### METADATA

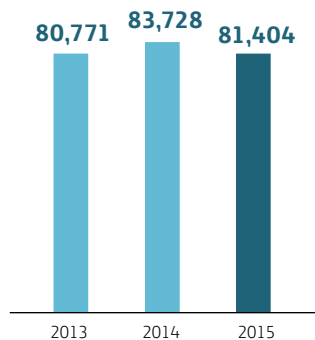
#### Legal Framework

- ▶ National Constitution of Argentina (article 18).
- ▶ Law 19,798 (articles 18 and 19): Inviolability of communications.
- ▶ Law 27,078, article 5: Inviolability of communications.

#### Competent Authorities

- ▶ Judges, Prosecutors and the State security corps and bodies to which the investigation has been delegated.

#### Requirements\*



\* Aggregated data on Metadata and Content Blocking. At Telefónica Argentina all the judicial requirements received are recorded, regardless of whether they request metadata or content blocking.

### BLOCKING AND FILTERING OF CERTAIN CONTENTS

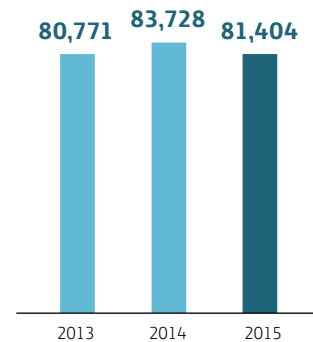
#### Legal Framework

- ▶ Law 27,078, article 5: Inviolability of communications.

#### Competent Authorities

- ▶ Judges, Prosecutors and the State security corps and bodies to which the investigation has been delegated.

#### Requirements\*



\* Aggregated data on Metadata and Content Blocking. At Telefónica Argentina all the judicial requirements received are recorded, regardless of whether they request metadata or content blocking.

### GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

#### Legal Framework

- ▶ There is no specific rule to regulate them.

#### Competent Authorities

- ▶ In the absence of a specific rule, the only body competent for passing a measure to suspend the service in a given area is a judge with federal jurisdiction.

#### Requirements

- ▶ Not applicable.

---

Telefónica has operated in Argentina since the privatization of telephone services in 1990. It managed 26.9 million accesses in this country at the end of 2015



# Brazil

Telefónica managed 96.9 million accesses in Brazil at the end of 2015.

Telefónica has been one of the largest private investors in Brazil for nearly two decades. In 2015 alone, Telefónica Brazil's investment totalled 2,105 million Euros.

As for the financial figures, at the end of 2015 Telefónica's income in Brazil totalled 11,060 million Euros and the OIBDA stood at 3,573 million Euros.

Telefónica Brazil closed 2015 with a substantial improvement in its competitive position in the market. In the mobile business we can point to the strengthening of our leadership in the higher-value segments, allowing us to capitalize on all the rise in the market's mobile service income during the year while, in the fixed business, we should highlight the momentum of the transformation towards fibre and pay TV following the integration of GVT, enabling fixed income to increase again year-on-year after 4 years.

## LAWFUL INTERCEPTIONS

### Legal Framework

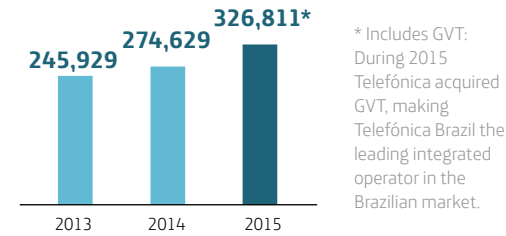
- ▶ Constitution of the Federal Republic of Brazil. Article 5.
- ▶ Law No. 9,296 of 24 July 1996.
- ▶ Resolution No. 426 of 9 December 2005 / Regulation on Fixed Telephony Service.
- ▶ Resolution No. 614 of 28 May 2013 / Regulation on Multimedia Communication Service.
- ▶ Resolution No. 477 of 7 August 2007 / Regulation on Personal Mobile Service.

### Competent Authorities

- ▶ In accordance with article 3 of Brazilian Federal Law No. 9,296/1996 (Law on Interceptions), only the Judge (in the criminal sphere) can determine the interceptions (both telephonic and telematic), at the request of the Public Prosecutor or the Police Commissioner ("Police Authority").

## Requirements

Includes telephonic and telematic requirements



## METADATA

### Legal Framework

- ▶ Constitution of the Federal Republic of Brazil: Article 5.
- ▶ Law No. 9,296 of 24 July 1996.
- ▶ Law No. 9,472 of 16 July 1997. Article 3.
- ▶ Law No. 12,683 of 9 July 2012. Article 17-B.
- ▶ Law No. 12,830 of 20 June 2013. Article 2.
- ▶ Law No. 12,850 of 20 August 2013. Article 15.
- ▶ Law No. 12,965 of 23 April 2014. Articles 7, 10 and 19.
- ▶ Decree No. 8,771 of 11 May 2016. Article 11.
- ▶ Resolution No. 426 of 9 December 2005 / Regulation on Fixed Telephony Service. Articles 11, 22, 23 and 24.
- ▶ Resolution No. 477 of 7 August 2007 / Regulation on Personal Mobile Service. Articles 6, 10, 12, 13, 89 and 90.
- ▶ Resolution No. 614 of 28 May 2013 / Regulation on Multimedia Communication Service. Articles 52 and 53.

Broadband customers

# 7,129.5

Fixed telephony accesses

# 14,654.5

Mobile telephony customers

# 73,261.3

Other customers

# 88.3

Pay TV customers

# 1,787.9

Total accesses

# 96,921.5

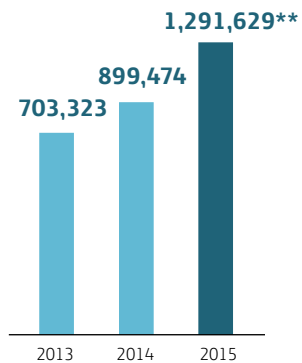
Customers in December 2015  
(data in thousands).



### Competent Authorities

- ▶ Public Prosecutor's Office, Police Commissioners and Judges in any sphere: the name and address of the registered user (subscriber data), as well as the identity of the communication equipment (including IMSI or IMEI).
- ▶ Judges in any sphere: data to identify the origin and destination of a communication (e.g. telephone numbers, internet service user names), date, time and duration of a communication and the location of the device.

### Requirements\*



\* The numbers include the total number of requirements inserted into the requests and orders received asking for cadastre data and data on the communications and connection.

\*\* The data of the GVT company purchased by Telefónica Brazil in 2015 are not included.

### BLOCKING AND FILTERING OF CERTAIN CONTENTS

#### Legal Framework

- ▶ Law No. 12,965 of 23 April 2014. Articles 7 and 19.

#### Competent Authorities

- ▶ Exclusively Judges.

#### Requirements



\* There are no data available, as they are recorded together with the cases known as atypical and low-volume.

\*\* The two cases in 2015 correspond to the blocking of the WhatsApp application.

1) In February 2015, the judicial authority determined that the operators should block their customers' access to the WhatsApp application until the fulfilment of the original order sent to the application. The requirement had a legal basis within the area of the criminal proceedings conducted by the Commissioner for Child and Adolescent Protection.

2) On 16/12/2015, the Company received another order for a 48-hour access period to the WhatsApp application. The measure was adopted with the same legal basis as the case mentioned in the previous point.

### GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

#### Legal Framework

- ▶ Resolution No. 73 of 25 November 1998. Article 31.
- ▶ Resolution No. 477 of 7 August 2007. Article 19.

#### Competent Authorities

- ▶ Only Judges.

#### Requirements



\* There are no data available, as they are recorded together with the cases known as atypical and low-volume.

In both cases, the Company complied with the judicial requirements.

The Company attempted to establish scripts in its customer service centre as a measure of transparency, with the aim of providing customers with the appropriate explanations for these cases.

Telefónica has been one of the largest private investors in Brazil for nearly two decades. In 2015 alone, Telefónica Brazil's investment totalled 2,105 million Euros.



# Chile

At the end of 2015 Telefónica managed 13.2 million accesses in Chile.

As for the financial figures, at the end of 2015 Telefónica's income in Chile totalled 2,220 million Euros and the OIBDA stood at 760 million Euros.

Only in 2015 Telefónica allocated 433 million Euros to investment in Chile (Capex) for the deployment of the 4G network, an increase in 3G capacity and the continuous improvement of the quality of the fixed network, in terms of both transport and access.

## LAWFUL INTERCEPTIONS

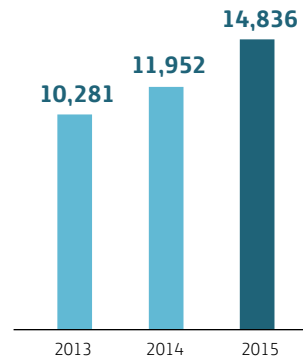
### Legal Framework

- ▶ Criminal Procedure Code: Articles 9, 219, 222 and 223.
- ▶ Law 20,000. Drug trafficking and control.
- ▶ Law 19,913 on money laundering.
- ▶ Law 18,314 determining terrorist consultations.
- ▶ Decree Law 211, article 39, letter n).
- ▶ Law 19,974. National Intelligence System Law. Letters a), b), c) and d) of article 24, related to articles 23 and 28 of the same legal text.
- ▶ Inquisitorial Criminal Procedure Code. Articles 177, 113a and 113 ter.
- ▶ Decree 142 of the Ministry of Transport and Telecommunications on legal interceptions of communications.

### Competent Authorities

- ▶ Public Prosecutor's Office, by virtue of a prior judicial authorization.
- ▶ State Intelligence Agencies, through the National Intelligence System.
- ▶ The Police, by means of authorization from the Examining Judge of the Crime (Inquisitorial Criminal Procedure).
- ▶ National Economic Public Prosecutor's Office, with the prior authorization of the Court of Defence of Free Competition, approved by the respective Appeal Court Minister.

### Requirements



In 2015 Telefónica assigned 433 million Euros to investment in Chile (Capex) for the deployment of the 4G network, an increase in 3G capacity and the continuous improvement of the quality of the fixed network

Broadband customers	1,101.1
Fixed telephony accesses	1,486.0
Mobile telephony customers	9,915.6
Other customers	16.6
Pay TV customers	644.7
Total accesses	13,164.0

Customers in December 2015 (data in thousands).



## METADATA

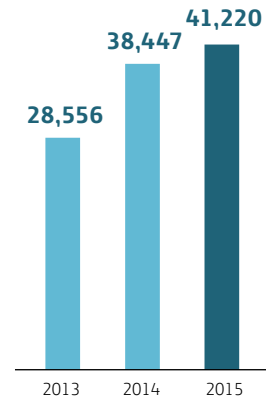
### Legal Framework

- ▶ Criminal Procedure Code: Paragraph 5 of article 222 of the Criminal Procedure Code, in relation to article 180 of the same legal text, under penalty of contempt of court, article 240 of the Civil Procedure Code.
- ▶ Inquisitorial Criminal Procedure: Articles 120a and 171 of the Criminal Procedure Code.

### Competent Authorities

- ▶ The Public Prosecutor. The Public Prosecutor's Office, by means of an order to investigate only [personal data](#) which are not covered by Constitutional Guarantees of Privacy and the Inviolability of Communications.
- ▶ The Police, with authorization from the Public Prosecutor's Office and an order to investigate.
- ▶ Summary Judge in the Inquisitorial Criminal Procedure (Criminal Procedure Code).
- ▶ State Intelligence Agencies with prior judicial authorization.

## Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

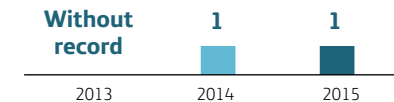
### Legal Framework

- ▶ Law 17,336 on Intellectual Property. Article 85 Q, in relation to the provisions of article 85 R, letters a) and b), of the same legal text.
- ▶ Civil Procedure Code: Unnamed precautionary or interim measures.
- ▶ Criminal Procedure Code: Unnamed precautionary or interim measures.

### Competent Authorities

- ▶ Ordinary and special courts organically dependent on the Judicial Authority.
- ▶ Court of Defence of Free Competition, subject to the managerial, correctional and economic superintendency of the Supreme Court, with the knowledge of an adversarial process.

## Requirements



## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

At the end of 2015 Telefónica managed 13.2 million accesses in Chile



# Colombia

Telefónica Colombia managed 15.8 million accesses at the end of 2015.

In 2015, Telefónica's income in Colombia totalled 1,475 million Euros and the OIBDA stood at 547 million Euros. Only in 2015 Telefónica invested 342 million Euros in Colombia.

## LAWFUL INTERCEPTIONS

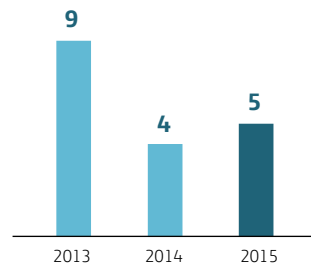
### Legal Framework

- ▶ Colombian Constitution: article 15 and article 250.
- ▶ Law 906 of 2004. Criminal Procedure Code. Article 235. Modified by article 15 of Law 1,142 of 2007 and article 52 of Law 1,453 of 2011.
- ▶ Law 282 of 1996. Article 18.
- ▶ Law 1,621 of 2013. Article 44.
- ▶ Decree 1,704 of 2012. Articles 1-8.
- ▶ Decree 2,044 of 2013. Article 3.

### Competent Authorities

- ▶ Prosecutor General of the Nation.
- ▶ Through the Judicial Police group designated for the investigation of the case.

### Requirements\*



\* Requirement only for fixed lines.  
 Mobile lines: Interceptions of mobile lines are not reported. The Public Prosecutor of the Nation in Colombia, as the [competent authority](#) in accordance with the Constitution and the Law, performs direct interceptions of mobile lines.

## METADATA

### Legal Framework

- ▶ Colombian Constitution: article 250. Paragraph 2, article 2 CN; paragraph 2, article 4 CN.
- ▶ Articles 260, 309 and 321 of the Criminal Procedure Code.
- ▶ Law 906 of 2004. Article 235.
- ▶ Law 1,621 of 2013. Article 44.
- ▶ Decree 1,704 of 2012. Articles 1-8.
- ▶ Law 734 of 2002 (Single Disciplinary Code).
- ▶ Law 282 of 6 June 1996; article 5, paragraph A; article 6, paragraph B.
- ▶ Law 270 of 1996. Article 33.

### Competent Authorities

- ▶ Authorities with judicial police functions; these may be of a permanent or transitory nature:

Article 312 of the new criminal procedure code defines that the entities which hold permanent powers of the Judicial Police are as follows:

- ▶ Prosecutor General of the Nation and all the public servants who perform judicial functions (article 249 CN and articles 112, 113 CPC).
- ▶ Judicial Police: C.T.I., National Police and D.A.S., authorized by the competent judicial authority and by legal mandate (articles 311 to 320 CPC).
- ▶ "Anti-kidnapping and Extortion" Unified Action Groups (Law 282 of 1996).

They exercise special judicial police functions, in matters within their competence:

- ▶ Comptroller General of the Nation (article 267 CN and article 312 CPC).
- ▶ General Procuracy of the Nation (article 275 CN and article 312 CPC).
- ▶ National Directorate of Taxes and National Customs \_ DIAN (see numeral 2, section II).
- ▶ Public entities which exercise monitoring and control functions<sup>1</sup>.

Broadband customers  
1,000.2

Fixed telephony accesses  
1,430.6

Mobile telephony customers  
12,896.7

Other customers  
10.4

Pay TV customers  
488.6

Total accesses  
15,826.5

Customers in December 2015  
(data in thousands).

Note (1): Other entities which may request information for conducting disciplinary investigations, as regulated by Law 734 of 2002 (Single Disciplinary Code), are the offices of internal disciplinary control; they are empowered to decree, practice, request and acquire evidence to demonstrate the existence of a disciplinary offence and the responsibility of the investigated party, and that which tends to prove their non-existence or exempt them from liability.

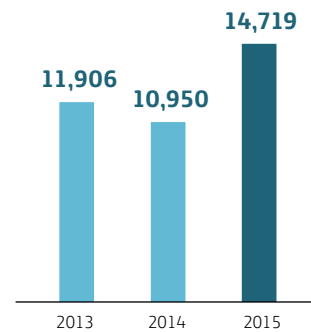


- ▶ Mayors and police inspectors, in the places in the territory where there are no members of the judicial police of the National Police.
- ▶ National and regional Directors of the INPEC, directors of prison establishments and custodial and surveillance personnel, in accordance with the Penitentiary and Prison Code.
- ▶ Police Inspections (article 312 CPC).

▶ The offices of internal disciplinary control are authorized for investigations of a disciplinary nature, in accordance with Law 734 of 2002 (Single Disciplinary Code).

▶ In the case of the GAULAS groups, the number and date of the resolution or the office of the Public Prosecutor or the judicial authority which provides the basis for the request for information must be indicated prior to the provision of information, as stipulated in articles 5, paragraph A, and article 6, paragraph B, of Law 282 of 6 June 1996, in accordance with article 33 of Law 270 of 1996 and article 309 of the criminal procedure code.

### Requirements



### BLOCKING AND FILTERING OF CERTAIN CONTENTS

#### Legal Framework

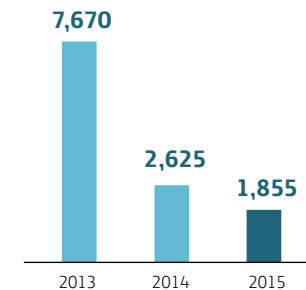
- ▶ Law 679 of 2001: articles 7 and 8.
- ▶ Decree 1,524 of 2002: articles 5 and 6.
- ▶ Law 1,450 of 2011: article 56.
- ▶ Resolution CRC 3,502 of 2011.

### Competent Authorities

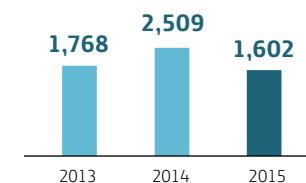
▶ The National Police sends the Ministry of Information and Communication Technology a list of [URLs](#) with blocking orders so that the Ministry can publish it on its website and so that it can be viewed by the [PSIs](#). To access this list, the [PSIs](#) must have a username and a password which are previously provided by the Ministry, so as to prevent anyone from browsing [URLs](#) with a blocking order for containing child sexual abuse.

### Requirements

No. of new [URLs](#) \*



No. of incremental [URLs](#) \*\*



### GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

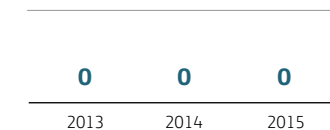
#### Legal Framework

▶ Law 1,341 of 2009. Article 8. Cases of emergency, unrest, disaster and prevention.

#### Competent Authorities

▶ Priority will be given to the authorities in the transmission of free and timely communications for the purpose of the prevention of disasters, when these are considered essential.

### Requirements



The DIJIN regularly published lists of [URLs](#) with a blocking order and, in October 2015 these [URL](#) lists were debugged (repeated [URLs](#) were eliminated, together with those whose blocking was technically impossible (high-traffic and secure http websites) and a single listing was consolidated based upon which the PRSTs could block access to the circulation of child pornography content. This list is updated on a regular basis and the publication is performed via the same medium (the MINTIC website).

\* Number of [URLs](#) added to the list published by MINTIC during the year.

\*\*Number of [URLs](#) which increased throughout the year. These data, in turn, exclude the [URLs](#) which were eliminated from the list during the year.





# Ecuador

Telefónica managed more than 4 million accesses in Ecuador at the end of 2015.

At the end of 2015, income totalled 605 million Euros and the OIBDA stood at 194 million Euros. The investment made by the Company in 2015 totalled 241 million Euros.

## LAWFUL INTERCEPTIONS

### Legal Framework

- ▶ Integral Organic Criminal Code (articles 476-477).
- ▶ Concession Contract signed by OTECEL S.A. and the State of Ecuador.

### Competent Authorities

- ▶ Competent Prosecutor within an investigation.

### Requirements

- ▶ Not applicable\*.

\* At OTECEL S.A. no legal interception procedures have been performed by the company. Resolution TEL-S-788-26-2012 of the previous NATIONAL TELECOMMUNICATIONS COUNCIL meeting held on 7 November 2012 ordered Advanced Mobile Telephony Operators to facilitate the installation and starting up of a system to allow interceptions of calls authorized and managed by the Prosecutor General of the State.

## METADATA

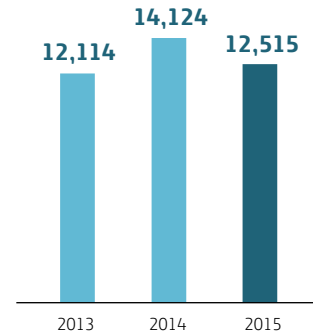
### Legal Framework

- ▶ Integral Organic Criminal Code. Article 499.

### Competent Authorities

- ▶ Judges of Criminal Guarantees.

### Requirements\*



\* It is a single record for the information requirements, both voice services and data, and there is no differentiation according to the line of business.

## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

- ▶ Integral Organic Criminal Code. Article 583.

### Competent Authorities

- ▶ The Prosecutor can, in a well-founded manner, request authorization from the Judge of Criminal Guarantees to proceed.

### Requirements

0	0	0
2013	2014	2015

## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

- ▶ Constitution of Ecuador. Articles 164 and 165.

### Competent Authorities

- ▶ Those that the President of the Republic delegates on its behalf, in accordance with the circumstances reflected by the Law.

### Requirements

0	0	0
2013	2014	2015

Fixed telephony accesses

33.4

Mobile telephony customers

4,000.9

Other customers

0.1

Total accesses

4,034.4

Customers in December 2015 (data in thousands).



# Spain

Telefónica Spain managed around 42 million accesses at the end of 2015.

Income from operations totalled 12,402 million Euros and the OIBDA stood at 2,336 million Euros in 2015.

Telefónica Spain's 2015 financial and operating results consolidated DTS from 1 May 2015 onwards, the date on which it was included in the Telefónica Group's consolidation perimeter. In order to facilitate a year-on-year comparison, the organic variation of the results also includes DTS from 1 May to 31 December 2014.

## LAWFUL INTERCEPTIONS

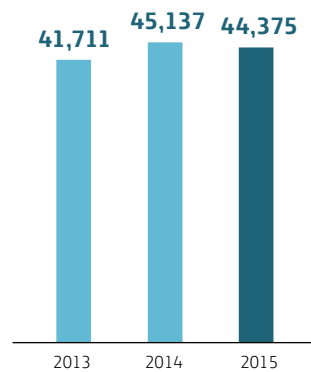
### Legal Framework

- ▶ Spanish Constitution (article 18).
- ▶ Criminal procedure code (article 588).
- ▶ General Law 9/2014 on Telecommunications (articles 39-42).

### Competent Authorities

- ▶ Judges of the Magistrates Courts.
- ▶ Exceptional cases (emergencies, armed groups): the Minister of the Interior or the Secretary of State for Security. In 24 hours the judge will ratify or revoke the request.

### Requirements



## METADATA

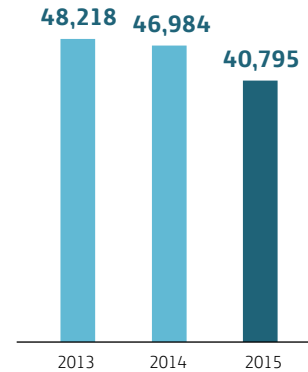
### Legal Framework

- ▶ Law 25/2007 on Data Conservation (Articles 1-10).
- ▶ General Law 9/14 on Telecommunications (articles 39-42).
- ▶ Law 19,798 (articles 18 and 19): Inviolability of communications.
- ▶ Law 27,078, article 5: Inviolability of communications.

### Competent Authorities

- ▶ Courts.
- ▶ Judicial Police and Public Prosecutor's Office (Organic Law 13/2015 amending the Criminal Procedure Code).

### Requirements



Broadband customers  
5,962.0

Fixed telephony accesses  
10,005.6

Mobile telephony customers  
17,258.5

Other customers  
5,075.7

Pay TV customers  
3,671.5

Total accesses  
41,973.3

Customers in December 2015  
(data in thousands).



### BLOCKING AND FILTERING OF CERTAIN CONTENTS

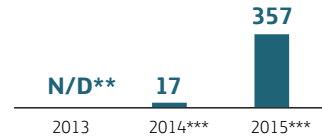
#### Legal Framework

- ▶ Royal Decree 1889/2011 of 30 December, regulating the functioning of the Intellectual Property Commission (articles 22 and 23).
- ▶ Revised Text of the Intellectual Property Law, approved by virtue of Royal Legislative Decree 1/1996 of 12 April (article 138).
- ▶ Law 34/2002 of 11 July on services of the information society and electronic commerce (article 8).

#### Competent Authorities

- ▶ National Markets and Competition Commission.
- ▶ Mercantile/Civil/Accounting-Administrative/Criminal Courts
- ▶ National Intellectual Property Commission.
- ▶ General Gambling Directorate.
- ▶ Agency for Medicine/Doping/Health/Sport.

#### Requirements\*



\*Telefónica España executes court orders and/or administrative orders which are in accordance with legal regulations, to block access to certain web resources.

\*\*N/D (Spanish initials for not available): data not counted for web resource blocking processes because in that year, data which has been disaggregated by type of content was not recorded.

\*\*\* The statistical reason for the difference in results between 2014 and 2015 is twofold:

(a) The execution of court and administrative web blocking orders for intellectual property offences increased from 2014 to 2015 due to the reform of the Intellectual Property Act and the Penal Code.

(b) The second section of the Intellectual Property Commission of the Ministry of Education increased its activity in 2015.

### GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

#### Legal Framework

- ▶ No.

#### Competent Authorities

- ▶ Not applicable.

#### Requirements

- ▶ No applicable.

In Spain, income from operations totalled 12,402 million Euros and the OIBDA stood at 2,336 million Euros in 2015



# Central America

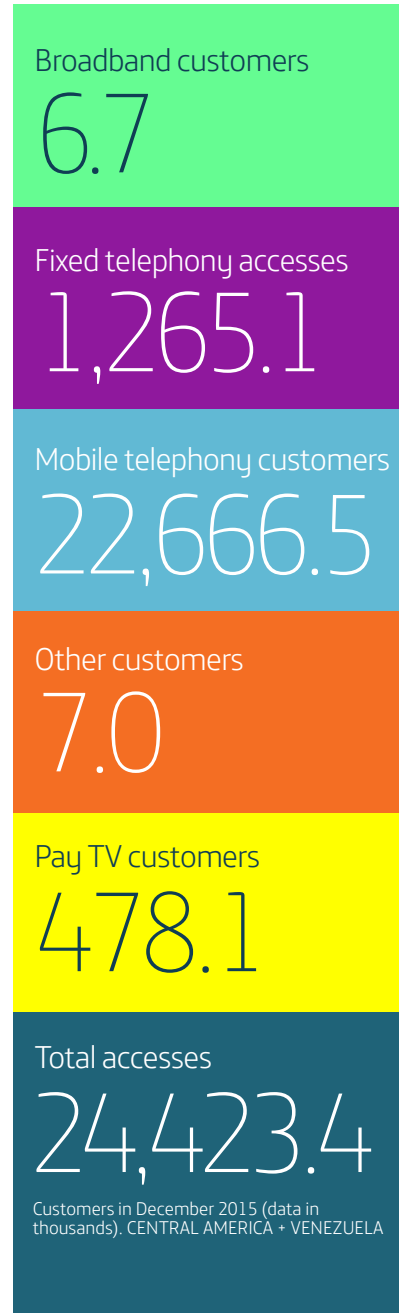
At the end of 2015, there were a total of 24.4 million accesses in Central America + Venezuela.

At the close of 2015, Telefónica's income in Venezuela and Central America totalled 1,379 million Euros and the OIBDA stood at 342 million Euros.

In 2015 alone, investment in Venezuela and Central America totalled 317 million Euros, reflecting the continuous improvement of the network and the infrastructures in the region.



In 2015, investment in Venezuela and Central America totalled 317 million Euros, reflecting the continuous improvement of the network and the infrastructures in the region





# Costa Rica

## LAWFUL INTERCEPTIONS

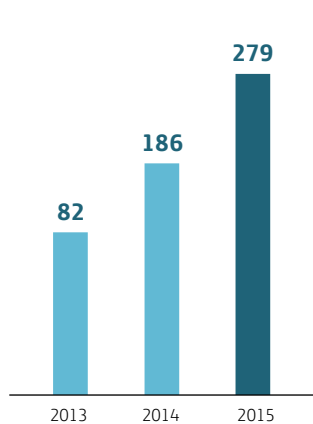
### Legal Framework

- ▶ Law Against Organized Crime (articles 14 and 15).

### Competent authorities

- ▶ The judges of the Judicial Authority.
- ▶ Since the creation of the Judicial Centre for the Intervention of Communications (CJIC), the interventions are performed directly by the CJIC judges from the CJIC.

### Requirements



## METADATA

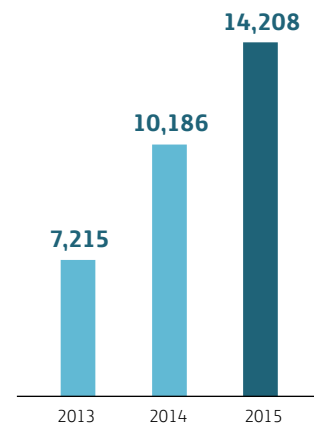
### Legal Framework

- ▶ Criminal Procedure Code. Article 198.
- ▶ Jurisprudence of the Constitutional Chamber which guarantees the power of judges, public prosecutors and the police to request metadata associated with communications.

### Competent Authorities

- ▶ Judges, public prosecutors and the judicial police.

### Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

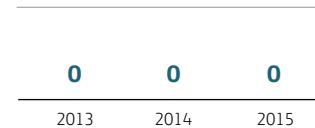
### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Judges of the Judicial Authority, by means of an injunction or sentence. In the event of receiving such a request, it should be received and verified by the legal department of the company and then implemented by the technical department.

### Requirements



## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

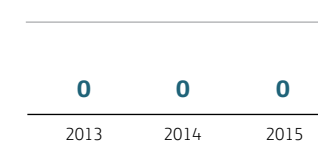
### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Executive Authority.
- ▶ Judicial Authority (by means of an injunction or sentence).
- ▶ SUTEL, Regulatory Body.
- ▶ All requests of a legal nature must be submitted to the Legal Management for their due monitoring.

### Requirements





# El Salvador

## LAWFUL INTERCEPTIONS

### Legal Framework

- ▶ Law on Interventions (article 13).

### Competent Authorities

- ▶ The Public Prosecutor's Office of the Republic has a Centre for the Intervention of Calls, connected to all the operators providing telephony services in El Salvador, and therefore, within the framework of the investigation of a crime and by virtue of the order of a judge (as established in the Law on Interventions), it is possible for the Public Prosecutor to perform this type of action, but Telefónica is not authorized to do so.

### Requirements

- ▶ Not applicable.

## METADATA

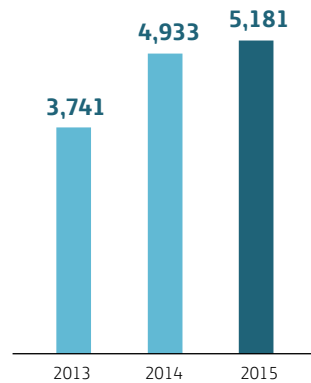
### Legal Framework

- ▶ Law on Interventions (articles 43 and 47).

### Competent Authorities

- ▶ The Public Prosecutor's Office of the Republic and the Judges, within the framework of the investigation of a crime.

### Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

- ▶ Special Law Against the Crime of Extortion (articles 13 and 14).

### Competent Authorities

- ▶ The Public Prosecutor's Office of the Republic in the event of the suspension of specific services.
- ▶ With regard to penitentiary centres, due to the fact that it is an obligation of the operators a requirement is not necessary; however, in the event that new penitentiary centres are created or the current ones are relocated, the Ministry of Justice and Public Safety will request the blocking of the geographical area.

### Requirements

Year	Number of Requests
2013	0
2014	0
2015	0



# Guatemala

## LAWFUL INTERCEPTIONS

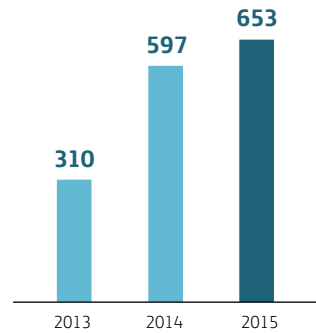
### Legal Framework

▶ Law against Organized Crime (Decree Number 21-2006) (Interceptions of Telephones and Other Means of Communication) (articles 48 and 56).

### Competent Authorities

▶ Judges of First Instance of the Criminal Branch, by means of a judicial order.

### Requirements



## METADATA

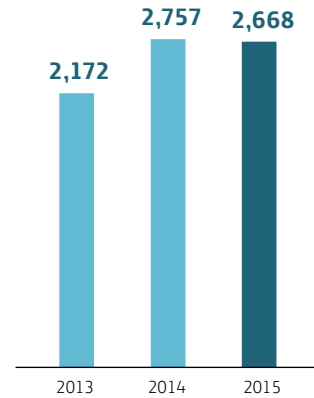
### Legal Framework

▶ Criminal Procedure Code (Decree 51-92), article 319.

### Competent Authorities

▶ Judges.

### Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

▶ No.

### Competent Authorities

▶ Not applicable.

### Requirements

▶ Not applicable.

## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

▶ No.

### Competent Authorities

▶ Not applicable.

### Requirements

▶ Not applicable.



# Nicaragua

## LAWFUL INTERCEPTIONS

### Legal Framework

▶ No.

### Competent Authorities

▶ Not applicable.

### Requirements

▶ Not applicable.

## METADATA

### Legal Framework

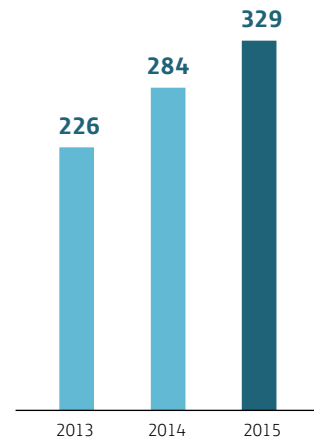
▶ Regulation on Law 200 (article 10).

### Competent Authorities

▶ Judges, by means of a written and well-founded request.

▶ [TELCOR](#), Regulatory Body upon the basis established in article 10, Regulation on Law 200.

### Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

▶ No.

### Competent Authorities

▶ Not applicable.

### Requirements

▶ Not applicable.

## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

▶ No.

### Competent Authorities

▶ Not applicable.

### Requirements

▶ Not applicable.





# Panama

## LAWFUL INTERCEPTIONS

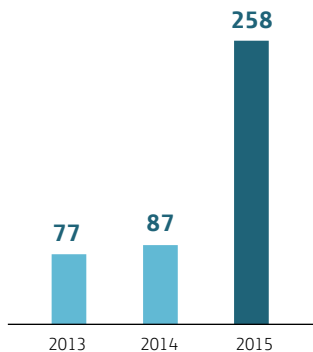
### Legal Framework

- ▶ Criminal Procedure Code (article 311).
- ▶ Law 121 of 31 December 2013 reforming the Criminal, Judicial and Criminal Procedure Code and adopting measures against activities related to organized crime (articles 24, 25 and 26).

### Competent Authorities

- ▶ The Judge of Guarantees or, if appropriate, the respective Magistrate of the Criminal Chamber of the Supreme Court of Justice may authorize, at the Public Prosecutor's request the interception of communications by means of a well-founded resolution.
- ▶ The intervention of communications shall be of an exceptional nature.

### Requirements



## METADATA

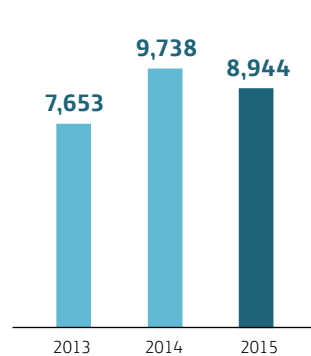
### Legal Framework

- ▶ Law 51 of 18 September 2009 (articles 1 and 2).

### Competent Authorities

- ▶ Public Prosecutor.
- ▶ Judicial Authority.

### Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

## GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

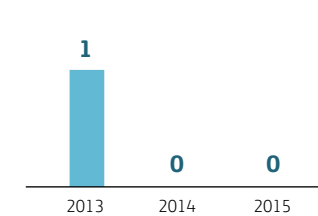
### Legal Framework

- ▶ Political Constitution of the Republic of Panama (article 55).
- ▶ Cabinet Resolution No. 89 of 11 June 2013.
- ▶ Resolution AN No. 6,295-Telco of 8 July 2013.

### Competent Authorities

- ▶ The Executive Body, through the National Authority of Public Services (ASEP).

### Requirements





# Mexico

Telefónica Mexico has participated and competed in the telecommunications market since 2001.

Accesses increased by 13% year-on-year, totalling 26.3 million at the end of the year.

Income totalled 1.783 billion Euros and the OIBDA stood at 481 million Euros.

In 2015 alone, 266 million Euros were invested, mainly assigned to the expansion and improvement of the 3G and 4G networks, as well as the distribution channel.

## LAWFUL INTERCEPTIONS

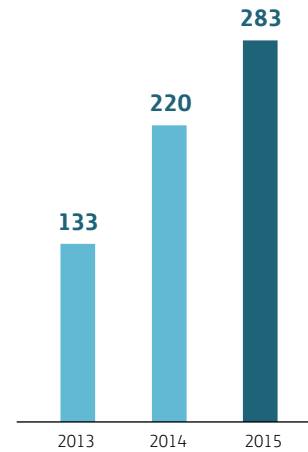
### Legal Framework

- ▶ Political Constitution of the United Mexican States (article 16, paragraph 12).
- ▶ National Criminal Procedure Code, article 291.
- ▶ Federal Law Against Organized Crime, article 16.

### Competent Authorities

- ▶ The federal judicial authority determines whether the request of the investigating authority concerning the intervention of communications is appropriate, ordering the concession holder to establish the measure for a certain period of time.

## Requirements



Fixed telephony accesses  
**1,382.9**

Mobile telephony customers  
**24,895.0**

Total access  
**26,277.9**

Customers in December 2015  
(data in thousands).

In 2015, 266 million Euros were invested, mainly assigned to the expansion and improvement of the 3G and 4G networks, as well as the distribution channel



## METADATA

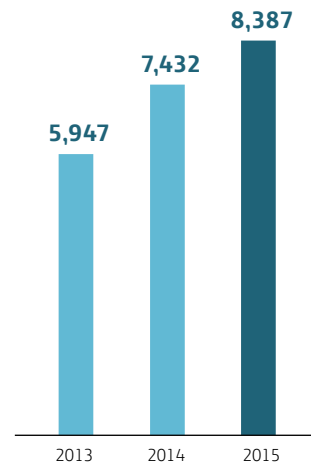
### Legal Framework

- ▶ Federal Law on Telecommunications and Broadcasting (article 190).
- ▶ National Criminal Procedure Code (Article 303).
- ▶ Law on General Channels of Communications (article 122).

### Competent Authorities

- ▶ The heads of the security and justice procurement authorities shall designate the public servants responsible for managing the requirements which are made to the concession holders and receiving the corresponding information, by means of agreements published in the Official Gazette of the Federation.

## Requirements



## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

## GEOGRAPHICAL AND TEMPORARY SUSPENSIONS OF THE SERVICE

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

---

Accesses increased by 13% year-on-year, totalling 26.3 million at the end of the year



# Peru

Telefónica del Perú S.A. has participated and competed in the telecommunications market since 1994.

Accesses increased by 1.2% year-on-year, totalling 22.2 million at the end of the year.

Income totalled 2,766 million Euros and the OIBDA stood at 943 million Euros.

In 2015 alone, 491 million Euros were invested, mainly assigned to the expansion and improvement of the 3G and 4G networks, as well as the distribution channel.

## LAWFUL INTERCEPTIONS

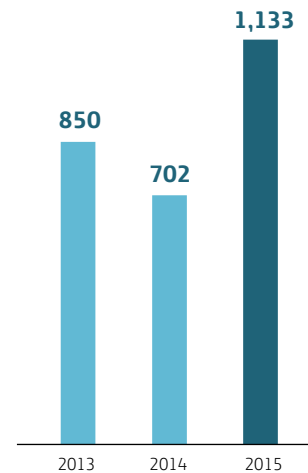
### Legal Framework

- ▶ Political Constitution of Peru (article 2, paragraph 10).
- ▶ Telecommunications Law (Supreme Decree No. 013-93-TCC - article 4) and its Regulations (Supreme Decree No. 020-2007-MTC - article 13).
- ▶ Law No. 27,697: Law which grants power to the public prosecutor for the intervention and control of communications and private documents, in exceptional cases.
- ▶ Legislative Decree No. 1,182.
- ▶ In all the concession contracts there is a clause related to the secrecy of telecommunications and the protection of [personal data](#) which establishes that the company will safeguard them and maintain the confidentiality of the personal information related to their customers, unless there is a specific court order.

### Competent Authorities

- ▶ Judge (Judicial Authority).
- ▶ Public Prosecutor's Office of the Nation, Criminal Prosecutors and Public Prosecutors, with the authorization of the Judge.
- ▶ National Police Force of Peru, which must require judicial validation within 24 hours.

### Requirements\*



\*A request may involve more than one line of consultation.

In Peru, Telefónica invested 491 million Euros in 2015, mainly for the expansion and improvement of the 3G and 4G networks, as well as the distribution channel

Broadband customers	1,621.2
Fixed telephony accesses	2,596.6
Mobile telephony customers	16,786.5
Other customers	26.0
Pay TV customers	1,200.8
<b>Total access</b>	<b>22,231.1</b>

Customers in December 2015  
(data in thousands).



### METADATA

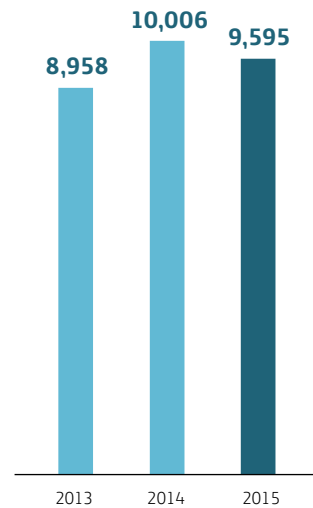
#### Legal Framework

- ▶ Political Constitution of Peru (article 2, paragraph 10).
- ▶ Telecommunications Law (Supreme Decree No. 013-93-TCC - article 4) and its Regulations (Supreme Decree No. 020-2007-MTC - article 13).
- ▶ Law No. 27,697: Law which grants power to the public prosecutor for the intervention and control of communications and private documents in exceptional cases.
- ▶ Legislative Decree No. 1,182.
- ▶ In all the concession contracts there is a clause related to the secrecy of telecommunications and the protection of [personal data](#) which establishes that the company will safeguard them and maintain the confidentiality of the personal information related to their customers, unless there is a specific court order.

#### Competent Authorities

- ▶ Judge (Judicial Authority).
- ▶ Public Prosecutor's Office of the Nation, Criminal Prosecutors and Public Prosecutors, with the authorization of the Judge.
- ▶ National Police Force of Peru, which must require judicial validation within 24 hours.

#### Requirements\*



\*A request may involve more than one line of consultation.

### BLOCKING AND FILTERING OF CERTAIN CONTENTS

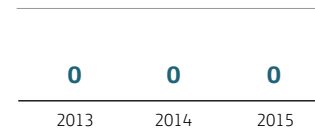
#### Legal Framework

- ▶ No.

#### Competent Authorities

- ▶ In the event that the concession holding company receives this type of requirement, the endorsement of a judicial order is requested to carry out blocking and/or filtering of contents.

#### Requirements



### GEOGRAPHICAL AND TEMPORARY SUSPENSIONS OF THE SERVICE

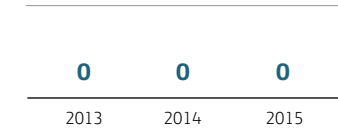
#### Legal Framework

- ▶ Regulation of the Telecommunications Law (S.D. No. 020-2007-MTC - articles 18 and 19).
- ▶ The concession contracts establish that, in the event of an emergency, crisis or a threat to national security, the concession holder will provide the telecommunication services prioritizing actions to support the State and following the instructions of the MTC.

#### Competent Authorities

- ▶ Ministry of Transport and Communications (MTC).
- ▶ National and Civil Defence System.

#### Requirements





# UK

Telefónica starts operating in the United Kingdom in 2006, after acquiring O2, which becomes the commercial brand of Telefónica UK Limited.

O2 runs 2G, 3G and 4G networks across the UK, as well as operating O2 Wifi, with over 6 million clients, and owning half of Tesco Mobile. In 2015, O2 covered an extra 23% of the country's population, bringing total 4G coverage to 82% in line with its strategy to offer the best network experience. O2 has over 450 retail stores and sponsors The O2, O2 Academy venues and the England rugby team.

## LAWFUL INTERCEPTIONS

### Legal Framework

- ▶ Regulation of Investigatory Powers Act 2000.
- ▶ Intelligence Services Act 1994.

### Competent Authorities

- ▶ Secretary of State can issue an intercept warrant where the Secretary of State in question believes it is necessary in the interests of national security, for the purpose of preventing or detecting serious crime or for the purpose of safeguarding the economic well-being of the United Kingdom and where they believe that the conduct authorized by the warrant is proportionate to its intended purpose. There are currently eight authorized agencies in the United Kingdom – details of which may be obtained from the Home Office.

## Requirements\*

- ▶ Not applicable.

\*Section 19 of the Regulation of Investigatory Powers Act 2000 prohibits disclosing the existence of any lawful interception warrant.

The Interception of Communications Commissioner's Office ([iocco](http://iocco.gov.uk)) produces a yearly report on the acquisition and disclosure of communications data by intelligence agencies, police forces and other public authorities. This gives details of the overall numbers but not by company. Please see: <http://iocco-uk.info/>.

## METADATA

### Legal Framework

- ▶ Regulation of Investigatory Powers Act 2000 – Chapter 1, Part 2.
- ▶ Data Retention Investigatory Powers Act 2014 (DRIPA 2014).
- ▶ Counter Terrorism and Security Act 2015 (CTSA 2015).



Telefónica starts operating in the United Kingdom in 2006, after acquiring O2, which becomes the commercial brand of Telefónica UK Limited



### Competent Authorities

- ▶ Under s.22 (4) of RIPA a notice may be issued by a person holding a prescribed office, rank or position within a relevant public authority designated with the power to acquire communications data by order under s.25 (2) and under the Regulation of Investigatory Powers (Communications Data) Order 2010 (SI 2010/480).
- ▶ Under s.22 (3) of RIPA persons within a public authority may be given an authorisation to directly obtain the communications data in question in certain circumstances.

### Requirements\*

- ▶ Not applicable.

\* As stated previously [IOCCO](#) produce a yearly report which gives the total industry number. Individual company numbers are not disclosed

### BLOCKING AND FILTERING OF CERTAIN CONTENTS

#### Legal Framework

- ▶ Section 97A of the Copyright Designs and Patents Act (1988).
- ▶ s37(1) Supreme Courts Act 1981.
- ▶ Article 11 of the IP Enforcement Directive.
- ▶ The only content filtering the UK government require from UK broadband and mobile operators is use of the Internet Watch Foundation (“IWF”) blocking list for illegal child abuse sites. This is part of an agreement between the CSPs and the law enforcement community to protect child exploitation. This is a voluntary code of practice and not a legal requirement. In 2004, Telefónica UK was a founder signatory to the UK mobile operators’ child protection code of practice for the self-regulation of new forms of content on mobiles. This Code also explains that we will voluntarily block access to 18-rated content unless a customer has confirmed they are over 18. This is legal content. e.g. legal adult sites (unlike IWF sites which are illegal child abuse sites).

The code of practice can be viewed here:

[http://www.mobilebroadbandgroup.com/documents/mbg\\_content\\_code\\_v2\\_100609.pdf](http://www.mobilebroadbandgroup.com/documents/mbg_content_code_v2_100609.pdf)

### Competent Authorities

- ▶ Internet Watch Foundation.
- ▶ Courts.

### Requerimientos\*

- ▶ Not applicable.

\* Only IWF – no stats available

### GEOGRAPHICAL AND TEMPORARY SUSPENSIONS OF THE SERVICE

#### Legal Framework

- ▶ Telefónica UK has a license obligation to be able to provide service limitations in network overload situations – e.g. major disaster, etc. to provide priority service to emergency responders. This is based on the GSMA standard for Accolc (Access Overload Class barring).

### Competent Authorities

- ▶ Suspension of Services are negotiated between the emergency authorities and the CSP and Telefónica UK can resist if we feel the action would not impact network loading.

### Requirements

0	0	0
2013	2014	2015



# Uruguay

Telefónica has operated in Uruguay since 2005.

Telefónica manages 1.7 million mobile accesses in Uruguay.

Telefónica's income in Uruguay totalled 240 million Euros and the OIBDA stood at 86 million Euros.

Telefónica invested 33 million Euros in Uruguay in 2015.

## LAWFUL INTERCEPTIONS

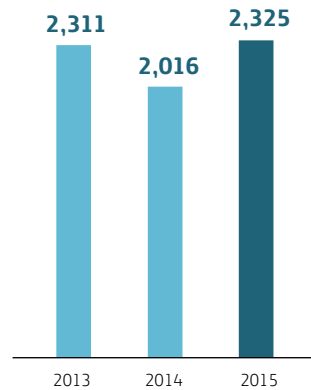
### Legal Framework

- ▶ Constitution of the Republic (article 28).
- ▶ Law 18,494 (article 5).
- ▶ Reserved decree of 13 March 2014.

### Competent Authorities

- ▶ Criminal judges in charge of an investigation, at the request of the Public Prosecutor's Office and through the UNATEC (body of the Ministry of the Interior responsible for centralizing such requests).

### Requirements



## METADATA

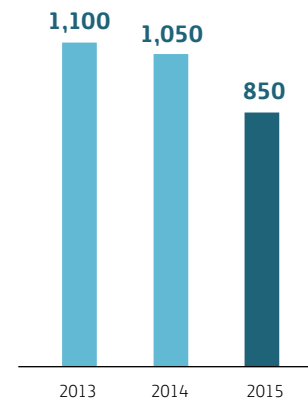
### Legal Framework

- ▶ Constitution of the Republic (article 28).
- ▶ Law 18,494 (article 5).
- ▶ Reserved decree of 13 March 2014.

### Competent Authorities

- ▶ Judges, by means of a written and well-founded request.

### Requirements



Mobile telephony customers

1,752.3

---

Total access

1,752.3

Customers in December 2015  
(data in thousands).





## BLOCKING AND FILTERING OF CERTAIN CONTENTS

### Legal Framework

- ▶ No.

### Competent Authorities

- ▶ Not applicable.

### Requirements

- ▶ Not applicable.

## GEOGRAPHICAL AND TEMPORARY SUSPENSIONS OF THE SERVICE

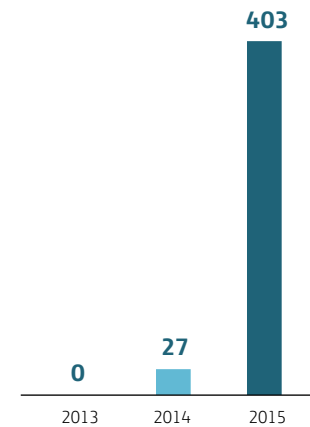
### Legal Framework

- ▶ Law 19,355 (article 166): enables the Ministry of the Interior to block the entry of calls from telephone services to the 911 Emergency Service when there are duly documented records accrediting the irregular use of such communications on a repeated basis (more than three communications in the month or six in the year).

### Competent Authorities

- ▶ Ministry of the Interior (Executive Authority).

## Requirements\*



\* Temporary suspension for a period of between 3 and 6 months.

---

Telefónica has operated in Uruguay since 2005. In this country it manages 1.7 mobile accesses. In 2015 it invested 33 million Euros



# Venezuela

The Telefónica Group has been operating mobile telephony services in Venezuela since 2005.

At the end of 2015, accesses totalled 11.8 million in Venezuela.

At the close of 2015, Telefónica's income in Venezuela and Central America totalled 1,379 million Euros and the OIBDA stood at 342 million Euros.

In 2015 alone, investment in Venezuela and Central America totalled 317 million Euros, reflecting the continuous improvement of the network and the infrastructures in the region.

## LAWFUL INTERCEPTIONS

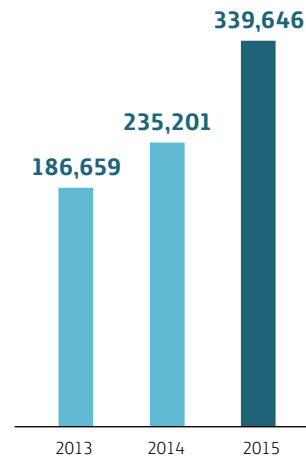
### Legal Framework

- ▶ Organic Criminal Procedure Code (articles 205 and 206).
- ▶ Decree with Rank, Value and Force of the Organic Law of the Police Investigation Service, the Scientific, Penal and Criminal Investigations Corps and the National Service of Medicine and Forensic Science (article 42).

### Competent Authorities

- ▶ The Public Prosecutor's Office, through its prosecutors.
- ▶ The Corps of Scientific and Criminal Investigations.
- ▶ The Bolivarian National Intelligence Service (upon the request of the Public Prosecutor and the authorization of the corresponding judge).
- ▶ The police corps duly empowered to exercise powers in criminal investigations.
- ▶ National Experimental University of Security; other special criminal investigation organs and bodies.

### Requirements



Telefónica has operated mobile telephony services in Venezuela since 2005. At the end of 2015 accesses stood at 11.8 million

Broadband customers	6.7
Fixed telephony accesses	1,265.1
Mobile telephony customers	22,666.5
Other customers	7.0
Pay TV customers	478.1
Total access	24,423.4

Customers in December 2015 (data in thousands). Central America + Venezuela



### METADATA

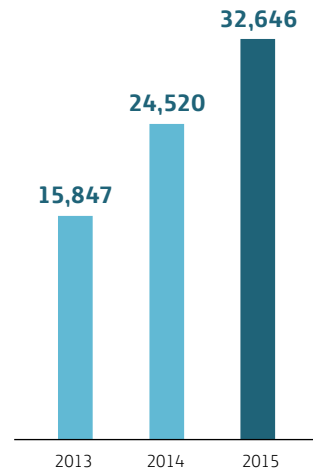
#### Legal Framework

- ▶ Ordinance No. 572 concerning requests for information in the Mobile Telephony Service of the National Telecommunications Commission (article 7).
- ▶ Law against Kidnapping and Extortion (article 29).

#### Competent Authorities

- ▶ The Public Prosecutor's Office.
- ▶ The Corps of Scientific, Penal and Criminal Investigations (CICPC).
- ▶ The components of the Bolivarian National Armed Forces, within the limits of their competence.
- ▶ The police intelligence authorities.
- ▶ The National Police Corps, within the limits of its auxiliary criminal investigation duties.
- ▶ Any other auxiliary criminal investigation body whose intervention is required by the Public Prosecutor's Office.

### Requirements



### BLOCKING AND FILTERING OF CERTAIN CONTENTS

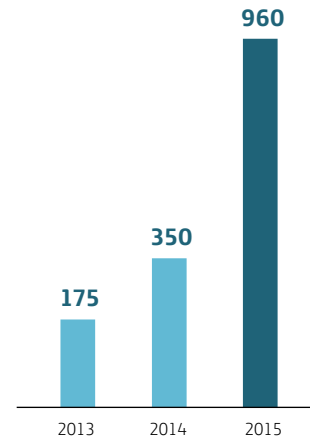
#### Legal Framework

- ▶ Organic Law on Telecommunications (article 5).
- ▶ Law on Social Responsibility in Radio, Television and Electronic Media (article 27).

#### Competent Authorities

- ▶ National Telecommunications Commission (CONATEL).

### Requirements



### GEOGRAPHICAL AND TEMPORARY SUSPENSIONS OF THE SERVICE

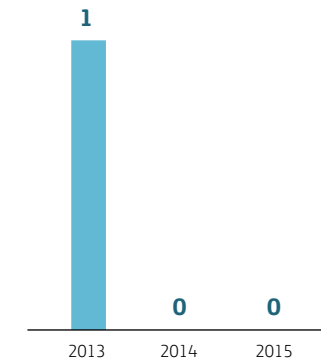
#### Legal Framework

- ▶ The Organic Law on Telecommunications (Article 5).

#### Competent Authorities

- ▶ National Telecommunications Commission (CONATEL).

### Requirements





# Glossary\_

Concept	Explanation
Competent authority	Authority empowered by the law to approve or authorize the adoption and order the technical execution of a measure for legal interception, a request for metadata, the blocking of contents or the suspension of the service.
Personal data	Personal data means any information which refers to an identified or identifiable person, such as his or her name and address, the recipients of his or her communications, the location, the content of the communications, the traffic data (days, time, recipients of the communications, etc.).
Location data	The location data may refer to the latitude, longitude and altitude of the user's terminal equipment, the direction of travel, the level of accuracy of the location information, the identification of the network cell in which the terminal equipment is located at a certain moment or the time at which the location information has been recorded.
Traffic data	Any data processed for the purposes of conducting communication through an electronic communications network or for invoicing purposes.

Concept	Explanation
DPI	These are the initials which stand for Deep Packet Inspection. DPI identifies situations involving non-compliance with technical protocols, viruses, spam or invasions, but it can also use pre-defined criteria different from those annotated to decide whether a packet can pass through or whether it needs to be routed to a different destination or given another priority or bandwidth allocation, to collect information for statistical purposes or simply to eliminate it.
IMEI	These are the initials which stand for International Mobile Station Equipment Identity. It has a serial number which physically identifies the terminal. The IMEI enables the operator to identify valid terminals which, therefore, can connect to the Network.
IMSI	These are the initials which stand for International Mobile Subscriber Identity. It is the identifier of the line or service. This number is used to route calls and to obtain the country or network to which it belongs.



Concept	Explanation
IOCCO	These are the initials which stand for Interception of Communications Commissioner's Office in the UK. It is responsible for keeping under review the interception of communications and the acquisition and circulation of communications data by intelligence agencies, police forces and other public authorities. It submits biannual reports to the Prime Minister regarding the execution of the functions of the Communications Interception Commissioner.
PSI	The PSI or Portal de Servicio Interno (Internal Service Portal) is an inquiry application, allowing members of the Colombian National Police, as internal clients of the organization, to find all the information on internal procedures on a website with high levels of security.
SUTEL	The SUTEL is a maximum deconcentration body in Costa Rica, attached to Aresep, the Public Services Regulatory Authority, created by virtue of Law 8,660, published on 13 August 2008. SUTEL is responsible for applying the regulation to the telecommunications sector and ensuring efficiency, equality, continuity, quality, greater and better coverage and information, as well as better alternatives for the provision of telecommunications services.

Concept	Explanation
TELCOR	TELCOR, the Nicaraguan Institute for Telecommunications and Postal Services, is the Regulatory Body of Telecommunications and Postal Services, a state institution whose functions include the regulation, standardizing, technical planning, supervision, application and control of the fulfilment of the Laws and Regulations which govern the installation, interconnection, operation and provision of Telecommunications and Postal Services.
URL	These are the initials which stand for a Uniform Resource Locator, which is used to name internet resources. This denomination has a standard format and its purpose is to assign a single address to each of the resources available on the Internet, such as pages, images, videos, etc.

*Telefonica*

---