



Report on **Transparency** in Communications_

TELEFÓNICA 2017

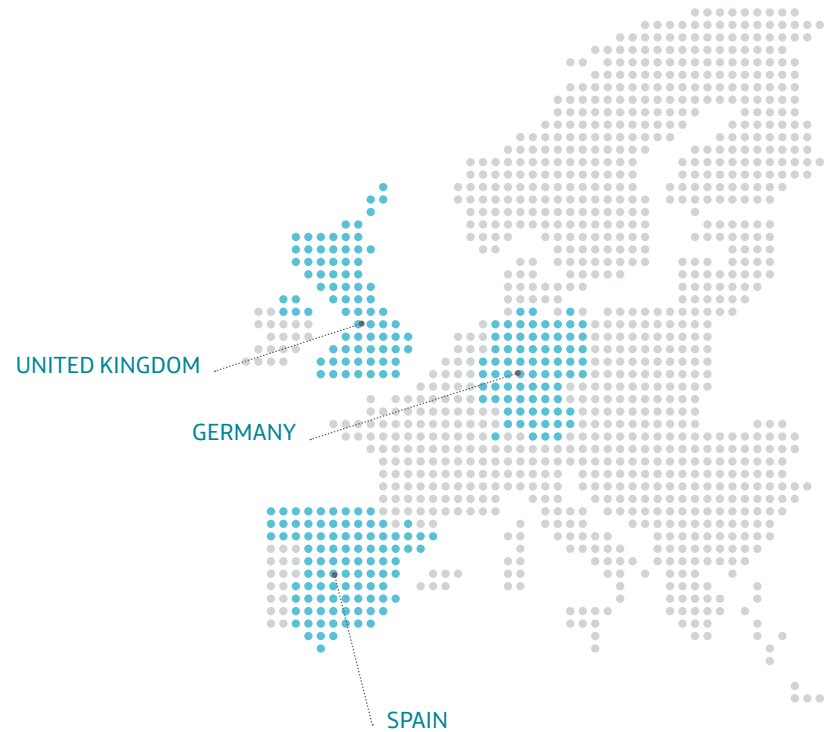


Telefonica



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Introduction_

As part of our commitment to fundamental rights of privacy and freedom of expression, we are publishing our second report on transparency in telecommunications. This commitment requires us to be open and transparent in what refers to the requests received from governmental and judicial authorities, and every year we strive to advance a little further in compliance with this duty.

The guarantee of people's fundamental rights, and in particular privacy and freedom of expression, acquires a new dimension in the digital world, where personal data is collected and managed by means of new technologies.

Telecommunications operators have the duty and legal obligation to respond to the requests of the competent authorities to ensure the safety of their citizens, always in compliance with the law and fundamental rights and freedoms.

In this second report we wish to go a step further by adding more information on each of the reported indicators. In cases where it is technically possible, we have extended our report, indicating the number of customers who are affected by each request and the number of rejected applications.

In addition, we wish to show in detail the procedure that is implemented in the company when the judicial or public authorities, in accordance with the legislation in force in the country, require information or interception measures from us.

OUR COMMITMENT TO HUMAN RIGHTS

Since 2006 human rights have formed an integral part of our [Principles of Responsible Business](#). In 2013 we conducted an assessment of the impact of human rights on all our markets, in order to decisively incorporate these conclusions into the setting out of policies and internal procedures of the company. As part of our due diligence, in 2016 we initiated an update of our assessment of impact on Human Rights.

We seek to understand the potential impacts arising from our strategy, of new activities of the Group, and of a digital environment in constant change, taking as a starting point the results of the previous evaluation and following a methodological framework, whose point of reference is [the United Nations Guiding Principles on Business and Human Rights](#).

Among the issues and potential associated impacts, the following have been identified as material in relation to privacy and freedom of expression:

- ▶ Safety of products and services supported on the Network.
- ▶ Neutrality and respect for the right of freedom of expression in the dissemination of information on the Network.
- ▶ Disclosure of sufficient information and transparent mechanisms for the collection and processing of data.
- ▶ Legitimate use of personal data.

The guiding principles of United Nations on business and human rights have served us as a fundamental guide in the work we have been doing over the last decade to promote the guarantee of and respect for people's rights in these areas.

In 2013, we took a very important step in this direction with the establishment of the [Telecommunications Industry Dialogue Group for Freedom of Expression and Privacy](#) (TID). Since 2016 we have also been members of the Global Network Initiative (GNI), This is an organization on a global scale which aims to promote and protect privacy and freedom of expression, and which is made up of a multi-stakeholder group, members of which include investors, civil society and private companies: telecommunications operators, internet service providers, and computer and software manufacturers

As a member of this Group, Telefónica is one of the signatory companies of the ["Principles of the Communications Sector on Freedom of Expression and Privacy"](#) and we report on the progress we are making regarding privacy and freedom of expression on an annual basis in our Integrated Report.



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 the privacy of our customers, and anyone who entrusts us with their [personal data](#), as well as common mandatory behaviour standards for all our regions and entities, and a framework for a privacy culture based on three pillars:

- Self-regulation of user rights and security, beyond local and international laws
- 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.

For the coordination and implementation of our privacy policy the Group has a CPO, who reports directly to the Company's Board of Directors. In addition, each operator country has a local DPO (Privacy Officer).

Telefónica's Privacy Committee, chaired by the Privacy Director (CPO), guarantees the implementation of the principles established in the Privacy Policy.

► Procedures in the face of certain Requests on the part of competent authorities

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

The principles governing the procedure are Confidentiality, Comprehensiveness, Groundwork, Diligent Response and Security.

► Global Security Policy

Inspired by the principles of "honesty and trust" outlined in the Telefónica Group's Action Policy and guided by national and international standards and regulations on the matter, establishes and regulates the general dispositions and governing principles regarding the security issues to which this Policy refers, and which are applicable to all companies that are part of the Telefónica Group.

Scope of the report

As is the case of other companies in our sector, at Telefónica we regularly receive information requests concerning the communications of our customers and users, requests to block access to certain sites or content, or to filter content, as well as requests by State security forces, governmental agencies and courts (hereinafter, "competent authorities"), to temporarily suspend services in specific areas (in the event of civil unrest or disturbances of public order, for instance).

The purpose of this report is to set out the procedure for the processing of such requests by Telefónica, within a framework of legality and with regard to freedom of expression and the privacy of the communications of our users.

This requires knowledge of the legal framework which grants legal powers to authorities to make this type of request and recording of the number and type of requests that we receive. The specific legal framework of each country also indicates limitations on facilitating the information regarding the requests that Telefónica receives, and thus the report identifies this type of limitation on the information provided. When we fail to deliver data, we explain why we could not do so.

This report details the procedure for processing the requests which Telefónica *applies within the law and with respect to privacy*



Indicators of this Report_

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

▶ **Lawful interceptions:** The orders and requests 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.

▶ **Communication associated Metadata Access:** All requests originating from competent authorities whose aim is to obtain history data involving:

- ▶ registered users' name and address (subscriber information);
- ▶ data identifying the source and destination of a specific communication (e.g., telephone numbers, Internet service user names, etc.);
- ▶ communication date, time and duration;
- ▶ computer equipment identities (including [IMSI](#) o [IMEI](#));
- ▶ user or device [location](#).

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

▶ **Blocking and filtering of certain contents:** Requests 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.).

In order to fight against Internet-related child sexual abuse images and contents, in a proactive way, we block these contents following the guidelines and the lists provided by the Internet Watch Foundation (<https://www.iwf.org.uk/>). Telefonica, does this blockage in the following countries: Argentina, Chile, Costa Rica, Ecuador, El Salvador, Spain, Guatemala, Nicaragua, Mexico, Panama, UK, Uruguay and Venezuela.

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

In addition, for each indicator we have added the following sub-indicators:

▶ **Number of requests rejected or partially addressed:** number of times that we have rejected a request or that we have only provided partial information or no information in response to a request for one of the following reasons:

- Because it does not comply with local legislation for that type of request.
- Because it does not contain all the necessary elements to enable undertaking (necessary signatures, competent authority, technical description of the request etc.).
- Because of the technical impossibility of undertaking the request.

• **Customers affected:** number of customers affected by each request, taking into account that a single request may affect one or several customers. In some countries work is being done enable reporting of this number for certain indicators, since because of the system for receipt of requests or the nature of the request for their reporting, we have not been able to give this information in all countries.

When it comes to "blocking and content filtering," given the casuistry of this indicator we cannot report the specific number of affected customers. The blocking of a URL affects all customers who want to access its content, so it is difficult to assess the scope of the measure.

▶ **Major Events**
In addition, in this Transparency Report our objective is to explain, in a comprehensive manner, our efforts with regard to requests and demands with a potentially relevant impact on the right to freedom of expression in telecommunications. We classify such requests and demands as **"major events"**.



We consider "**major events**" to be certain situations of force majeure which may lead to the following actions:

- ▶ **Service restriction or denial** (including SMS, voice, email, voicemail, internet and other services) entailing limitation of freedom of expression.

Examples:

- Restricting or denying services on a national scale
- Restriction or denial of access to a website/ websites for political reasons (such as Facebook pages, news websites (e.g. bbc.co.uk), the opposition party's websites prior to elections, human rights groups' websites, etc.).
- Specific shutdown of any kind of telecommunications services, resulting from political causes. (e.g. concerning a small number of cells).
- Denying certain clients access to specific services or networks in order to limit said individuals' legitimate freedom of expression.

▶ **Network shutdown / access control**

Examples:

- Total shutdown of a national network.
- Access control involving a specific area or region, motivated by political reasons.

▶ **Legally unfounded interceptions**

Situations in which the authorities intercept communications without any legal grounds for reasons of force majeure.

▶ **Communications imposed by the authorities**

Examples:

- Sending politically motivated messages/ communications to our customers on behalf of governments or government agencies.

▶ **Substantial operational changes**

Examples:

- Substantial operational or technical changes or change proposals concerning surveillance services (such as data access, retention or interception) aimed at reducing the operator's control in terms of supervising such activities. (e.g. procedural changes allowing direct access on the part of a governmental agency/ government).
- A procedural change to establish widespread surveillance.

▶ **Substantial legal changes**

Substantial changes (or change proposals) involving laws providing governmental authorities with more power to impose requests on operators.

Example:

- Changes in the communication interception laws.

In this regard we have identified a case of major event in El Salvador. With the implementation of the Special Law against the crime of Extortion in 2016, operators were forced to block all traffic generated from prisons, under penalty of fines and even the revocation of license to operate.

At the request of the authorities, Telefonica El Salvador was forced to lock the 9% of base stations at national level, to make adjustments in its network, affecting 27 geographical areas which impacted on approximately 186 thousand customers, 285 sectors and 62 sites.



Report by country_



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Germany

www.telefonica.de/home-corporate-en.html

Telefónica has a long history in Germany. The company, which has been in the country for almost 15 years, operates under the commercial brand O2.

Telefonica Deutschland offers its German private and business customers post-paid and prepaid mobile telecom products as well as innovative mobile data services based on the GPRS, UMTS and LTE technologies and has 49.4 million accesses.

Telefónica's revenue in Germany reached €5,392 million and OIBDA, €1,318 million.

LAWFUL INTERCEPTIONS

Legal framework

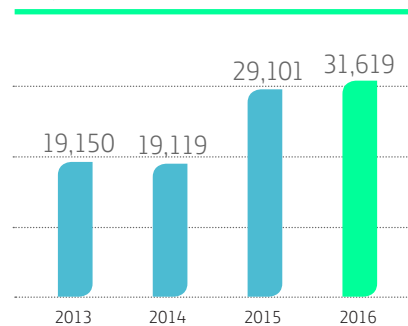
- ▶ Sec. 110 German Telecommunication Act (Telekommunikationsgesetz - TKG)
- ▶ Sec. 100a, 100b German Code of Criminal Procedure (Strafprozessordnung – StPO)
- ▶ Article 10 Act (Artikel 10 Gesetz - G10)
- ▶ Customs Services Investigation Law ("ZFDG")
- ▶ Penal police office Federal Law ("BKAG")
- ▶ Police Acts of the federal states (Landespolizeigesetze)

Competent authorities

Law Enforcement Agencies (LEAs), e.g. Police Authorities (national and federal), Intelligence Agencies and Customs Investigations Services (national and federal).

Measures corresponding to Sec. 100a German Code of Criminal Procedure (StPO) require a prior court order. In case of exigent circumstances, the public prosecutor's office can issue an order as well, which must be confirmed by the court within three working days in order not to become ineffective.

Requests*



* El * Total volume of interception measures excl. prolongations.

Number of customers affected: Providing these figures is not possible. Interception measures are based on MSISDNs (Mobile Station Integrated Services Digital Network. Mobile Station Integrated Services Digital Network The system does not link them to accounts or customers.

Number of requests rejected: Currently, Telefónica Germany does not register rejected requests. We are working on it for having this register.

Broadband Customers
2.104,0

Fixed telephony accesses
2,010.3

Mobile telephony customers
44,320.7

Other customers
911.4

Total access
49,346.4

Customers at closing 2016. (data in thousands)



ACCESS TO METADATA

Legal framework

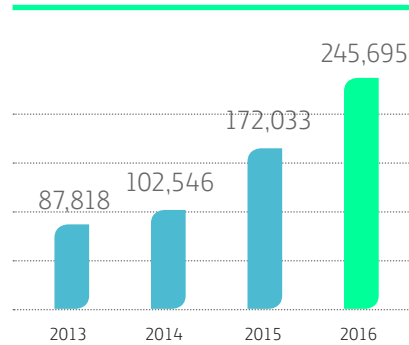
- ▶ Sec. 96, 113b German Telecommunication Act (Telekommunikationsgesetz - TKG)
- ▶ Sec. 100g German Code of Criminal Procedure (Strafprozessordnung – StPO)
- ▶ Police Acts of the federal states (Landespolizeigesetze)

Competent authorities

Law Enforcement Agencies (LEAs), e.g. Police Authorities (national and federal), Intelligence Agencies and Customs Investigations Services (national and federal).

Measures corresponding to Sec. 100g German Code of Criminal Procedure (StPO) require a prior court order. In case of exigent circumstances, the public prosecutor's office can issue an order as well, which must be confirmed by the court within three working days in order not to become ineffective.

Requests*



* Total volume of traffic data and/or radio cell records provided.

Number of customers affected: Providing these figures is not possible. Interception measures are based on MSISDNs (Mobile Station Integrated Services Digital Network). Mobile Station Integrated Services Digital Network The system does not link them to accounts or customers.

Number of requests rejected: Currently, Telefónica Germany does not register rejected requests. We are working on it for having this register.

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

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

Competent authorities

- ▶ Not applicable.

Requests

- ▶ Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ No existing legal basis in German legal/regulatory framework or other sources which allows geographical or temporary suspension of services.

Requests

- ▶ Not applicable.

Telefonica Deutschland *offers mobile pre-paid and contract mobile services* to residential and business clients; and innovative data services through 2G, 3G and 4G technologies.



Argentina

www.telefonica.com.ar

Telefónica has operated in Argentina since the privatisation of telephone services in 1990. During its years of management, the Company has established itself as a leading group of companies specialising 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 million accesses in Argentina in June 2017.

As for the financial figures, at the end of the second semester of 2017, Telefónica's income in Argentina totalled 918 million euros and the OIBDA stood at 275 million euros.

Telefónica Argentina *has firmly established itself as a leading group* amongst companies specializing in integrated telecommunications

LAWFUL INTERCEPTIONS

Legal framework

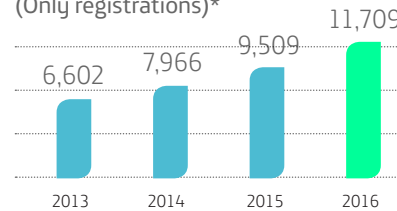
- ▶ National Constitution of Argentina (Article 18).
- ▶ Law 19,798 (articles 18 and 19): Inviolability of communications.
- ▶ Law 27,078, article 5: Inviolability of communications.

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.

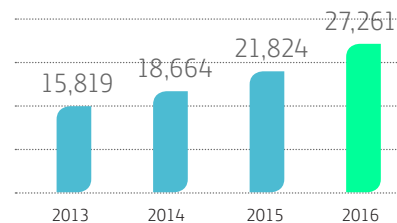
Requests

Requests for Connections (Only registrations)*



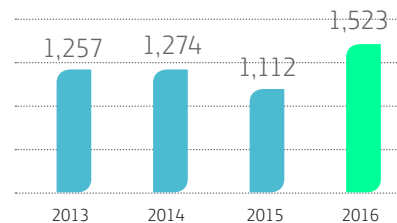
* Requests for new interventions

Requests for Connections, Disconnections and Extensions.*



* Includes requests to disconnect interventions and extensions on connections for a fixed period

Lines with active intervention.*



* Active Interventions at closing in 2016 (including registrations and extensions)

Broadband Customers

1,851.5

Fixed telephony accesses

4,447.7

Mobile telephony customers

20,765.4

Other customers

52,5

Total access

27,117.1

Customers at closing 2016. (data in thousands)



Number of customers affected: Taking into account that the operation is carried out by number of lines, it may be assumed that the number of customers affected coincides with the number of lines intervened. .
Notwithstanding this, it should be borne in mind that a customer can be the object of more than one request for intervention in a year, at different times, so the number of customers affected may be slightly lower.

Number of requests rejected: To date there have been no number of requests rejected for orders of intervention required by competent judges requested through the DaJuDeCo (Directorate of Judicial Assistance in Complex Crimes and Organized Crime of the Judicial Power of the Nation). Nevertheless, it is important to clarify if certain requests for intervention could be performed due to technical impossibility on the part of the organisation. A solution to this problem is being developed.

ACCESS TO METADATA, BLOCKING AND FILTERING OF SPECIFIC CONTENTS AND SUSPENSION OF SERVICE

At Telefónica Argentina all the judicial requests received are recorded, regardless of whether they request metadata, content blocking or service interruption.

Legal framework

- ▶ National Constitution of Argentina (Article 18)
- ▶ Law 19,798 (arts. 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.

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.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

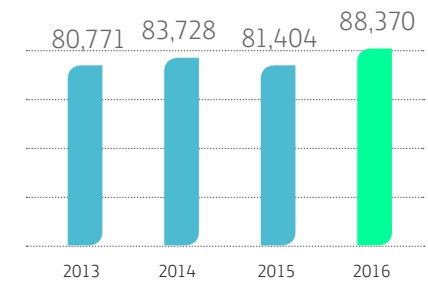
Legal framework

- ▶ Although there is no specific rule governing this, it may be interpreted as part of what is established in Art. 57 of Law 27,078, as regards.
"Article 57. - Network Neutrality. Prohibitions. ICT service providers may not: a) block, interfere, discriminate, disrupt, damage, or restrict the use, sending, receiving, providing or access to any content, application, service, or protocol unless by court order or explicit user request. [...]"

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, according to art. 57.

Requests*



* Data added for Metadata, Content Blocking and suspension of service

Number of customers affected: For access to metadata it must be emphasised that the same request may request information on a single customer or several, so currently has not been possible to make a valid estimate.

Requests rejected: There have been no rejected request orders by competent judges requested through the DaJuDeCo. Nevertheless, it is important to clarify that certain requests were not viable due to technical impossibilities on the part of the organisation. A solution to this problem is being developed.



Brazil

<http://www.telefonica.com.br/>

In 2015, the takeover of GVT was finalised, which positioned Telefónica Brasil as the leading integrated operator in the Brazilian market.

Telefonica in Brazil managed more than 97.6 million accesses in June of 2017.

With regard to the financial figures, at the end of the second quarter of 2017, Telefónica's income in Brazil totalled 3,028 million euros and the OIBDA stood at 1,034 million euros.

LEGAL INTERCEPTION

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 of Fixed Telephone Service - STFC. STFC
- ▶ Resolution No. 614 of 28 May 2013 / Regulation on Multimedia Communication Service
- ▶ Resolution No. 477 of 7 August 2007 / Regulation on Personal Service

Competent authorities

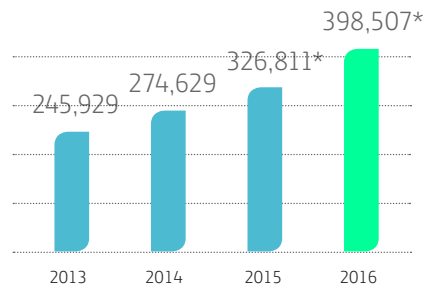
- ▶ In accordance with article 3 of Brazilian Federal Law No. 9,296/1996 (Law on Interceptions), only the Judge (in the criminal sphere) can determine the interceptions (both telephonic and telematic), at the request of the Public Prosecutor or the Police Commissioner ("Police Authority").

Number of customers affected: The number of affected customers cannot be confirmed, since the annual number also covers situations where there were extensions or new interceptions for the same lines.

Number of requests rejected: 0

Requests

Includes telephonic and telematic requests



* Includes GVT: During 2015 Telefónica acquired GVT, making Telefónica Brasil the leading integrated operator in the Brazilian market.

ACCESS TO 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. Art. 3 Law No. 12,683 of 9 July 2012. Art. 17-B Law No. 12,830, of 20 June 2013. Article 2
- ▶ Law No.12850 of 20 August 2013. Article 15
- ▶ Law No. 12965 of 23 April 2014. Art. 7; 10 and 19.
- ▶ Decree No. 8,771 of 11 May 2016. Article 11
- ▶ Resolution No. 426 of 9 December 2005. / Regulation of Fixed Telephone Service - STFC. STFC Articles 11, 22, 23 and 24.
- ▶ Resolution No. 477 of 7 August 2007 / Regulation on Personal 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

7,383.2

Fixed telephony accesses

14,338.4

Mobile telephony customers

73,769.8

Other customers

18.1

Pay TV customers

1,712.7

Total access

97,222.2

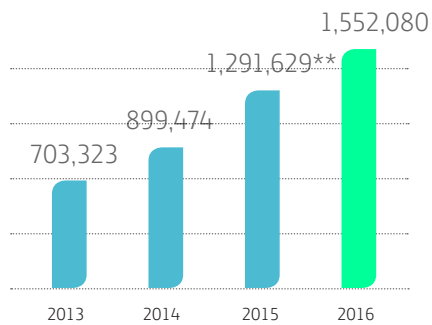
Customers at closing 2016. (data in thousands)



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.

Requests*



*Total requests included in the requests. The same request may apply to multiple requests. Among the requests that were made cadastre, communications and connection data is found.

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

Number of customers affected: The number of customers affected cannot be confirmed, since the annual amount reported may include duplication of customer numbers required by different public authorities.

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

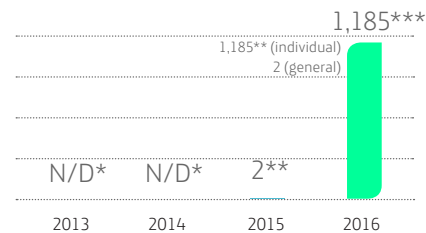
Legal framework

- ▶ Law No. 12965 of 23 April 2014. Articles 7 and 19.

Competent authorities

- ▶ Exclusively Judges.

Requests



* 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.

Number of customers affected: individual (1185) general (all customers).

Number of requests rejected: 0.

GEOGRAPHICAL AND TEMPORARY SUSPENSIONS

Legal framework

- ▶ Resolution No. 73 of 25 November 1998. Article 31.
- ▶ Resolution No. 477 of 07 August 2007. Article 19.

Competent authorities

- ▶ Judges.

Requests*

Year	2013	2014	2015	2016
Requests	N/D*	N/D*	N/D*	N/D*

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

Number of customers affected: ND

Number of requests rejected: ND

- 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 request had a legal basis within the area of the criminal proceedings conducted by the Commissioner for Child and Adolescent Protection.

- 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.

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

Telefónica established a protocol for the provision of information at its customer service centre as a measure of transparency and with the aim of giving customers explanations for these cases.

*** Disclaimer: The general blocking measures that potentially affected all customers having been passed, the public authorities began to use individual blocks in the field of criminal investigations. Up to the present date and from 2016, we identified 1,187 individual blocks, understanding as such a block so that a user can access certain content and 2 general blocks, which would affect all customers who want to access that content or service.



Central America_

The structure of Telefónica Central America groups mobile operations of Telefónica Costa Rica, El Salvador, Guatemala, Nicaragua and Panama.

In June 2017, income totalled 200 million euros and the OIBDA stood at 51 million euros.

The total number of accesses in Central America at closing in 2016 was 13,556.5 (in thousands).



Broadband Customers

1.4

Fixed telephony accesses

576.6

Mobile telephony customers

12,973.5

Other customers

5.0

Total access

13,556.5

Customers at closing 2016. (data in thousands)
CENTRAL AMERICA



Costa Rica

<http://movistar.cr/>

LAWFUL INTERCEPTIONS

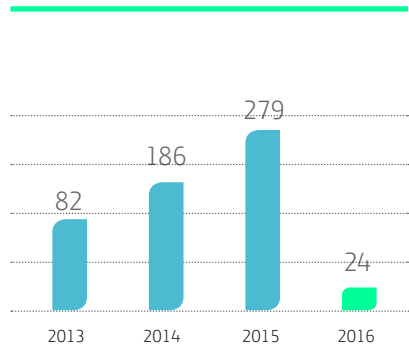
Legal framework

- ▶ Law Against Organised Crime (art. 14 and 15).

Competent authorities

- ▶ The judges of the Judicial Authorities.
- ▶ 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.

Requests



Number of customers affected: 24

Number of requests rejected: 0

ACCESS TO METADATA

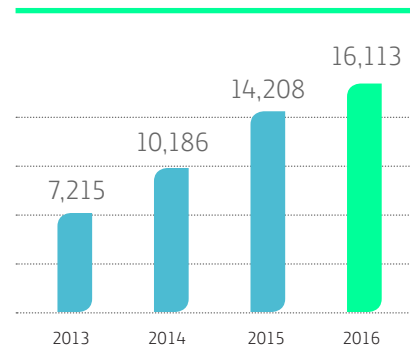
Legal framework

- ▶ Criminal Procedure Code. Art. 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.

Requests



Number of customers affected: 16,113

Number of requests rejected: 241

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent Authorities

- ▶ Not applicable.

Requests

2013	2014	2015	2016
N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent Authorities

- ▶ Not applicable.

Requests

2013	2014	2015	2016
N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.



El Salvador

<http://www.telefonica.com.sv/>

LAWFUL INTERCEPTIONS

Legal framework

- ▶ Special Law for the intervention of communications of 2010 (Art. 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 authorised to do so.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

ACCESS TO METADATA

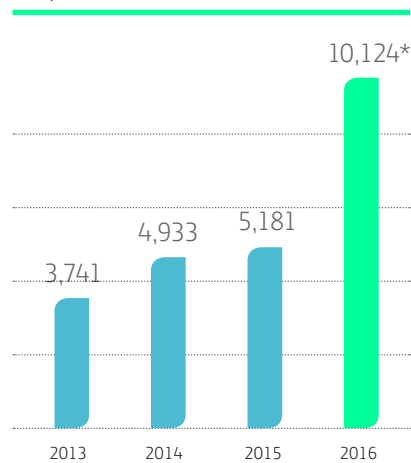
Legal framework

- ▶ Special Law for the intervention of communications of 2010 (Art. 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.

Requests



*The rise is due to the increase in criminal activity and its subsequent investigation.

Number of customers affected: 10,124

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent Authorities

- ▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

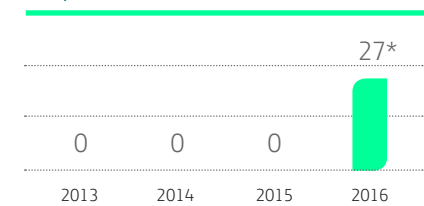
- ▶ Special Law Against the Crime of Extortion (Art.13 and 14).

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 request 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.

Requests



* Number of affected geographic areas. With the implementation of the Special Law against the crime of Extortion, operators were forced to block all traffic generated from prisons, under penalty of fines and even the revocation of license to operate.

At the request of the authorities, Telefonica El Salvador was forced to make adjustments in its network, blocking the 9% of base stations at national level, affecting

27 geographical areas that impacted on approximately 186 thousand customers, 285 sectors and 62 sites.

Number of customers affected: 186,000

Number of requests rejected: 0



Guatemala

<http://www.movistar.com.gt/>

LAWFUL INTERCEPTIONS

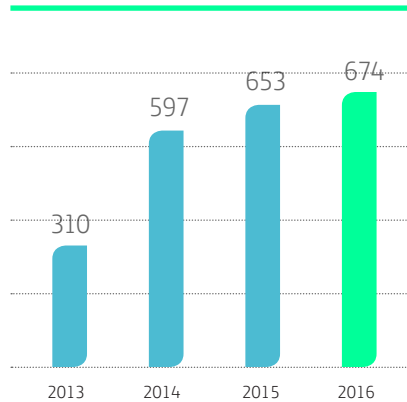
Legal framework

▶ Law against Organised Crime (Decree Number 21-2006) (Interception of Telephones and Other Means of Communication). Articles 48 and 56)

Competent Authorities

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

Requests



Number of customers affected: 674

Number of requests rejected: 0

METADATA

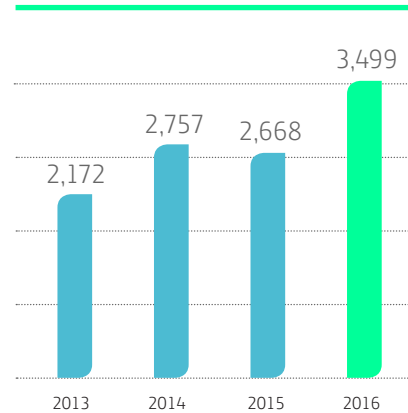
Legal framework

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

Competent Authorities

▶ Judges.

Requests



Number of customers affected: 3,499

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

▶ There is no specific legal framework for this indicator.

Competent Authorities

▶ Not applicable.

Requests

2013	2014	2015	2016
N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

▶ There is no specific legal framework for this indicator.

Competent Authorities

▶ Not applicable.

Requests

2013	2014	2015	2016
N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Requests rejected: Not applicable.



Nicaragua

<http://www.movistar.com.ni/>

LAWFUL INTERCEPTIONS

Legal framework

▶ There is no specific legal framework for this indicator.

Competent Authorities

▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

ACCESS TO METADATA

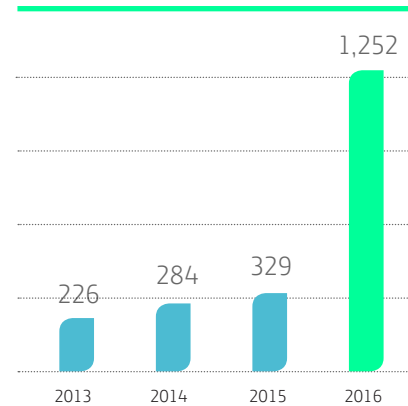
Legal framework

▶ Regulation of Law No. 200 "General Law of Telecommunications and Postal Services" of 2005 (Art. 10).

Competent Authorities

▶ by written and well-founded request.
▶ [TELCOR](#), Regulatory Body upon the basis established in the Article. 10, Regulation on Law 200.

Requests



Number of customers affected: 1,252

Number of requests rejected: 40

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

▶ There is no specific legal framework for this indicator.

Competent Authorities

▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

▶ There is no specific legal framework for this indicator.

Competent Authorities

▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.



Panamá

<http://www.movistar.com.pa/>

LAWFUL INTERCEPTIONS

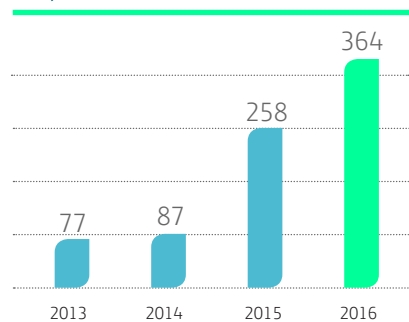
Legal framework

- ▶ Criminal Procedure Code (Art. 311).
- ▶ Law 121 of 31 December 2013 reforming the Criminal, Judicial and Criminal Procedure Code and adopting measures against activities related to organised 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.

Requests



Number of customers affected: 364

Number of requests rejected: 0

ACCESS TO METADATA

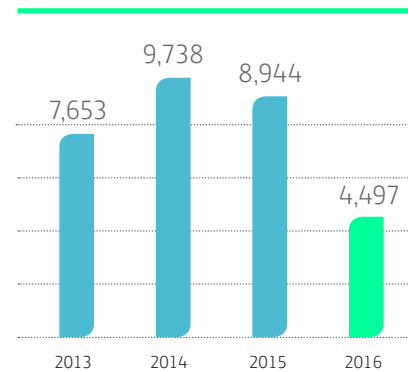
Legal framework

- ▶ Law No. 51 of 18 September 2009. (art.1 and 2)

Competent Authorities

- ▶ Public Prosecutor.
- ▶ Judicial Authority.

Requests



Number of customers affected: 4,497

Number of requests rejected: 2,997

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent Authorities

- ▶ Not applicable.

Requests

Year	2013	2014	2015	2016
Requests	N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

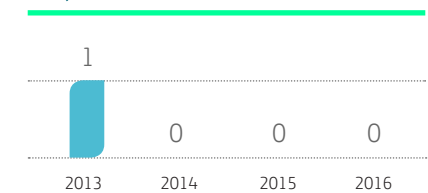
Legal framework

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

Competent Authorities

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

Requests



Number of customers affected: 0

Number of requests rejected: 0



Chile

<http://www.telefonicachile.cl/>

Chile was the first country in Latin America in which Telefónica began its operations, in 1989 to be exact. Today, the Telefónica Group in Chile has become a provider of telecommunications services (Broadband, Digital TV and Voice) and reorganized its corporate structure, culminating in the process of unification of its commercial brands under the name of Movistar in October 2009.

Telefónica managed more than 12.2 million accesses in September 2017 in Chile.

With regard to the financial figures, the income of Telefónica in Chile totalled 1,621 million euros and the OIBDA 497 Millions euros in the second quarter of 2017.

Telefónica Chile managed more than 12.2 million accesses in September 2017

LAWFUL INTERCEPTIONS

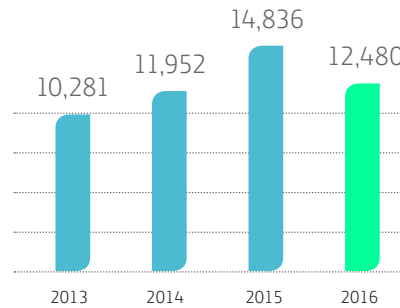
Legal framework

- ▶ 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) y d) of Article 24, in relation to articles 23 and 28 of the same legal body.
- ▶ Criminal Procedure Code. Articles 177, 113a and 113 ter.
- ▶ Decree 142 of 2005 of the Ministry of Transport and Telecommunications, Regulation on the interception and recording of telecommunication and other forms of telecommunication.

Competent authorities

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

Requests



Number of customers affected: We are currently unable to determine the exact number of affected clients because there are mobile phone lines which correspond to pay-as-you-go services without registered holders. In addition the requests are by phone lines and a single request can lead to the intervention of several lines. In addition, there are customers who are holders of one or more telephone lines. In the next report we will be able to include the number of lines affected (subject to investigation by appropriate authority) based on the total number reported.

Number of requests rejected: 60

Broadband Customers

1,090.3

Fixed telephony accesses

1,406.5

Mobile telephony customers

9,093.9

Other customers

55.3

Pay TV customers

660.5

Total access

12,306.5

Customers at closing 2016. (data in thousands)



METADATA

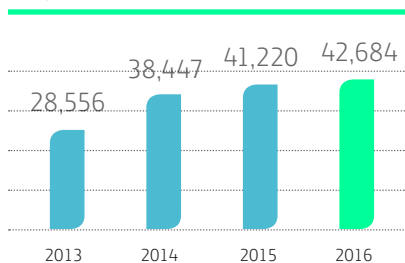
Legal framework

- ▶ 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

- ▶ Public Criminal 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.
- ▶ Police with authorisation 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 authorisation.

Requests



Number of customers affected:

We are currently unable to determine the exact number of affected clients because there are mobile phone lines which correspond to pay-as-you-go services without registered holders. In addition, some requests are requests for access to telephone lines and a single request may result in a request for access to multiple lines. In addition, there are customers who are holders of one or more telephone lines.

Legal reforms will be necessary in the future by the regulatory authority, to establish for each customer line identification assigned to them by using their social security number or tax identification (ID), an measure that so far has not occurred.

In the next report we will be able to include the number of lines affected (subject to investigation by appropriate authority) based on the total number reported.

Number of requests rejected: 127

BLOCKING AND FILTERING OF CERTAIN CONTENTS

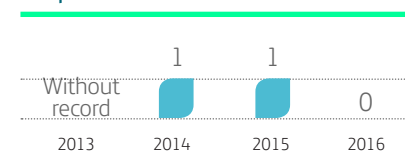
Legal framework

- ▶ 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.

Requests



Number of customers affected: 0.-

Number of requests rejected: 0.-

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ Not applicable.

Competent authorities

- ▶ Not applicable.

Requests

- ▶ Not applicable.



Colombia

<http://www.telefonica.co/>

Telefónica Colombia provides Telecommunications services of calls, broadband and pay TV in that country.

Telefónica Colombia managed 16.4 million accesses in June 2017.

At the close of 2017, Telefónica's income in Colombia totalled 368 million euros and the OIBDA stood at 124 million euros.

LEGAL INTERCEPTION

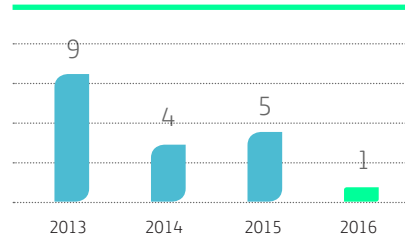
Legal framework

- ▶ Colombian Constitution: Articles 15 and 250.
- ▶ Law 906, Criminal Procedure Code of 2004. Article 235. Modified by article 52 of Law 1453 of 2011.
- ▶ Law 1621 of 2013: Art. 44.
- ▶ Decree 1704 of 2012: Articles 1 to 8.
- ▶ Decree 2044 of 2013, Art. 3.

Competent authorities

- ▶ Organisations with permanent functions as Judicial Police, with the permission of the Prosecutor General of the Nation or his delegate.

Requests*



* They only include the request on Fixed. 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.

Number of customers affected: For this report it has not been possible to report record of the number of customers. We are working to be able to do so in the following report.

Number of requests rejected: 0

ACCESS TO METADATA

Legal framework

- ▶ Colombian Constitution: Article 250
- ▶ Law 906 of 2004, Art. 235.
- ▶ Law 1621 of 2013 Ar. 44.
- ▶ Decree 1704 of 2012, Art. 1 to 8.

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., authorised 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 functions¹.

Broadband Customers

964.1

Fixed telephony accesses

1,353.4

Mobile telephony customers

13,725.3

Other customers

13.6

Pay TV customers

517.5

Total access

16,573.9

Customers at closing 2016. (data in thousands)

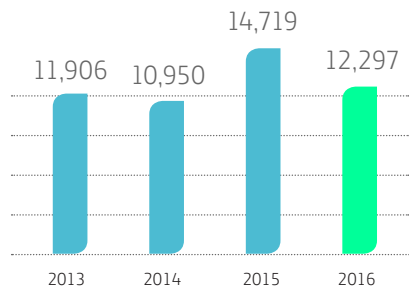


- ▶ Mayors and police inspectors, in the places in the territory where there are no members of the judicial police of the National Police.
- ▶ National and regional Directors of the INPEC, directors of prison establishments and custodial and surveillance personnel, in accordance with the Penitentiary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

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

- ▶ Police with authorisation 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 authorisation.

Requests



Number of customers affected: No records are kept of the number of customers.

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

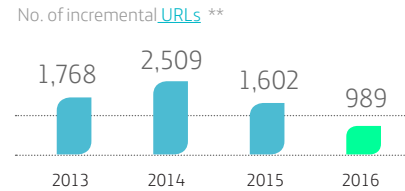
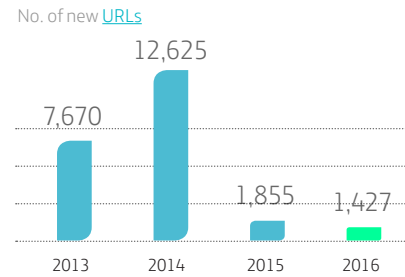
Legal framework

- ▶ Law 679 of 2001: Articles 7 and 8
- ▶ Decree 1524 of 2002: Articles 5 and 6
- ▶ Law 1450 of 2011: Section 56.
- ▶ Resolution CRC 3502 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](#) (Internal Service Portal). 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.

Requests



Since September of 2016 the platform "WOLF Content Control" came into operation, which specialises in filtering all illegal content typified by local authorities as child pornography.

The list continues to be updated and published on a regular basis through the web page of the Ministry of Information and Communication Technologies.

The procedure for validation of urls is:

1. Consultation of publications in the portal of the MinTic. With this regular consultation it is validated whether or not there are new URLs with blocking order.
2. Analysis of publications of [URLs](#). If there are new URLs they are identified and loaded onto the platform DPI (Deep Packet Inspection), which is the one that filters the content of the network.
3. Blocking or unblocking URLs. If it is necessary to block or unblock the URLs for the updates of the list, a work order is generated to be undertaken by the technical area.
4. Verification consultation. Once the work order has been undertaken, URLs that have blocking order and are blocked are validated.

* 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.

Number of customers affected: The blocking of a URL affects all customers who want to access its content, so it is difficult to assess the scope.

Number of requests rejected: N/A for the blocking system established by law.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ Law 1341 of 2009, Art. 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.

Requests

0	0	0	0
2013	2014	2015	2016

Number of customers affected: 0

Number of requests rejected: 0



Ecuador

<http://www.telefonica.com.ec/>

In Ecuador, Telefónica began operations in 2004, with the acquisition of BellSouth's mobile operations in the country (which at that time was Ecuador's second operator, with 816,000 Customers and a share of 35% of the market).

Telefónica managed more than 4 million accesses in Ecuador at the end of 2016.

In June 2017, income totalled 122 million euros and the OIBDA stood at 39 million euros.

LAWFUL INTERCEPTIONS

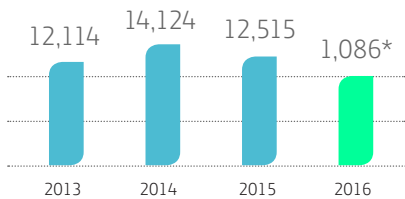
Legal framework

- ▶ Integral Organic Criminal Code (art. 476-477).
- ▶ Concession Contract signed between OTECEL S.A. and the Ecuadorian State.

Competent authorities

- ▶ Competent prosecutor within an investigation.

Requests



*Due to a change in regulations now the prosecution responds directly to requests for intervention and data in criminal matters. Telefónica now only receives them in civil matters.

Number of customers affected: 1086. Each request refers to a line and/or customer.

Number of requests rejected: 0

ACCESS TO METADATA

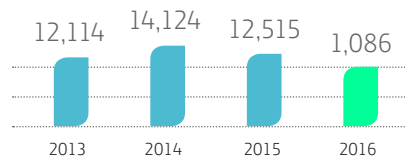
Legal framework

- ▶ Integral Organic Criminal Code. Section 499.

Competent authorities

- ▶ Judges of Criminal Guarantees.

Requests*



*Including requests for intervention and access to metadata. It is a single record for the information requests, both voice services and data, and there is no differentiation according to the line of business.

Number of customers affected: 1086. Each request refers to a line and/or customer.

Number of requests rejected: 0

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 authorisation from the Judge of Criminal Guarantees to proceed.

Requests

Year	2013	2014	2015	2016
Requests	0	0	0	0

Number of customers affected: 0

Number of requests rejected: 0

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.

Requests

Year	2013	2014	2015	2016
Requests	0	0	0	0

Number of customers affected: 0

Number of requests rejected: 0

Fixed telephony accesses

34.9

Mobile telephony customers

4,541.2

Other customers

2.9

Total access

4,579.0

Customers at closing 2016. (data in thousands)



España

<https://www.telefonica.es/es/>

Telefónica Spain is Spain's leading Telecommunications company in terms of access, including calls, data, television and internet access.

Telefónica Spain managed 40.8 million accesses in June 2017.

Income from operations totalled 12.4 billion euros and the OIBDA stood at 2.34 billion euros in 2017.

The income for operations **totalled 6.226 million euros** and the OIBDA stood at 2,425 million euros in the second quarter of 2017.

LAWFUL INTERCEPTIONS

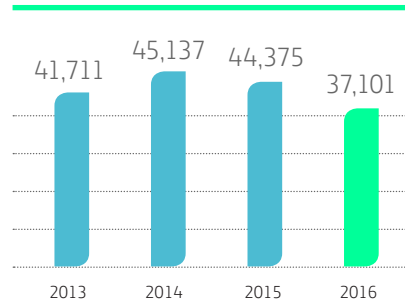
Legal framework

- ▶ Spanish Constitution (art. 18).
- ▶ Law of criminal prosecution, Royal Decree of September 14 1882 (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 shall ratify or revoke the request.

Requests



Number of customers affected: 11,758

Number of requests rejected: 5,421

ACCESS TO METADATA

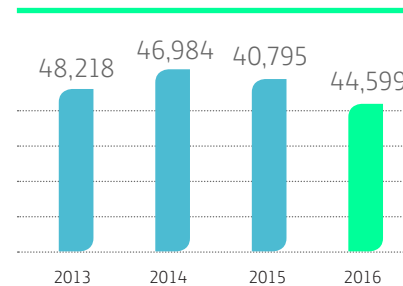
Legal framework

- ▶ Law 25/2007 on Data Conservation (Articles 1-10).
- ▶ General Law 9/14 on Telecommunications (articles 39-42).

Competent authorities

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

Requests



Number of customers affected: Not available The nature of certain requests and the current configuration of our registration tools do not allow provision of this information.

Number of requests rejected: Not available The configuration of the tools does not allow provision of this information.

Broadband Customers

6,067.3

Fixed telephony accesses

9,720.2

Mobile telephony customers

17,237.7

Other customers

4,552.7

Pay TV customers

3,657.0

Total access

41,234.9

Customers at closing 2016. (data in thousands)



BLOCKING AND FILTERING OF CERTAIN CONTENTS

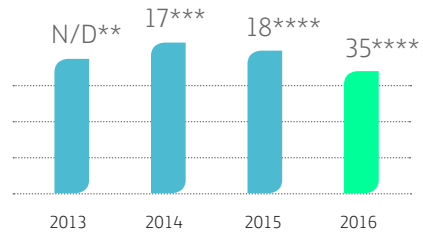
Legal framework

- ▶ 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 Royal Legislative Decree Law 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.

Requests*



* 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 basis of the comparison of results between the years 2014 to 2015 is double:

a) The administrative and judicial activity of web blocking orders for committing infringements of intellectual property increased from 2014 to 2015, due to reform of the law of intellectual property and of the criminal code.

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

**** In 2015 the number of URLs blocked (357) was mistakenly reported, while the number of requests was 18. For 2016, the number of requests was 35, while the number of URLs blocked was 676.

Number of customers affected: The blocking of a URL affects all customers who want to access its content, so it is difficult to assess the scope.

Number of requests rejected: 0

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent authorities

- ▶ Not applicable.

Requests

Year	2013	2014	2015	2016
Requests	N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.



México

<https://www.telefonica.com.mx/>

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

Accesses reached 26.2 million in June 2017.

Income reached 356 million euros and the OIBDA stood at 81 million euros in the second quarter of 2017.

INTERCEPTIONS OF COMMUNICATIONS

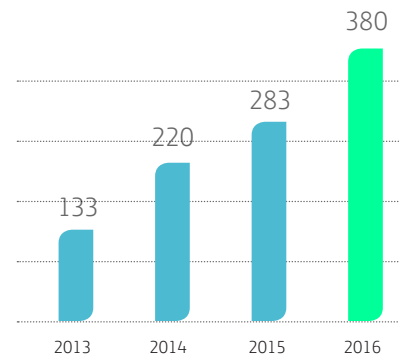
Legal framework

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

Requests



Number of customers affected: 425. A single request may affect multiple customers.

Number of requests rejected: 0

Fixed telephony accesses

1,057.4

Mobile telephony customers

26,557.2

Other customers

39.8

Total access

27,654.4

Customers at closing 2016. (data in thousands)

Income reached *356 million euros* and the OIBDA stood at 81 million euros in the second quarter of 2017.



METADATA

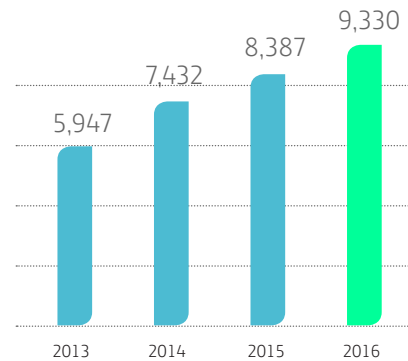
Legal framework

- ▶ 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 requests which are made to the concession holders and receiving the corresponding information, by means of agreements published in the Official Gazette of the Federation.

Requests



Number of customers affected: 22,000. A single request may affect multiple customers.

Number of requests rejected: 385

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent authorities

- ▶ Not applicable.

Requests

Year	2013	2014	2015	2016
Requests	N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

- ▶ No.

Competent authorities

- ▶ Not applicable.

Requests

Year	2013	2014	2015	2016
Requests	N/A	N/A	N/A	N/A

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.



Perú

<http://www.telefonica.com.pe/home/>

Telefónica began to operate on the Peruvian market in the mid-1990s.

In June 2017, the company achieved a turnover of 19.9 million euros.

In the third quarter of 2017, Telefónica's income in Peru totalled 578 million euros and the OIBDA stood at 137 million euros.

In the third quarter of 2017, Telefónica's income in Peru **totalled 578 million euros** and the OIBDA stood at 137 million euros.

INTERCEPTACIÓN LEGAL

Legal framework

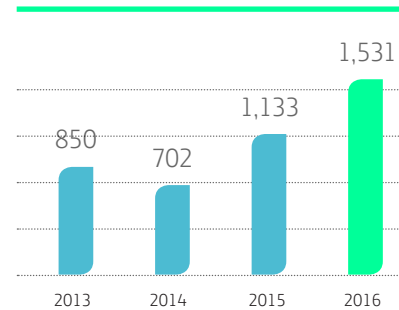
- ▶ Political Constitution of Peru (article 2, paragraph 10).
- ▶ Telecommunications Law (Supreme Decree No. 013-93-TCC - article 4) and its Regulations (Supreme Decree No. 020-2007-MTC - article 13).
- ▶ Law No. 27697: Law which grants power to the public prosecutor for the intervention and control of communications and private documents, in exceptional cases.
- ▶ Legislative Decree No. 1182.

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

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

Requests*



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

Number of customers affected: The details of the number of requests, not customers or lines affected by the requests, given that customers could be in possession of more than one line assigned and each request of the entity State may involve multiple lines. However, work is being done to register the number of customers affected by the measures required.

Number of requests rejected: 1,311.

Broadband Customers

1,660.9

Fixed telephony accesses

2,445.1

Mobile telephony customers

15,498.5

Other customers

30.2

Pay TV customers

1,275.1

Total access

20,909.8

Customers at closing 2016. (data in thousands)



ACCESS TO METADATA

Legal framework

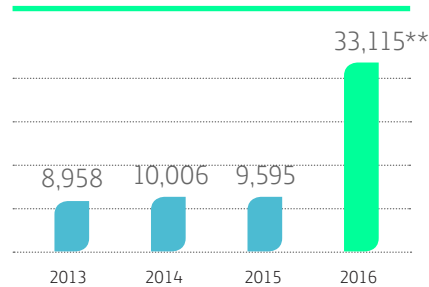
- ▶ Political Constitution of Peru (article 2, paragraph 10).
- ▶ Telecommunications Law (Supreme Decree No. 013-93-TCC - article 4) and its Regulations (Supreme Decree No. 020-2007-MTC - article 13).
- ▶ Law No. 27697: Law which grants power to the public prosecutor for the intervention and control of communications and private documents, in exceptional cases.
- ▶ Legislative Decree No. 1182, which regulates the use of telecommunications for the identification, location and geolocation of communication equipment, in the fight against crime and organized crime.

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

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

Requests*



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

**The increase in requests was due to the fact that from the end of 2015 the Legislative Decree 1182 began to implemented.

Number of customers affected: The details of the number of requests is registered, not customers or lines affected by the requests, given that customers could be in possession of more than one assigned one and each request of the State entity may involve multiple lines. However, work is being done to obtain the number of customers affected by the requests required.

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

- ▶ There is no specific legal framework for this indicator.

Competent authorities

- ▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR 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 prioritising 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.

Requests

0	0	0	0
2013	2014	2015	2016

Number of customers affected: 0

Number of requests rejected: 0



United Kingdom

<https://www.o2.co.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

In September, O2 UK has more than 25,5 millions of accesses. Telefónica's revenue in UK reached €4.810 millions and OIBDA, €1261 millions.

LAWFUL INTERCEPTIONS

Legal framework

The provisions for lawful intercept under the Regulation of Investigatory Powers Act 2000 (RIPA) and the Intelligence Services Act 1994 (ISA) are due to be replaced by the Investigatory Powers Act 2016 (IPA). This will happen once the Investigatory Powers Commission (IPC) is fully established. The Investigatory Powers Commission's Office (IPCO) replaced the Interception of Communications Commissioner's Office (IOCCO) on 1st September 2017 but no new processes have yet been introduced. There will be a transitional period before the IPA fully replaces RIPA and the ISA and the IPCO replaces the IOCCO.

Competent authorities

The principles of RIPA have been continued under the IPA but with additional oversight by the judiciary. Under the IPA, the Secretary of State for a relevant Government department can issue an intercept warrant where he/she 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.

There are eight authorized agencies in the United Kingdom who may request a warrant to be issued by the Secretary of State. They are:

- ▶ a person who is the head of an intelligence service;
- ▶ the Director General of the National Crime Agency;
- ▶ the Commissioner of Police of the Metropolis;
- ▶ the Chief Constable of the Police Service of Northern Ireland;
- ▶ the chief constable of the Police Service of Scotland;
- ▶ the Commissioners for Her Majesty's Revenue and Customs;
- ▶ the Chief of Defense Intelligence; and
- ▶ a person who is the competent authority of a country or territory outside the United Kingdom for the purposes of an EU mutual assistance instrument or an international mutual assistance agreement.

In order to get a warrant for lawful interception, the requesting authority must make an application to the relevant Secretary of State. The Secretary of State must consider, in deciding whether to issue the warrant, whether (amongst other things), there are established grounds to justify the issue of the warrant (see above) and whether the interception authorized by the warrant is proportionate to what is sought to be achieved by that interception.

Fixed telephony accesses

272.6

Mobile telephony customers

25,462.7

Total access

25,759.0

Customers at closing 2016. (data in thousands)



Under the IPA, and in addition to authorization by the Secretary of State (or their deputy) that was required by RIPA, there must also be approval of the warrant by a judge. The judge will consider the same factors as the Secretary of State (i.e. whether there are grounds for the issuing of the warrant and whether the conduct is proportionate to the objective).

Requests*

N/D	N/D	N/D	N/D
2013	2014	2015	2016

*Currently Section 19 of RIPA prohibits disclosing the existence of any lawful interception warrant. When RIPA is fully superseded by the IPA Section 57 of the IPA applies which imposes a similar prohibition.

The IOCCO 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://ioccco-uk.info/>. This practice will continue under the IPCO going forwards after the publication of the next IOCCO report.

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

METADA ACCESS

Legal framework

The provisions for disclosure of communications data under RIPA and the ISA, and the Counter Terrorism and Security Act 2015 (CTSA) are due to be superseded by the IPA as soon as the IPCO has been established and is fully functional. Until that time the current provisions remain in effect. The provision for data retention, previously retained under Data Retention Investigatory Powers Act 2014 (DRIPA 2014), is now made under a retention notice issued under the IPA.

Competent authorities

▶ RIPA regime
▶ 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). The persons that can issue a notice are typically senior police offices or other senior officials in relevant security services.

▶ 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.

▶ Future
▶ Under s 61 of the IPA an authorisation to release data may be made by a designated senior officer in a relevant public authority. Similarly to RIPA, under the IPA the persons that may authorise release of data are typically senior police officers or other senior officials in relevant security services.

Requests*

N/D	N/D	N/D	N/D
2013	2014	2015	2016

*Section 82 of IPA makes it a criminal offence to disclose details of requests made for communications data.

As stated previously IOCCO produce a yearly report, which gives the total industry number. Individual company numbers are not disclosed. This practice will continue under the Investigatory Powers Commission

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

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 prevent child exploitation. This is a voluntary code of practice and not a legal request. 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 child abuse sites).



The code of practice can be viewed here: http://www.mobilebroadbandgroup.com/documents/mbg_content_code_v2_100609.pdf

Competent authorities

- ▶ Internet Watch Foundation.
- ▶ Courts

Requests*

N/D	N/D	N/D	N/D
2013	2014	2015	2016

*Only IWF – no stats available

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

Legal framework

▶ Telefónica UK has obligations to be able to provide service limitations in network overload situations – e.g. major disaster, etc. to provide priority service to emergency responders. The Mobile Telecommunications Privileged Access Scheme (MTPAS) was created under the Civil Contingencies Act 2004 (CCA). Eligibility is restricted to organisations that have a part to play in responding to, or recovering from, an emergency as defined in the CCA. At the onset of an emergency response, the relevant Police commander will use an agreed protocol to notify all mobile network operators that a major incident has been declared and request that call traffic levels are monitored. If networks become congested, the network operators are asked to consider invoking MTPAS to give emergency responders a much higher likelihood of being able to make a call than other customers.

Competent authorities

- ▶ The relevant Police commander will use an agreed protocol
- ▶ 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

Requests

0	0	0	0
2013	2014	2015	2016

Number of customers affected: 0

Number of requests rejected: 0



Uruguay

<http://www.movistar.com.uy/>

Telefónica has operated in Uruguay since 2005.

Telefónica's income in Uruguay totalled 167 million euros and the OIBDA stood at 64 million euros.

Income in Uruguay reached 167 million euros and the OIBDA totalled 64 million euros in the third quarter of 2017

INTERCEPTIONS OF COMMUNICATIONS

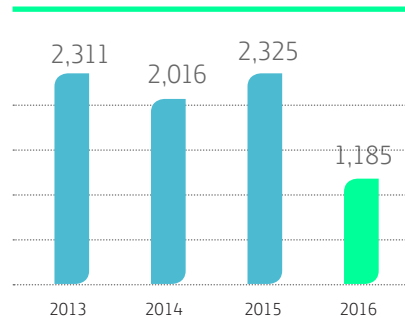
Legal framework

- ▶ 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).

Requests*



*Number of mobile lines intercepted. 2016 was an exceptional year in that there was a transition from manual interception to automatic interceptions through a platform of legal interception. Currently we have no record of the amount of requests, but we expect to have them early in when the tool acquired permits reports to be extracted.

Number of customers affected: The exact number of customers affected cannot be determined because registration is by line, and not by customer. A customer may be the holder of various intercepted lines.

Number of requests rejected: 0

ACCESS TO METADATA

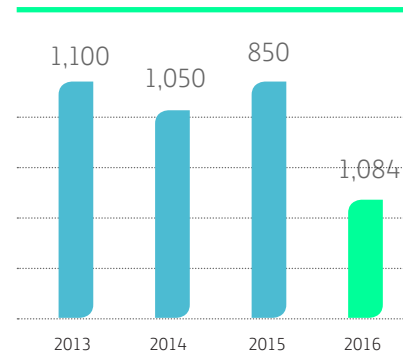
Legal framework

- ▶ 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.

Requests



Mobile telephony customers

1,725.9

Total access

1,725.9

Customers at closing 2016. (data in thousands)



Number of customers affected: The exact number of customers affected cannot be determined because registration is by line, and not by customer. A customer may be the holder of various intercepted lines. Work is being done so that the tool may extract reports on the number of customers affected.

Number of requests rejected: 0

BLOCKING AND FILTERING OF CERTAIN CONTENTS

Legal framework

▶ There is no specific legal framework for this indicator.

Competent authorities

▶ Not applicable.

Requests

N/A	N/A	N/A	N/A
2013	2014	2015	2016

Number of customers affected: Not applicable.

Number of requests rejected: Not applicable.

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

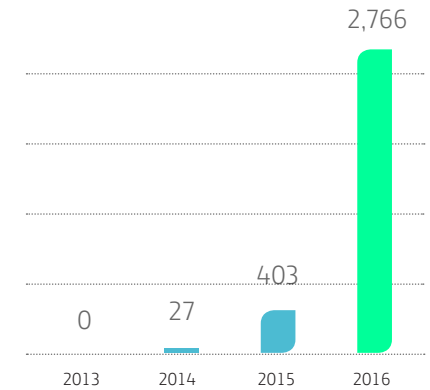
Legal framework

▶ 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 3 communications in the month or 6 in the year).

Competent authorities

▶ Ministry of the Interior (Executive Authority).

Requests*



* Temporary and individual suspension of 911 emergency services for periods of between 3 and 6 months

Number of customers affected: 2,766

Number of requests rejected: 0



Venezuela

<https://www.telefonica.com.ve/es/>

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

The Company in Venezuela has a comprehensive range of services with leading products in mobile Internet, digital TV and mobile and Fixed.

In the third quarter of 2017, Telefónica's income in Venezuela totalled 86 million euros and the OIBDA stood at 25 million euros.

LAWFUL INTERCEPTIONS

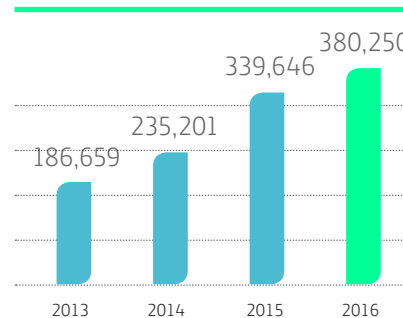
Legal framework

- ▶ Organic Criminal Procedure Code (Art. 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 authorisation 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.

Requests



Number of customers affected: 418,690.

A request may require the intervention of up to 10 clients.

Number of requests rejected: 709

Broadband Customers

1.6

Fixed telephony accesses

617.0

Mobile telephony customers

10,403.7

Other customers

5.4

Pay TV customers

466.1

Total access

11,493.8

Customers at closing 2016. (data in thousands)

In the third quarter of 2017, Telefónica's income in Venezuela **totalled 86 million euros** and the OIBDA stood at 25 million euros.



ACCESS TO METADATA

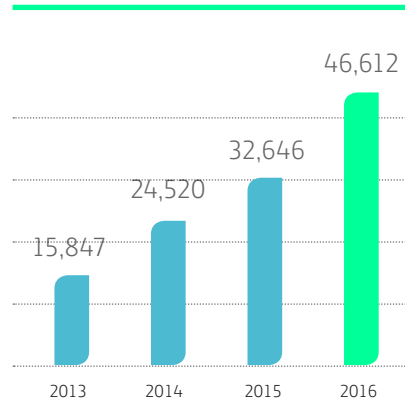
Legal framework

- ▶ Ordinance No. 572 Regulations related to Request of information in the Mobile Telephone Service of the National Telecommunications Commission (article 7).
- ▶ Law against Kidnapping and Extortion (article 29).

Competent authorities

- ▶ The Public Prosecutor's Office.
- ▶ The Scientific Research Agency Criminal and 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.

Requests



Number of customers affected: 46,612

Number of requests rejected: 30

BLOCKING AND FILTERING OF CERTAIN CONTENTS

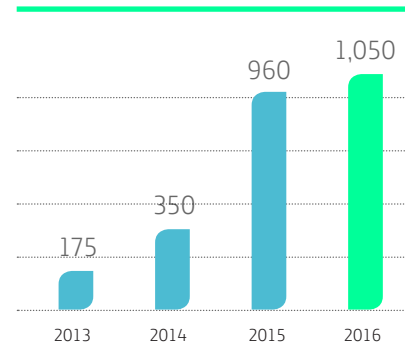
Legal framework

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

Competent authorities

- ▶ National Telecommunications Commission (CONATEL).

Requests



Number of customers affected: The blocking of a URL affects all customers who want to access its content, so it is difficult to assess the scope.

Number of requests rejected: 800

GEOGRAPHICAL OR TEMPORARY SUSPENSIONS OF THE SERVICE

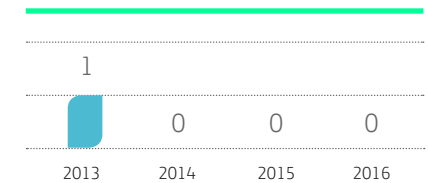
Legal framework

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

Competent authorities

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

Requests



Number of customers affected: 0

Number of requests rejected: 0



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 Aresop, 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
