



Julian Knight MP  
Chair, Digital, Culture, Media and Sport Committee  
House of Commons  
London  
SW1 0AA

31 March 2020

Dear Mr Knight

### **The use of mobile phone data to tackle COVID-19**

Thank you for your letter and reaching out about the possible use of mobile data to tackle COVID-19. Our customers are at the heart of our business, and our number one priority right now is maintaining the quality of service. We are working hard to support all our customers, including providers of critical national infrastructure such as NHS 111 telephone and online services, police forces, local authorities and key government departments.

To help people access health information, we have enabled all mobile customers to access NHS online sites for free and sent a government SMS with health advice to customers. We have put measures in place to support customers with payments, and extended help for vulnerable customers. We have also added extra capacity to our core networks so that they can deal with the increase in voice and data traffic.

Our technology and ability to move fast mean we can play an instrumental role in this crisis. We can offer all the connectivity tools and services people need to continue communicating and doing business, from broadband to superfast 5G connectivity, videoconferencing to cloud hosting, virtual private networks to internet telephony.

Please find our responses to your mobile data sharing questions below. Please keep the contents of this letter confidential as it covers areas of commercial sensitivity. If it was ever subject to a FoI request we would want to have the opportunity to discuss whether publication was appropriate and redact content where necessary.

**1. Has your company discussed, offered or been requested to share personal or aggregate data with the UK Government or any other third party in relation to the COVID-19 outbreak?**

We have received a number of enquiries from the UK Government and third parties (mostly in the research and health sectors) seeking to understand the viability of sharing anonymised aggregated location data in relation to the COVID-19 outbreak. A number of our customers already benefit from location insights using Vodafone Analytics. Further information about Vodafone Analytics is included in our privacy policy and can be found here: <https://www.vodafone.co.uk/privacy/vodafone-analytics>. We are aware of one customer who has re-purposed the Vodafone Analytics solution to assist in their response to the COVID-19 outbreak.

**2. If so, what was the outcome of these discussions? Might your position change in future and what are the conditions under which it might do so?**

**Vodafone Limited**  
The Connection, Newbury,  
Berkshire, RG14 2FN, United Kingdom  
Phone +44 (0)1635 33251  
[vodafone.co.uk](https://www.vodafone.co.uk)



We are currently assessing the requests from a technical and legal perspective. Some of the enquiries received did not progress to formal requests.

Wherever technically possible, and legally permissible, Vodafone will be willing to assist the UK Government and official public bodies in developing insights based on large anonymised and aggregated data sets for the purposes of combatting the spread of COVID-19. As a matter of policy we do not share our raw data voluntarily with any third party.

**3. Are the agreements (formal or otherwise) time-limited and when and how will any decision to share data be reviewed?**

As we are still processing any formal requests, no agreements (formal or otherwise) are currently in place.

Any requests we receive will be considered on a case by case basis. Where a request is approved, we will require a data sharing agreement in place prior to any data sharing activity. We will re-assess data sharing activities on a regular basis.

**4. What steps have you taken to ensure that any data sharing is in full accordance with your legal data protection obligations, duties of care and principles of best practice, including data minimisation, purpose limitation and individual rights?**

Vodafone has established a procedure for managing third party requests for location data in relation to COVID-19, which includes a requirement for comprehensive data protection and security reviews to be completed. We are committed to working to find the least intrusive way of fulfilling such requests in accordance with our legal obligations.

**5. Who is accountable for ensuring any data shared by your company to a third party is used appropriately and shared and stored securely?**

A number of internal stakeholders are involved in data sharing decisions. This includes approval by the legal team.

**6. How have you engaged with stakeholders and customers to ensure that this process is transparent, fair and consented to, and have you made any opt-outs available?**

Where possible we limit our assistance to large anonymised and aggregated data sets, which do not contain Personal Data (as defined within the General Data Protection Regulation (GDPR)).

Individual users on the Vodafone network may opt out of being included in this analysis. Further information about this is available within Vodafone's Privacy Policy, here:

<https://www.vodafone.co.uk/privacy/vodafone-analytics>.

We recognise that in exceptional circumstances, the UK Government may ask us to provide location data related to individuals, subject to strict security and data protection requirements. In such cases, where legally permissible, we will always require express consent from the individual to share this information.



**7. How specifically have any COVID-19-related data sharing agreements with the UK Government differed from agreements (including by sister companies, subsidiaries or parent organisations) with the governments of other countries, and why?**

We do not currently have a COVID-19 related data sharing agreement with the UK Government. We would not anticipate that any such agreement would materially differ to that agreed with the governments of other countries.

We would be able to provide a more detailed response in the context of a specific request for location data in connection with COVID-19. Please contact us if you have a request of this nature that you would like to explore with us.

Kind regards

A handwritten signature in black ink, appearing to read 'NS Jeffery', is written over a horizontal line.

**Nick Jeffery**  
CEO, Vodafone UK

Three  
Star House  
20 Grenfell Road  
Maidenhead  
SL6 1EH  
United Kingdom

T +44(0)1628 765000  
F +44(0)1628 765001  
Three.co.uk



Julian Smith MP  
Chair of DCMS Select Committee  
House of Commons  
Westminster  
SW1A 0AA

31 March 2020

Dear Julian,

**Private and Confidential: The use of mobile phone data to tackle COVID-19.**

Thank you for the letter dated 26 March 2020, asking us for information relating to the use of mobile phone data to tackle COVID-19. Robert Finnegan, our new CEO, has asked me to respond.

Three fully understands the gravity of the current situation. We have quickly acted to ensure that our customers can stay connected at this difficult time. I wanted to briefly update you on the steps we are taking to support our customers, especially the most vulnerable, at risk of experiencing financial hardship due to the Covid-19 outbreak. We have:

- **Zero-rated essential sites** – this includes all NHS patient-facing sites.
- Ensured customers can manage their own data allowance to prevent bill shock. This includes making available generous add-on data allowances.
- Committed that no **customers impacted by COVID-19 will be disconnected** at this time. We have also reviewed our collections policy for customers displaying Covid-19 systems and for customers who are at a financial disadvantage due to self-isolation
- We are introducing a range of tariffs to ensure **NHS staff and local Government can access good connectivity more quickly and at competitive rates.**
- We continue to be part of discussions with Government and the regulator to see what further support industry can provide, in a meaningful and sustainable way.

Your letter wanted further information as to the use of data to support the Covid-19 response.

Please find answers to your specific questions below:

- 1. Has your company discussed, offered or been requested to share personal or aggregate data with the UK Government or any other third party in relation to the COVID-19 outbreak?**

Three can confirm that we have been approached by Government to explore how we can support Covid-19 response. This includes requests for us to explore what, if any, data we could share that would help Government assess the impact of Stay At Home advice.

- 2. If so, what was the outcome of these discussions? Might your position change in future and what are the conditions under which it might do so?**

Currently, these talks are at a very early stage and Three is still exploring what is technically feasible, as well as what is legally permissible. Historically, Three has only shared similar data under warrant and in accordance with the law.

- 3. Are the agreements (formal or otherwise) time-limited and when and how will any decision to share data be reviewed?**

There are no agreements in place.

- 4. What steps have you taken to ensure that any data sharing is in full accordance with your legal data protection obligations, duties of care and principles of best practice, including data minimisation, purpose limitation and individual rights?**

As stated, we are still at the stage of understanding what types of data could be useful to Government and the potential legal or technical restrictions to supplying this data.

- 5. Who is accountable for ensuring any data shared by your company to a third party is used appropriately and shared and stored securely?**

Three's Data Protection Officer and our Director of Service Operations and Assurance are involved in these discussions, and would be responsible for ensuring all data shared would be used appropriately and securely.

- 6. How have you engaged with stakeholders and customers to ensure that this process is transparent, fair and consented to, and have you made any opt-outs available?**

As discussions are at such an early stage, we have not yet engaged with customers. Three will follow the law and the advice of the ICO in terms of future engagement in

this area. You will be aware that the ICO has really released their statement on *Data protection and coronavirus*, which outlines the legal underpinning of such requests.

**7. How specifically have any COVID-19-related data sharing agreements with the UK Government differed from agreements (including by sister companies, subsidiaries or parent organisations) with the governments of other countries, and why?**

N/A.

I hope the above answers your questions. Of course, the situation is currently very fast-moving and I would be happy to keep the committee updated as to developments in this area.

Finally, I would be happy to answer any further questions on this, or any other matter, you may have.

Yours sincerely,

Simon Miller  
**Head of Government Affairs.**

## **BT Group response to letter from the DCMS Committee concerning reports of the use of mobile phone data to tackle COVID-19**

### **Overview**

BT Group thanks the DCMS Committee for its letter of 26 March 2020 concerning reports of the use of UK mobile phone data to tackle COVID-19.

BT's priority during the COVID-19 crisis is to help its customers, colleagues and the country stay connected and stay safe. However, as we work quickly to help mitigate the loss of life and other adverse impacts of the current health crisis, we're mindful that appropriate safeguards must be put in place to respect fundamental rights and freedoms – privacy chief among them.

The Prime Minister stated on 16 March 2020 that “now is the time for everyone to stop non-essential contact with others and to stop all unnecessary travel”<sup>1</sup>. In support of that effort, Government has requested data in relation to the mobility of the population at large at this time. For this reason, BT is providing Government with aggregated and anonymised (ie. de-identified) network data to help them determine the efficacy of their public health communications and countermeasures.

The role such data sharing can play has been widely recognised around the globe – including in countries such as Germany, one of the most privacy-concerned countries in the world. The European Commission has agreed that European mobile operators may share anonymised mobile phone location data with the approval of the European Data Protection Supervisor<sup>2,3</sup>. The Information Commissioner's Office (ICO) also stated on 28 March 2020 that:

*“Generalised location data trend analysis is helping to tackle the coronavirus crisis. Where this data is properly anonymised and aggregated, it does not fall under data protection law because no individual is identified.*

*“In these circumstances, privacy laws are not breached as long as the appropriate safeguards are in place...”<sup>4</sup>*

In its data sharing, BT is acting lawfully, proportionately, ethically and effectively to serve the national interest.

### **Responses to Committee's questions**

#### **1. Has your company discussed, offered or been requested to share personal or aggregate data with the UK Government or any other third party in relation to the COVID-19 outbreak?**

Since the start of the COVID-19 outbreak in the UK, BT has been in discussions with Government and other stakeholders about how it can help its customers, colleagues and the country stay connected and stay safe. Discussions have included the the potential role of aggregated and

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<sup>1</sup> <https://www.gov.uk/government/speeches/pm-statement-on-coronavirus-16-march-2020>

<sup>2</sup> See for example <https://www.privacylaws.com/news/eu-planning-coordinated-use-of-telecoms-data-to-monitor-spread-of-coronavirus/>

<sup>3</sup> [https://edps.europa.eu/sites/edp/files/publication/20-03-25\\_edps\\_comments\\_concerning\\_covid-19\\_monitoring\\_of\\_spread\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/20-03-25_edps_comments_concerning_covid-19_monitoring_of_spread_en.pdf)

<sup>4</sup> Statement by ICO Deputy Commissioner Steve Wood available here: <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/03/statement-in-response-to-the-use-of-mobile-phone-tracking-data-to-help-during-the-coronavirus-crisis/>

anonymised (ie. de-identified) telecommunications data and the kinds of safeguards we would need around sharing of this data, including those set out in response to question 4 below.

Following these discussions, Government has requested aggregated data in relation to the movements of the population at large – such as data showing indicative trends in the numbers of people staying at home, travelling further afield, and present at key employment, retail and recreation hubs. In response, BT has provided to Government a limited amount of aggregated and anonymised (ie. de-identified) network data to help them determine the efficacy of their public health communications and countermeasures.

The response to COVID-19 has also been a priority for the wider telecommunications industry and BT has participated in discussions with industry in relation to the principles operators might consider necessary in relation to data sharing with Government, always being mindful of its duties under competition law.

BT has a number of technology partners who support the ways in which it gathers, analyses and presents data. As a result, BT has discussed with these partners arrangements for sharing aggregated and anonymised (ie. de-identified) data with Government under Non Disclosure Agreements.

**2. If so, what was the outcome of these discussions? Might your position change in future and what are the conditions under which it might do so?**

BT only shares data with Government in aggregated and anonymised (ie. de-identified) form – there is no personal data involved and individual users cannot be identified.

Before sharing aggregated and anonymised (ie. de-identified) data, we carefully consider whether there is a legitimate purpose to the sharing (e.g. helping the government understand whether people are socially distancing), and whether there are any risks to the rights and freedoms of individuals, perceived or otherwise. This sharing is subject to an internal review process involving our Legal, Security and Policy & Public Affairs functions.

BT seeks to be transparent about this sharing and will continue to look for opportunities to share its activities with its customers and the wider public, for example in our CEO, Philip Jansen's comments to the Sunday Telegraph.

As long as the UK faces a crisis which imperils many more lives without effective measures to suppress it, BT will continue to consider it extremely important to provide the Government with the aggregated and anonymised (ie. de-identified) data that it needs to help tackle COVID-19.

**3. Are the agreements (formal or otherwise) time-limited and when and how will any decision to share data be reviewed?**

Under the Terms agreed with Government, BT has put in place a number of provisions to ensure the sharing of aggregated and anonymised (ie. de-identified) data is time-limited. These include a triple-lock requiring that: i) the Government must not keep the data any longer than necessary to fulfil the limited purposes of managing and responding to the COVID-19 pandemic, and must delete it thereafter; ii) BT may review its Terms on or around 1 September 2020; and iii) BT

reserves the right to suspend Government's access to the data at any point, and require Government to delete any data that it has already received.

The decision to share data will be kept under review by BT's Legal, Security and Policy & Public Affairs teams, with the input of senior executives as required.

4. **What steps have you taken to ensure that any data sharing is in full accordance with your legal data protection obligations, duties of care and principles of best practice, including data minimisation, purpose limitation and individual rights?**

BT has shared and made provision for sharing aggregated and anonymised (ie. de-identified) data for the purposes of the Government's response to COVID-19.

As set out by the ICO in its statement of 28 March 2020: "Generalised location data trend analysis is helping to tackle the coronavirus crisis. Where this data is properly anonymised and aggregated, it does not fall under data protection law because no individual is identified. In these circumstances, privacy laws are not breached as long as the appropriate safeguards are in place..."

We have put in place a number of legal, policy and technical measures to safeguard privacy and follow best practice in data sharing. In addition to the time limitations set out in answer to question 3, these measures include:

- **Oversight:** we have strong internal oversight via a Group Data Protection Officer and Privacy Function as well as Group Security, and Policy & Public Affairs functions. The data sets and data sharing process are vetted by the BT's Privacy, Security, and Policy & Public Affairs functions as part of the BT Privacy Impact Assessment (PIA) and Legitimate Interest Assessment (LIA) process. Data sharing activities are assessed against legal, ethical and human impact considerations as well as regulator (ICO and EDPS) guidance. In addition, where necessary, BT engage external expert advice to make sure we're doing the right thing to protect individuals' right to privacy.
- **Necessity:** we are only sharing data with Government where there is a fair and legitimate purpose for such sharing, which helps the Government respond to COVID-19.
- **Proportionality:** we only share the amount of data that is strictly needed to achieve the Government's aim.
- **Transparency:** we seek opportunities to explain how we are sharing data to support the Government's response to COVID-19 to our customers and the wider public.
- **Aggregation and anonymisation (ie. de-identification):** only sharing aggregated and anonymised (ie. de-identified) data which shows trends and provides insights for key Government departments and relevant public bodies managing the COVID-19 response - such as trends in population mobility. No raw data or personally identifiable data is included in this information. We take all reasonable steps to ensure this data is in a form that cannot be re-engineered into personal data. We also warn anyone on the restricted list of officials and BT staff that can access the data that it is a criminal offence to re-identify personal data from an aggregated and anonymised (ie. de-identified) form.
- **No personal data:** as we explain in our [Privacy Policy](#), we are sometimes required to share personal data with the Government, for example under the Investigatory Powers Act. We have strong oversight of this process and get expert advice to make sure we're doing the right thing to protect individuals' right to privacy. We have not yet had such requests by Government for the purposes of COVID-19.

- **Security:** we have put in place robust security measures to safeguard the data, including tracking and tracing access made to the data we provide, while also ensuring the conditions of access to it are clear to all Government users.
- **Terms and conditions:** our COVID-19 data sharing is governed by Terms and Conditions agreed with Government. Individual Government employees and BT staff are put on notice of the restrictions around accessing the data each time they use it.

**5. Who is accountable for ensuring any data shared by your company to a third party is used appropriately and shared and stored securely?**

BT's Group Data Protection Officer is accountable under the GDPR for the protection of personal data within BT, including the aggregation and anonymisation (ie. de-identification) of personal data for subsequent sharing with Government.

**6. How have you engaged with stakeholders and customers to ensure that this process is transparent, fair and consented to, and have you made any opt-outs available?**

The data BT is sharing is aggregated and anonymised (ie. de-identified). As set out in the ICO Deputy Commissioner's statement above, it does not fall under data protection law because no individual can be identified.

In these unique circumstances, BT has designed its internal processes in light of the ICO guidance, taken external legal advice, and engaged with stakeholders. This engagement includes human rights and other civil society groups through our membership of the Global Network Initiative, a multi-stakeholder network dedicated to addressing privacy and free expression issues online. We have contributed to dedicated calls on the global COVID-19 response, and continue to monitor evolving processes and best practices to ensure we act responsibly. We also work with industry bodies such as Mobile UK and GSMA who are considering frameworks around data sharing which help the fight against COVID-19 while maintaining public trust.

BT believes that the approach it has developed is fair and transparent to its customers and the wider public. BT is keeping this under constant review. In its data sharing, BT is acting lawfully, proportionately, ethically and effectively to serve the national interest.

**7. How specifically have any COVID-19-related data sharing agreements with the UK Government differed from agreements (including by sister companies, subsidiaries or parent organisations) with the governments of other countries, and why?**

BT does not retail telecommunications services to consumers outside the UK. We therefore have no such agreements in place relating to sharing consumer data with governments in other countries.

**BT Group**  
**2 April 2020**

Contact: Daniel Wilson, Policy & Public Affairs Director, Innovation & Trade, [daniel.4.wilson@bt.com](mailto:daniel.4.wilson@bt.com).

20<sup>th</sup> April 2020

Julian Knight MP  
Chair  
Digital, Culture, Media & Sport Select Committee  
House of Commons  
London  
SW1A 0AA

Dear Mr Knight

### **The use of mobile phone data to tackle COVID-19**

Thank you for your letter of March 26<sup>th</sup>.

It may be useful to set out in broad terms the action that Telefónica UK Limited (“O2”) is taking to assist the Government and our customers, before focusing specifically on data.

#### Demand

COVID-19 has resulted in huge increases in demand for O2’s network services. We experienced over seven years of anticipated voice traffic growth in just seven days and saw major changes in the patterns of usage by our customers. For example, peak time for voice traffic shifted from 6.00pm to mid-morning and locations of heavy demand shifted from centres of work in major cities to commuter communities in the suburbs, provincial towns and more rural communities. We have been focusing, therefore, on delivering additional capacity and resilience to meet these new demands on our network.

#### Zero-Rating

Like other mobile operators, O2 has zero-rated access to NHS health advice sites across the UK – the NHS 111 number is already zero-rated – and to the non-emergency 101 number for the police. In addition, on March 26<sup>th</sup> O2 announced that it was zero-rating over 20 additional health, financial and wellbeing guidance and advice websites. These sites include Citizens Advice, the Money Advice Service, Samaritans, Age UK, Childline, Alzheimer’s Society, Scope and Cruse Bereavement Care.

#### Vulnerable Customers

On March 29<sup>th</sup> the Government and the UK’s major telecommunications providers agreed a set of commitments to support vulnerable customers during COVID-19. As part of this

package, O2 and the other providers committed to work with customers who find it difficult to pay their bill as a result of COVID-19 and to ensure that they are treated fairly and are appropriately supported.

### NHS/Health

O2 has been working with the Government on a range of initiatives to support the NHS. These include providing connectivity at the Nightingale Hospital at the Excel Centre and other Nightingale Hospitals that are being set up in other parts of the country; and donating the the O2 Arena as a training space for NHS staff working at the nearby Nightingale Hospital at the Excel Centre.

### Data

Below we answer the seven questions about data that you raised in your letter.

**1. Has your company discussed, offered or been requested to share personal or aggregate data with the UK Government or any other third party in relation to the COVID-19 outbreak?**

We have received two types of COVID-19 data requests from the Government.

- (i) The DCMS has asked O2 for mobile location data to help the Government deal with the COVID-19 pandemic.
- (ii) The DCMS has asked O2 for the number of customers who are 'roaming' in 26 identified countries. This data was requested to allow the Foreign and Commonwealth Office to validate its own Consulate data on the number of British Nationals in those countries to assist in their repatriation to the UK, where required.

All data that has been requested and accordingly provided in response to 1(i) and (ii) is anonymised and aggregated; no personal data has been shared.

**2. If so, what was the outcome of these discussions? Might your position change in future and what are the conditions under which it might do so?**

O2 considers the requests that fall under 1(i) above on a case-by-case basis and a senior internal group has been set up within the business to ensure appropriate levels of governance and oversight.

With regard to 1(ii), O2 does not foresee an issue with meeting further requests, assuming that they follow the same conditions, that the data is anonymised, that O2 is

confident that no re-identification could occur and as long as the number or frequency of requests do not become onerous, costly or labour intensive.

**3. Are the agreements (formal or otherwise) time-limited and when and how will any decision to share data be reviewed?**

A formal legal agreement is required with the Government before we share the mobile location data set out in 1(i) above. According to that agreement, the data can only be used to help fight COVID-19 and must be deleted when the agreement expires or the pandemic ends, whichever comes sooner, unless a request is made to retain the data for a longer period. These requests will be considered on a case-by-case basis.

There is no formal contract in place for the sharing of data relating to O2 customers overseas (see 1(ii)), but we have received assurances from the Government that the data will only be used for COVID-19 related activity and that it will be stored securely.

**4. What steps have you taken to ensure that any data sharing is in full accordance with your legal data protection obligations, duties of care and principles of best practice, including data minimisation, purpose limitation and individual rights?**

The data we have been sharing with the Government is anonymised and aggregated. It does not, therefore, fall within the scope of data protection law.

**5. Who is accountable for ensuring any data shared by your company to a third party is used appropriately and shared and stored securely?**

Before sharing any data with the Government, we have obtained confirmations that (i) the data will only be used for COVID-19 related purposes and (ii) all data is kept secure.

**6. How have you engaged with stakeholders and customers to ensure that this process is transparent, fair and consented to, and have you made any opt-outs available?**

We have informed the ICO that we are assisting with data, although, as above, the data is all anonymous and aggregated and it does not, therefore, fall within the scope of data protection law. O2's privacy policy confirms that we will combine and anonymise data so that individuals cannot be identified.

**7. How specifically have any COVID-19-related data sharing agreements with the UK Government differed from agreements (including by sister companies, subsidiaries or parent organisations) with the governments of other countries, and why?**

The Telefónica Group, of which O2 is a part, is supporting governments upon request to aid their understanding of the impact of COVID-19 in Spain, Germany and parts of Latin America. Aggregated and anonymised insights are being provided to meet the different requests we have received and in no case is individual customer data being shared.

I do hope this information is helpful to the Committee.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'ME', followed by a long horizontal line extending to the right.

**Mark Evans**  
**Chief Executive Officer, Telefónica UK (O2)**