

LAW OFFICES
BLOOSTON, MORDKOFKY, DICKENS, DUFFY & PRENDERGAST
2120 L STREET, NW
WASHINGTON, DC 20037

HAROLD MORDKOFKY
BENJAMIN H. DICKENS, JR.
JOHN A. PRENDERGAST
GERARD J. DUFFY
RICHARD D. RUBINO
MARY J. SISAK
D. CARY MITCHELL
KATHLEEN A. KAERCHER
MICHAEL B. ADAMS, JR.
DOUGLAS W. EVERETTE

ARTHUR BLOOSTON
1914 – 1999

(202) 659-0830
FACSIMILE: (202) 828-5568

February 22, 2002

AFFILIATED SOUTH AMERICAN OFFICES

ESTUDIO JAUREGUI & ASSOCIATES
BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON
OF COUNSEL

PERRY W. WOOFER
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ
DIRECTOR OF ENGINEERING
PRIVATE RADIO

WRITER'S CONTACT INFORMATION

202-828-5538
cary@bloostonlaw.com

Ms. Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Ex Parte Presentation*
CC Docket No. 96-149, CC Docket No. 96-115 and WT Docket No. 01-72

Dear Ms. Salas:

Pursuant to Section 1.2106 of the Commission's Rules, we are hereby submitting notice in CC Docket No. 96-149, CC Docket No. 96-115 and WT Docket No. 01-72 regarding an *ex parte* presentation by representatives of the Helsinki Institute for Information Technology ("HIIT") to members of the FCC staff.

On February 21, 2002, Samuli Simojoki and Raija Tervo-Pelikka of HIIT, accompanied by Cary Mitchell of the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, met with Staff Attorney Marcy Greene of the Common Carrier Bureau Policy Division and Kris Monteith, Chief of the Policy Division of the Wireless Telecommunications Bureau. The purpose of this informational meeting was to discuss HIIT's research regarding data protection and legal issues raised by the utilization of location data in the provision of wireless information services. The parties discussed generally the 1998 European Union Directive on Data Protection, the FCC's regulatory framework governing access to, use and storage of Customer Proprietary Network Information ("CPNI"), and issues related to the CTIA petition for rulemaking to establish fair location information practices.

Ms. Magalie Roman Salas
February 22, 2002
Page 2

A copy of the HIIT presentation is attached below. Please direct any questions or correspondence regarding this filing to the undersigned counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Cary Mitchell". The signature is fluid and cursive, with a large initial "D" and "M".

D. Cary Mitchell
Counsel to the Helsinki Institute
for Information Technology

Att.

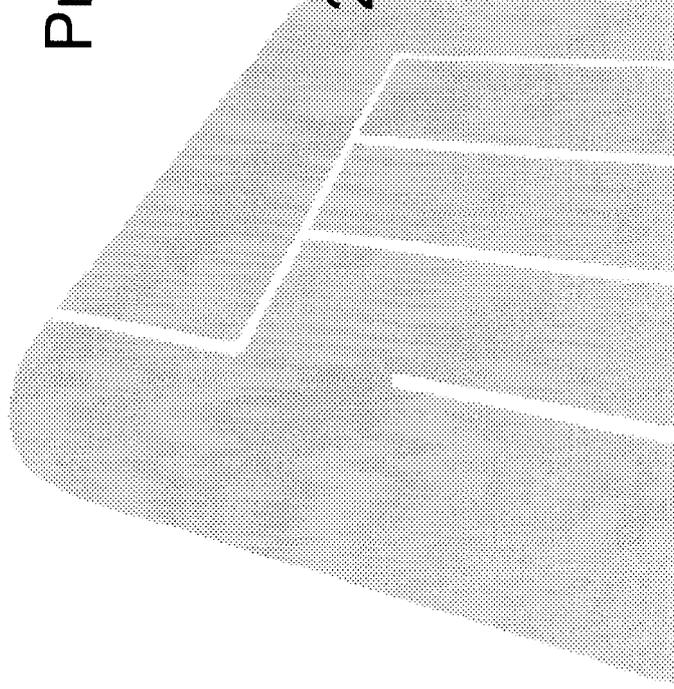
NAVI Regulatory Framework

Project presentation

FCC

Washington DC

21 February 2002



INSTITUTE FOR
INFORMATION
TECHNOLOGY

What is HIIT?

- Helsinki Institute for Information Technology (www.hiit.fi)
 - Joint institute of the two founding universities
 - Helsinki University of Technology (www.hut.fi)
 - University of Helsinki (www.helsinki.fi)
- About 70 researchers
- Annual budget approximately USD 3 million
- Focus on performing top-level advanced and basic research in areas of information technology deemed to be strategically important in the next 5-10 years
- Industrial partners: leading Finnish companies in the ICT field (including Nokia, Sonera, Ericsson, Nordea)

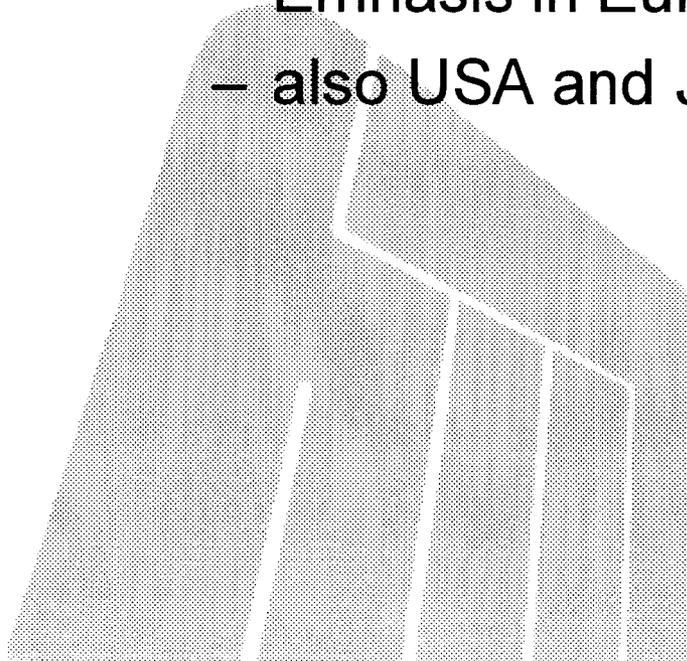
NAVI Regulatory Framework Project

- Part of the Finnish NAVI Programme
 - Funded by the Finnish Technology Agency Tekes, Ministry of Communications and participating companies
- Purpose of the Project: to study legal implications related to the utilisation of positioning technology
 - privacy
 - intellectual property rights
 - contractual issues
 - liability issues
- Emphasis on privacy

HELSINKI
INSTITUTE FOR
INFORMATION
TECHNOLOGY

Goals of the project

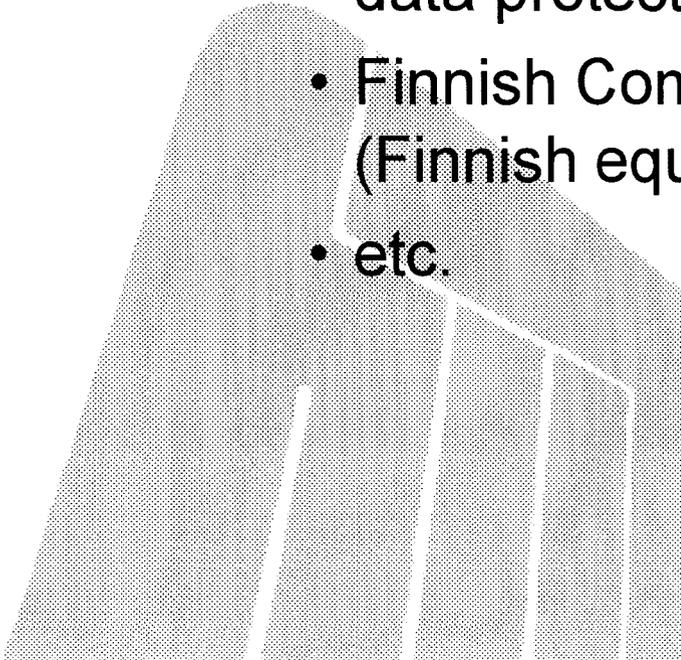
- To create sustainable methods for offering location-based services
 - location-sensitivity offering value-added to users
 - how to ensure that privacy is not threatened?
 - Emphasis in Europe
 - also USA and Japan included



HELSINKI
INSTITUTE FOR
INFORMATION
TECHNOLOGY

Advisory board

- All relevant authorities and teleoperators participating in the advisory board of the project
 - Authorities:
 - ministry of communications
 - data protection ombudsman
 - Finnish Communications Regulatory Authority (Finnish equivalent of FCC)
 - etc.



HELSINKI
INSTITUTE FOR
INFORMATION
TECHNOLOGY

Privacy and location-based services

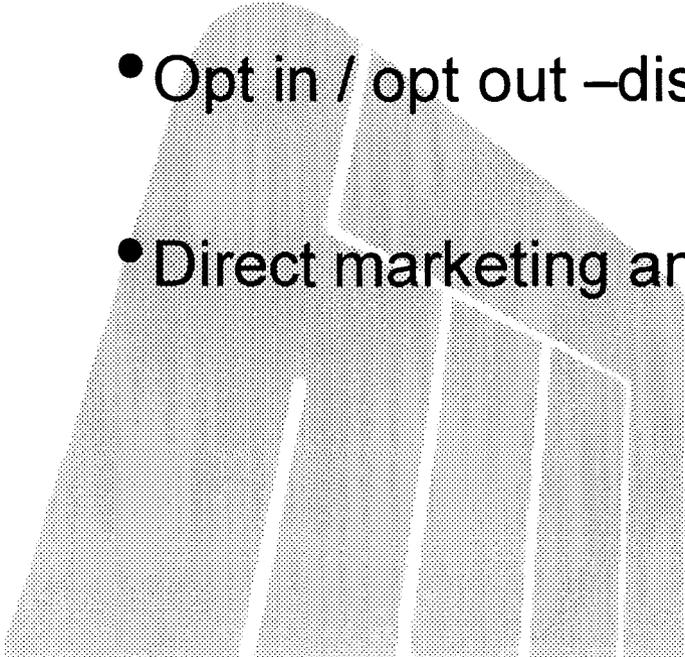
- Starting point: informational self-determination
 - no compulsory protection without specific need
 - sometimes compulsory protection justifiable (example: employment relationship)
 - no processing of location data without explicit consent unless compelling reasons
 - scope of consent: consent always for a specific purpose
 - "purpose" essential in the European approach for data protection
 - general authorisation for utilisation of location data not possible

Privacy and location-based services

- Use of location data without consent of the data subject:
 - emergency
 - law enforcement (search warrant)
 - protection of minors?
 - what else?
- What is sufficiently informed consent for positioning and processing of location data
 - implied consent?
 - express consent?
 - notices?

US-related issues

- Rule-making for CPNI
- Applicability of Telecommunications Act (value-added service providers)
- Opt in / opt out –discussion related to location data
- Direct marketing and location data



HELSINKI
INSTITUTE FOR
INFORMATION
TECHNOLOGY