



CODE OF PRACTICE

(FOR THE HANDLING AND PROCESSING OF MOBILE PHONES AND OTHER MOBILE DEVICES SO AS TO ENSURE THAT THOSE DEVICES IDENTIFIED AS STOLEN ARE HANDLED IN ACCORDANCE WITH THE AGREED GUIDELINES)



CONTENTS

1. PREFACE

2. INTRODUCTION

3. GUIDING PRINCIPLES

4. ACCREDITATION SCHEME

5. SELF-ASSESSMENT QUESTIONNAIRE

6. DEFINITION OF RECOGNISED COMPLIANCE SYSTEM

1. PREFACE

This *Code of Practice* has been prepared on behalf of the Home Office, the National Mobile Phone Crime Unit, Members of the UK Communications Industry and Members of the UK Recycling Industry. It addresses the processes and procedures for the handling of Mobile Phones Identified as not being in the possession of its rightful/lawful owner by any Recognised Compliance System. to ensure conformity has been carried out to the standards agreed in the Guidelines published by the Home Office in February 2010 and the Criteria for a Recycling Kitemark Scheme in the Handling of Recycled Stolen Mobile Phones and other Stolen Mobile Devices.

The aim of the Code of Practice is to provide organisations involved in the handling and processing of mobile phones and mobile devices offered for recycling, within the United Kingdom, guidance on what actions are necessary when a device is identified as not being in the possession of its rightful/lawful owner.

It is intended that the Code of Practice forms the basis of standard operating procedure for all businesses that process or handle mobile devices involved in recycling process.

The Code of Practice can also be used separately by anyone interested in achieving sound ethical processing and management of recycled mobile devices.

The primary aim of the Code of Practice is to help control the trade in second-hand mobile phones and mobile devices and to make it more difficult for criminals to dispose of stolen property through the recycling process.

The Code of Practice outlines minimum criteria necessary for the identification, handling and disposal of devices identified as having been offered for recycling by other than their rightful owner.

Where practicable, the Code is performance-focused rather than prescriptive to assist progress towards best practice, regardless of the recycling or technologies and approaches used.

The Code of Practice is intended to be a voluntary instrument and provides the basis for “self regulation” for those companies who operate in this area. Sanctions for non-compliance are listed and will be applied to those companies who sign up to be recognized as members of this scheme.

2. INTRODUCTION

The Waste Electrical and Electronic Equipment Directive (WEEE Directive) is the European Community directive 2002/96/EC on waste electrical and electronic equipment (WEEE) which, together with the RoHS Directive 2002/95/EC, became European Law in February 2003, setting collection, recycling and recovery targets for all types of electrical goods. This Code of Practice is not intended to replace or in any way change this Directive or any national regulations that arise out of it. In the event of a conflict between this Code of Practice and any such regulations the regulations will always take priority.

The widespread uptake of mobile phones (and mobile devices) has created a market for the recycling of these products within the United Kingdom. This has led to the development of a thriving, dynamic recycling marketplace which has attracted both established and new players who offer to recycle these devices in a variety of ways.

These services are widely advertised and as a result could in some cases be used to dispose of goods that are not the rightful property of the person offering them for recycling thus creating an avenue for the disposal of property by other than its rightful owner.

Purpose

The *Code of Practice* set out to establish minimum standards to ensure that devices being processed within the recycling chain that have been offered by other than their rightful owner are identified and are then processed in accordance with an agreed set of procedures so as to ensure that the person who has offered the item(s) are not able to profit from this activity.

The *Code of Practice* also incorporates an accreditation scheme, whereby recyclers, upon certification are able to demonstrate that they follow uniform guidelines adopted by their peers and recognised by the government and law enforcement authorities as providing the minimum levels of conformity necessary to detect and prevent the handling of stolen or lost mobile phones and other mobile devices in the recycling process.

Within the accreditation scheme there is a requirement for annual checking to ensure the processes and procedures that make up the *Code of Practice* and the agreed **Guiding Principles** are being adhered to.

The accreditation scheme also lists the levels of Sanctions that are to be imposed if a company or organisation fails to meet the agreed criteria.

The guidelines established in the *Code of Practice* may also be used as a minimum benchmark for tenders and contractual arrangements for the ethical and responsible recycling of mobile phones and mobile devices.

3. GUIDING PRINCIPLES

The following guiding principles provide the basis for the handling and processing of mobile phones and other mobile devices under this *Code of Practice*.

They are based on the need to ensure conformity of practice by participating members of the scheme. That is to say a standard of conformity that is sufficiently robust so as to provide a defence, against the handling of stolen goods and to be able to prove that reasonable precautions in the handling and processing of goods offered for recycling were exercised to avoid the commission of such an offence. In order to establish this any recycler must enter or cause to be entered a record kept by them and made available for inspection which shows:

- a) The date and time of the transaction; (A transaction is where a mobile phone or mobile device is offered to a recycler in exchange for a payment or redeemable credit).
- (b) A description sufficient where reasonably possible to identify the mobile phone consisting of at least the International Mobile Identity Number or other such serial numbers in the case of other mobile devices;
- (c) The name and address of the person/organisation who is offering the device for recycling;
- (d) The date and time of checking of the IMEI or serial number against a Recognised Compliance System on which registered IMEI numbers and other serial numbers are recorded to indicate a mobile phone or device has been reported to a mobile phone network or law

enforcement agency or insurance company by its rightful owner as having been removed from their possession either by theft or loss;

(e) A clear process whereby any payments to be made against any goods offered are recorded and handled in such a way as to be able to provide an audit trail in the event of subsequently the goods are found to be as not having been offered by their rightful owner;

(f) The process whereby the recycler ensures that the appropriate authority is informed that a mobile phone or mobile device previously reported as not being in the hands of the legal owner has been identified; (The appropriate authority may be a Police Service, UK Mobile Network, Insurance Company or other such organisation who has a legitimate claim of ownership to the item identified. This process will be automated and supported by any Recognised Compliance System.;

(g) The process in accordance with the guiding principles that enable the transferring legal ownership to the recycler or the final disposal of the item; if an item having been identified as being stolen is not reclaimed by the appropriate authority within 28 days of notification then the member company is free to dispose of the item.

(h) Every entry made in every record kept by a person in pursuance of these principles shall be retained by him until the end of the period of two years beginning with the day on which the entry was made in the record.

Handling Of Low Value Items, Items Originating From Registered Charities Or Educational Establishments

It has been agreed that, where the goods being offered are of a low end value or originate from a registered charity or an educational establishment, the level of checking via CheckMend™ will be at the discretion of the member company. For the purposes of this code the value associated with low end is up to £5.

How to Use the Code of Practice

The *Code of Practice* addresses the handling and disposal of mobile phones and other mobile devices that have been identified as not being in the possession of their rightful owner.

A checklist is provided as part of the *Code of Practice*.

Updating the Code of Practice

Review of the *Code of Practice* occurs on an on-going basis. Stakeholders who have identified areas where the *Code of Practice* requires updating are invited to contact the Registration Secretary with appropriate comments. These will then be assessed and if agreed by the majority of Stakeholders be incorporated in the Code as appropriate.

4. ACCREDITATION SCHEME

REQUIREMENTS

The assessment necessary to enable accreditation to the scheme will take the form of:

- (a) Self Certification of the Guiding Principles by the applicant company

- (b) Assessment of Self Certification by Registration Secretary in conjunction with Home Office/NMPCU
- (c) Registration in the Scheme
- (d) In order to ensure continued conformity random Independent testing by an approved third party organisation/agency

The objective of the assessment process is to document the Recyclers conformance and commitment to the *Code of Practice*.

The accreditation process is completed in a three stage process, listed below.

Stage 1 – Completion of Self Assessment Questionnaire

Stage 2 – Submission for Registration to a central body based on Self Assessment Documentation and payment of an annual fee

Stage 3 – Continued assurance of conformity by independent annual testing of compliance to Code of Practice

All identified deficiencies must be addressed prior to the recycler being approved.

Sanctions

The level of Sanctions for failure of a company or organisation who have applied for and been granted registration under the accreditation scheme and subsequently are found to be in breach of the **Guiding Principles** are:

Notification by the Registration Secretary to correct the identified failure within a specified period and production of evidence that corrective action has been taken. In the event that in the opinion of the Registration Secretary such corrective action has not been taken or has fallen short of the guiding principles suspension from the scheme whilst such corrective action is being taken. The need then to re-apply for accreditation to the scheme by completion of full up to date assessment.

5. SELF ASSESSMENT QUESTIONNAIRE

This Questionnaire has been provided for self-assessment purposes only and may be tailored by operators to meet the specific circumstances of their facility. Completed self assessments are to be forwarded to:

The Registration Secretary
PO Box 28353
London
SE20 7WJ

Registration will be for an initial period of 3 years renewable on the third anniversary of initial registration.

Cost of Registration will be £750.00 plus vat per annum payable along with submission of self-assessment Questionnaire.

SELF ASSESSMENT QUESTIONNAIRE

Self Assessment

Brief description: This process involves an organisation or company assessing itself against the *Code of Practice and Guiding Principles*.

An organisation or company undertaking this assessment will need to assemble a small team of knowledgeable people who possess between them a detailed knowledge of the business of the organisation and an understanding of the objectives behind the *Code of Practice and Guiding Principles*.

The objective of the assessment is to present the organisation's profile and procedures for the handling and processing of mobile phones and mobile devices that have been identified by any Recognised Compliance System as not being in the possession of their rightful owners at the time they were offered for recycling.

The assessment should clearly show the in-house processes and procedures that will enable a company or organisation to demonstrate conformity to the guiding principles to prevent stolen goods being handled as part of the recycling process. It will also show the procedures necessary to either return or transfer the item to legal ownership so that its final legal disposal can be accomplished.



SELF ASSESSMENT QUESTIONNAIRE
FOR REGISTRATON OF COMPLIANCY TO
THE CODE OF PRACTICE FOR THE PROCESSING OF MOBILE PHONES
IDENTIFIED AS NOT BEING IN THE POSSESSION OF ITS RIGHTFUL/LEGAL
OWNER BY A RECOGNISED COMPLIANCE SYSTEM

| | |
|---------------------------------|--|
| Name of Company | Company Number |
| Company Address | Company Contact Tele No Email address |
| Names of Assessment Team | Assessment Team email Contact |

Instructions for completion: In order to qualify for registration as being conformant with the *Code of Practice and guiding principles* companies must complete this self assessment form showing how they comply with the Guiding Principles contained within the *Code of Practice*. Evidence of compliance and any supporting documentation along with the registration fee are to be sent to:

The Registration Secretary
PO Box 28353
London
SE20 7WJ

(Cheques to be made payable to: TUFF Ltd)

Registration: On successful assessment the applicant will be registered as being compliant against the *Code of Practice* and Guiding Principles for the Processing of Mobile Phones Identified as Stolen by the Recycling Process and allocated a registration number. Registration will be for a 3 year period. Failure to continue to demonstrate compliance will be penalized in accordance with the Sanctions that form part of the scheme.

Appeals: Applicants may appeal against any decisions made by the Registration Secretary and any such appeal will be heard by a panel composed of representation from the Police and Home Office. The results of the Appeal Panel will be final.



SELF ASSESSMENT QUESTIONNAIRE

| Serial | Guidelines Criteria | Evidence of Compliance | Supporting Evidence |
|--------|--|------------------------|---------------------|
| 1 | Date and Time of transaction | | |
| 2 | Recording of IMEI Number of item offered for sale (if no IMEI then a serial number may be used if present) | | |
| 3 | Recording of personal details of "seller" | | |
| 4 | Database Check(s) to establish bona fides of ownership | | |
| 5 | Payment and Recovery Processes | | |
| 6 | Notification of "find" to rightful owner/law enforcement (1) | | |
| 7 | Process to transfer legal ownership (1) | | |
| 8 | Process for Final Disposal (2) | | |
| 9 | Data Retention | | |

Notes:

(1) The legal owner will have 28 days after notification by the Recognised Compliance System to arrange for the item to be returned. If an item is not claimed within this period the Recycler will be free to dispose of the item.

(2) The transfer of any item which contains personal data must be in accordance with the requirements of the Data Protection Act 1998. Evidence under 6 above must show how this is achieved.

DEFINITIONS

Recognised Compliance System.

In order to be effective any compliance system that aims to support this Code of Practice must be capable to access and display sufficient data with supporting processes and procedures. Any such system that wishes to be considered for recognition must have as a minimum the following functions and capabilities:

- **Access to Data from all UK mobile phone networks on blocked handsets.**
- **Access and the ability to up load and incorporate Data feeds from a minimum of 25 UK Police forces who upload their serial numbered crime data a minimum of once a week**
- **Access to data supplied by the UK Insurance industry who upload their claims data with the relevant serial numbers of the claimed goods a minimum of once a week.**
- **An historical database of all the above for a minimum of 3 years**
- **An automated system to inform the relevant police force single point of contact, network or insurer of any identified handset, plus a support service to assist customers and recyclers with any issue relating from the provision of this service**
- **Access to data from mobile phone owners which includes make, model and IMEI number and contact details as well as offering the functionality for them to report their phone as lost or stolen to the stolen phone database**
- **The ability to reflect the data within their system to the Police via the National Mobile Phone/Property Register.**
- **The ability to provide consolidated daily and weekly reports of handsets identified as registered with a crime reference to all UK Police forces Single Point of Contacts**