

Sonera staff arrested for breach of Finnish privacy laws

By Laura Linkomies

A LLEGED UNLAWFUL ACCESS to employee telephone records by the Finnish telecoms giant resulted in the arrest of four senior staff. Could this happen to your organisation?

Sonera, an international provider of mobile communications based in Finland, found itself in deep trouble last October. The country's biggest daily newspaper, *Helsingin Sanomat*, accused the company of having searched through employees' telephone records in order to identify who had leaked confidential information about disputes within the company's management. *Helsingin Sanomat* had also learned from its sources that some of those whose telephone records were investigated were not even Sonera employees. What makes the case interesting is that the sources who leaked the information to the press do not want to be identified. However, if the newspaper's accusations are proved to be true, the company can be prosecuted even if the employees whose telephone records have been illegally accessed would not press charges.

INTERNAL INVESTIGATION

Jari Jaakkola, the company's head of communications, denied the accusations in October last year. "*Helsingin Sanomat* first got in touch with Sonera on this issue in May," he said. "Because the allegations were serious, Sonera immediately launched an internal investigation, which was conducted by an outside party. The result of the investigation was that there was no evidence to support the claims made by *Helsingin Sanomat*." Jaakkola also stated that Sonera is considering legal action against the paper.

The Finnish Communications Regulatory Authority (FICORA), however, was not satisfied with the internal investigation, and is now pur-

suing the matter.

SENIOR STAFF IN CUSTODY

In November, the Helsinki District Court ordered four members of Sonera's security staff to be remanded in custody for aggravated violation of privacy in communications, including the former chief executive Kaj-Erik Relander. Finland's Central Police are currently investigating the case at Sonera's own initiative. If the case is to be tried, the owners of each of the telephone numbers investigated could be a potential plaintiff. When questioned early last month, Sonera's press office declined to comment on the case, describing it as a "police matter".

THE LAW GRANTS PRIVACY OF COMMUNICATION

In Finland, privacy of communications by telephone or other conventional means is guaranteed by the Constitution. In addition, the Law on Telecommunications Privacy places strict restrictions on telecoms operators because they have easy access to confidential data. This type of information is disclosed only to the police, who normally have to obtain a court order.

The law states that operators can utilise telephone records if it is necessary to maintain services, and to prevent and investigate suspected wrongdoing. However, the law provides no exact description of the prevention or investigation of wrongdoing. FICORA's guidelines also fail to define the extent to which companies can access and use the information themselves.

The Office of the Finnish Data Protection Ombudsman did not want to comment on the case, as the investigations have not yet been completed. "It is too early to say whether the wrongdoing breaches only the constitutional right to privacy or whether there are situations where the data protection law would apply," said Risto Heinonen, Senior Inspector.

UP TO THREE YEARS IN PRISON

There is a maximum one-year prison sentence for illegally obtaining data on a telephone call or e-mail. This can be extended for up to three years if the perpetrator takes advantage of his or her position as an employee of a telecoms company. Whatever the outcome of the Sonera case, the company's reputation, already tarnished by revenue losses and management difficulties, has suffered. Can Finns any longer trust their telecoms operators?



The Finnish Constitution grants the right to privacy of communications in 10 §: 1 (adopted 1.3.2000). The Law on Privacy and Data Security in Telecommunications No 565/1999 was adopted on 22.4.1999.

*An English translation the law can be found at:
www.mintc.fi/www/sivut/suomi/tele/saadokset/telecom/norms/1999_565.htm*