



Truecaller – Consent for Minors

Truecaller's app facilitates strangers' contact with minors without valid consent.

PLEASE READ IMPORTANT DISCLAIMER – PAGE 3

September 29, 2022 – Viceroy research has fielded calls from concerned data protection specialists in India in relation to how Truecaller handles consent for minors.

Indian contract laws do not recognize minors (persons under the age of 18) as competent persons to contract with. Obtaining child consent has no legal validity and therefore consent of a guardian.

Current data privacy law in India

As of now, Indian privacy law requirements for children's data are fairly straightforward, i.e. the law requires data controllers to, *inter alia*, disclose to the data subject (i.e. the person providing the data) the purpose of data collection, to obtain the consent of the data subject prior to collection and before sharing such data with third parties, not to retain the personal data longer than required, and to adhere to security standards. The current set of privacy laws in India date back to 2011 and are more in the nature of online security mandates than data privacy rules.

Certain other Indian laws have a knock-on effect on data collection practices. Indian contract laws do not recognise minors, i.e. persons under the age of 18, as competent persons to contract with. Therefore, obtaining a child's consent has no legal validity, thereby making it necessary to obtain the consent of a parent/guardian to collect a child's data.

Figure 1 – Data Guidance - India: Privacy and children's data - Issues and challenges in 2022¹

Truecaller's privacy policy simply states that it does not intentionally collect data from those under the relevant age of consent to enter into binding legal contracts.

7. MINORS

Services are not intended for or designed to attract anyone under the relevant age of consent to enter into binding legal contracts under the laws of their respective jurisdictions. Truecaller does not intentionally or knowingly collect personal information through the Services from anyone under that age. We encourage parents and guardians to be involved in the online activities of their children to ensure that no personal information is collected from a child without their consent.

Figure 2 – Truecaller Privacy Policy²

- Truecaller sign-up does not request a user's age (only access to all of their other personal information). Truecaller indiscriminately collects data from users under the age of 18 in India, and indeed globally. This data is uploaded onto their public phone-book.
- Truecaller's enhanced search spyware indiscriminately pulls contact data of minors and uploads this data into its public phone-book. Users cannot obtain unilateral consent from their contacts, especially if those contacts are minors.
- Data of minors (and all users) is actively available to strangers online without their consent.

Truecaller is actively in breach of global regulations.

We believe Truecaller will have to obtain consent from all users, and remove non-users from its database.

¹ <https://www.dataguidance.com/opinion/india-privacy-and-childrens-data-issues-and#:~:text=Current%20data%20privacy%20law%20in%20India&text=Indian%20contract%20laws%20do%20not,to%20collect%20a%20child's%20data>

² <https://www.truecaller.com/privacy-policy#row>



The Hindu Business Line report that 84% of children between 10-14 years use smartphones in India.

According to the study, in India, smartphone use at the age of 10-14 is at 83 per cent, which is 7 per cent above the international average of 76 per cent.

“This leads to high exposure to online risks as there is a substantial security gap between parents and children,” the report said.

Figure 3 - Indian children among youngest to reach mobile maturity: Report³

Approximately 20% of India’s population fall into ages 10-19 and are early technology adopters. We believe minors represent a substantial portion of Truecaller’s user base and non-user phonebook⁴.

Enhanced Search – Deceitful Unwind

Until yesterday: the was the sign-up screen for new Indian and non-EU users had the Enhanced Search feature available and auto-ticked. This feature has now been removed from sign in. We do not know where it is, nor do we know if it is automatically turned on.

There still remains no checks by Truecaller to verify they are not collecting and publicizing data of minors.

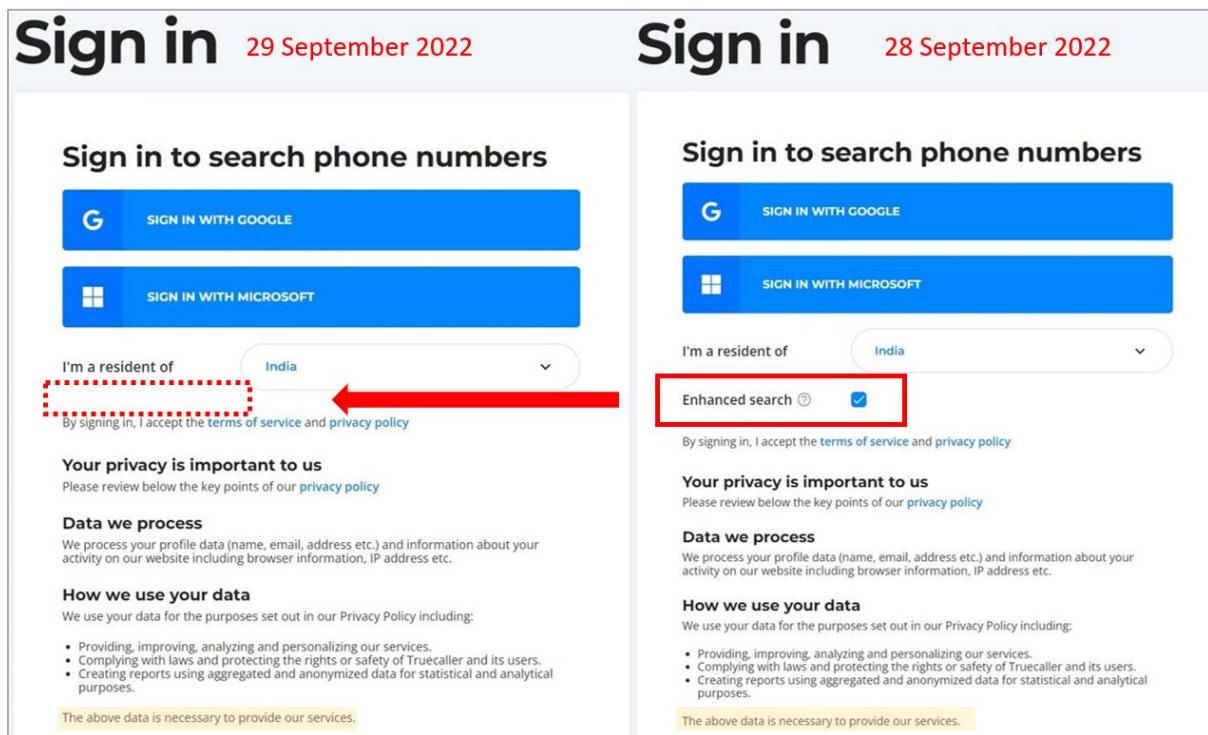


Figure 4 – Truecaller India Sign-up page dated 28 Sep 2022

By omission, it appears that Truecaller have recognized that this Enhanced Search feature was a breach regulation and of consumer trust.

³ <https://www.thehindubusinessline.com/news/variety/indian-children-among-youngest-to-reach-mobile-maturity-report/article65416393.ece>

⁴ <https://www.unicef.org/rosa/media/10566/file/India.pdf>



Attention: Whistleblowers

Viceroy encourage any parties with information pertaining to misconduct within Truecaller, its affiliates, or any other entity to file a report with the appropriate regulatory body.

We also understand first-hand the retaliation whistleblowers sometimes face for championing these issues. Where possible, Viceroy is happy act as intermediaries in providing information to regulators and reporting information in the public interest in order to protect the identities of whistleblowers.

You can contact the Viceroy team via email on viceroy@viceroyresearch.com.

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