

Status WatchOut, March 14th 2018

The Norwegian Consumer Council (NCC) has looked at the terms of use and privacy policies of four smartwatches/ GPS-watches for children.¹ Based on discoveries constituting breaches of consumer and data protection law, we submitted formal complaints against three companies to the Norwegian Data Protection Authority (DPA) and Consumer Ombudsman in October 2018.

In Norway, the DPA has undertaken enforcement action regarding security and data protection against the Norwegian companies Gator Norway, GPSforBarn, and Xplora. The consumer ombudsman has been engaged in a dialogue with the actors. Simultaneously, the National Communications Authority (NKOM) has undertaken a market surveillance action against a number of GPS-watches for children. This market surveillance revealed that many of the watches did not comply with the standards for CE-labeling. In the wake of this market surveillance action, NKOM has sent out a notice of decision related to 18 products.

Internationally, certain vendors were quick to respond after the report was published in October 2017. For example, the British vendor John Lewis withdrew the Gator-watches from sale immediately when they were notified about the security flaws. Although some vendors reacted quickly, and voluntarily withdrew the products from the market, many versions of the watches exist under different brands names. The NCC has observed that that one of the GPS-watches that was sold by a Norwegian importer, is still being sold under a variety of different names on an international scale, by a myriad of importers and vendors.

Another consequence of the work done by the NCC is that some of the GPS-watches were banned in Germany, because they could be used as surveillance equipment.²

¹ <https://www.forbrukerradet.no/side/significant-security-flaws-in-smartwatches-for-children/>

² <http://www.bbc.com/news/technology-42030109>



Status for the products that the NCC filed complaints about in October 2017

Xplora:

- The Norwegian Data Protection Authority *has concluded that Peppcall can continue processing personal data after various changes were implemented.*³
- The National Communications Authority requested *that deficiencies are rectified.*⁴ *The deficiencies have since been rectified.*⁵
- *The consumer ombudsman is still engaged in a dialogue with Xplora.*

Gator 2 and 3:

- The Norwegian Data Protection Authority *have given Gator Norway a new deadline set to April 2018, and it is no longer relevant to impose a stop of the processing of personal data after various changes were undertaken.*⁶
- The National Communications Authority *requested that deficiencies are rectified.*⁷ *The deficiencies have since been rectified for Gator 3,⁸ while Gator 2 has been withdrawn from the market.*⁹
- *Customers who had purchased a Gator 2 were offered to trade the watches for a Gator 3 in October. However, it turned out that Gator 3 had even worse security flaws.*
- *Security measures implemented by Gator Norway seems to have negatively affected the functionality of the watches.*
- *The consumer ombudsman is still engaged in a dialogue with Gator Norway.*

³ <https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2018/pepcall-as-kan-fortsette-a-behandle-personopplysninger/>

⁴ <https://eng.nkom.no/topical-issues/news/nkom-inadequate-quality-assurance-in-connection-with-sales-of-smart-watches-for-children>

⁵ <https://www.nkom.no/teknisk/ekomutstyr/markedskontroll/resultat-av-markedskontroller/xplora-if-w510s-smartklokke-for-barn>

⁶ <https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2018/gator-as-kan-fortsette/>

⁷ <https://eng.nkom.no/topical-issues/news/nkom-inadequate-quality-assurance-in-connection-with-sales-of-smart-watches-for-children>

⁸ <https://www.nkom.no/teknisk/ekomutstyr/markedskontroll/resultat-av-markedskontroller/gator-3-smartklokke-for-barn>

⁹ <https://www.nkom.no/teknisk/ekomutstyr/markedskontroll/resultat-av-markedskontroller/gator-2-smartklokke-for-barn>



Viksfjord/ Stavern/ Kjerringvik:

- *According to the Norwegian data protection authority, GPSforBarn/ Smartprodukt AS has stopped selling and advertising GPS-watches for children.¹⁰ The DPA bases this on the condition that GPSforBarn ceases the processing of personal data. However, as of today (14.03.2018), the Viksfjord watch still functions together with the GPSforAlle-app.*
- *The National Communications Authority requested that serious deficiencies were rectified.¹¹*
- *The three specific products that GPSforBarn was selling are no longer available for purchase, as a direct result of the decision from the DPA. However, identical or near-identical products are still being sold, both in Norway and internationally.*

Market surveillance of 18 GPS-watches/ smartwatches for children

During fall 2017, the National Communications Authority (NKOM) undertook a market surveillance on 18 GPS-watches/ smartwatches, including Viksfjord, Xplora, Gator 2 and Gator 3. All of the products received notices of decision from NKOM.¹²

Out of the 18 watches that NKOM surveilled, a notice of decision that deficiencies had to be rectified was sent out to 16 of the companies. For three out of these 16 watches, the importer chose to rectify the deficiencies. For the remaining 13 devices, the importers have notified NKOM that they will cease importing and selling the products.

Several of the notices were orders of rectification of deficiencies of a serious nature, and a notice to cease sales if the deficiencies not rectified. The watches Oaxis, Spectrafence, Spacetracker, and more were amongst these products.

¹⁰ <https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2018/smartprodukt-as-gps-for-barn-har-besluttet-a-stoppe-salg-av-smartklokker-for-barn/>

¹¹ <https://eng.nkom.no/topical-issues/news/nkom-inadequate-quality-assurance-in-connection-with-sales-of-smart-watches-for-children>

¹² <https://eng.nkom.no/topical-issues/news/nkom-inadequate-quality-assurance-in-connection-with-sales-of-smart-watches-for-children>



Spectrafence have since corrected these deficiencies, and is according to NKOM approved for sale in Norway.¹³

The NCC observes that Gator 2, Viksfjord, Stavern, and other similar products are no longer available for purchase in Norway.

¹³ <https://www.nkom.no/teknisk/ekomutstyr/markeds kontroll/resultat-av-markeds kontroller/spectrafence-sf-td02ps-smartklokke-for-barn>