

Every move you make

An analysis of the data received from the mobile service providers reveals that on December 20, 2008, at 12.13 pm, Shri Nirmal Kotecha was at Swami Narayan Mandir and at 12.23 p.m., he was at Pritam Hotel.—SEBI member K.M. Abraham wrote in his order on the Pyramid Saimira case. A group of individuals has been indicted by SEBI in this case for using a forged letter on SEBI's letterhead in a plan that used the media and manipulated the price of the company's shares. If the observations of Abraham sounds like "Big Brother is watching you", that is because it is true to an extent.

Agencies that can seek cellphone users' information

- State Police
- Criminal Investigation Department
- Central Bureau of Investigation
- Enforcement Directorate
- Serious Fraud Investigation Office
- Economic Offences Wing
- Intelligence Bureau
- Income Tax (Enforcement) Union Home Ministry
- Union Ministry of Defence & Research & Analysis Wing

This is not just data about phone calls and messages. The data in question is captured by the telecom towers that connect the phone to the network. Abraham for instance, used it to track the movement of certain people, their meetings and dealings to nail the fraud. He extensively quoted "tower locations" of the key players' mobile phones in his order on April 23, 2009, thanks to data captured by the telecom towers.

Anyone who uses a mobile phone has his or her "call data record" stored with the concerned service provider. While a subscriber can take his own call record from the operator, there are 10 government agencies which can seek details of any user from operators. Says an Airtel spokesperson: "There is a nodal officer at every telecom company to handle such cases." A spokesperson for a large CDMA operator explains on condition of anonymity that coded tower locations are mentioned on call data

records along with call details. With the code, one can pinpoint a person's movements.

Can it be used in court as clinching evidence? It can be tricky, say legal experts, as a criminal may have left his phone at home while committing a crime. Salman Waris, Head of the Technology Practice at TechLegis, says such data is admissible in court but must be backed up by other evidence. "In a case where an accused uses the location update to prove he was not at the site of the crime, this would be mainly treated as circumstantial evidence," he says.

—Suman Layak

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