

Mobile phone spyware has alarm bells ringing

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CONTROVERSIAL mobile phone "spyware" is being openly promoted as a tool to catch unfaithful spouses despite a federal police attempt to shut it down.

For \$1 a day, ordinary folk are attaining police-like powers to eavesdrop on phone calls, monitor SMS messages, track the phone owner's every movement and switch on the phone's record function at any time of the night or day. Alarmingly, mobile phone-monitoring software, or spyware, is almost impossible to detect, operating in stealth mode.

Security experts have called for a government crackdown and, in the same week Apple launched the new iPhone5 in Australia, are warning of a potential tsunami of privacy breaches.

"I think it's far more widespread than anyone knows because people are doing this furtively," security expert Warren Mallard said.

The Sunday Mail found it was open slather on the use of phone spyware due to a legal grey area, with private investigators promoting it as a tool to catch cheating partners by secretly installing it on their mobile phones.

Dozens of websites are now selling DIY spying software to the public for as little as \$30 a month.

The Sunday Mail put just one of the many mobile phone spyware products available on the market to the test using an iPhone 3GS.

SMS messages, photographs, calendar entries, phone calls and geo-tagging data could all be easily monitored in real time.

We could also turn the phone into a bug by activating its microphone to record its surroundings for

up to 10 minutes.

To install the spyware, we first had to "jailbreak" the phone (unlock it from Apple's iOS operating system) using free software.

We then installed spy software bought online from stealthgenie.com and removed all trace of our actions.

The entire process was completed in the time it would take to have a shower.

Over the next fortnight, all activity on the phone was mirrored and accessed in real time by logging on to a website.

Federal police previously had laid charges over the sale of mobile phone spyware, but the charges were dropped when a conviction was deemed unlikely.

Government legal agencies say the use of mobile phone "spyware" could breach Commonwealth law, but they have been unable to provide a definitive answer.

Senior lecturer of internet law at QUT Peter Black said it could be an area in need of law reform.

"It is not uncommon for the law to lag behind technology in the sense that technology evolves very rapidly."

Domestic violence workers are now working on a policy to deal with the threat of mobile phone spyware to the safety of women fleeing abuse.

Disabling a phone's GPS was "no longer enough," DVConnect CEO Diane Mangan said.

Spyware products are often marketed towards parents for the "ethical monitoring" of children, or for phone tracking in case of theft.

The UK-based StealthGenie website, used by *The Sunday Mail*, features a warning in tiny print that installing spyware without consent could be illegal.

It also states the company will co-operate with law officials if the software is used on a phone illegally.

But *The Sunday Mail* found examples where similar spyware was being promoted as a tool to covertly check if partners were unfaithful.

Private investigation firm Spousebusters "specialists in busting cheating spouses" is just one business supplying mobile phone monitoring software. The NSW-based firm's website promises access to SMS, call logs, emails and GPS locations "within minutes" of purchase.

A federal police probe into the sale of mobile phone monitoring software by Spousebusters in 2010 led to charges for the advertising and selling of an "interception device".

The charges were later withdrawn by the Commonwealth Director of Public Prosecutions, which found the product did not fit the definition of an "apparatus or device" under the Criminal Code.

Brett Sutcliffe, of Spousebusters, told *The Sunday Mail* the software could be used legally or illegally.

"We always recommend to our clients that they should run it past their solicitor as to the purpose or intentions of using the software before they go ahead and buy it or before they use it," he said.

Mr Sutcliffe was convicted of impersonating a Commonwealth public official and of using a postal service to menace, harass or be offensive in 2008.

Lyonswood Investigations and Forensic Group managing director Warren Mallard said he fielded calls every day from people worried their phones had been compromised.

"We're constantly pointing (it) out to law enforcement agencies, in particular the federal police," he said. "It's the wild, wild west. Everyone's got a gun but the sheriff's on holidays."

A spokeswoman for Attorney-General Nicola Roxon said the Telecommunications (Interception and Access) Act "may" apply to spyware.

Read more: <http://www.news.com.au/news/mobile-phone-spyware-has-alarm-bells-ringing/story-fnehlez2-1226479649656#ixzz28865iaXC>