

## PROTECT CONSUMERS' PROPRIETARY TELECOMMUNICATIONS DATA

February 19, 2002

Dear Colleague:

I am writing to ask you to consider signing the attached letter to the Federal Communications Commission (FCC), urging that agency to protect consumers' privacy as is mandated by the Telecommunications Act of 1996. The letter urges the Commission to adopt an "opt-in" approach to protecting privacy, ensuring that a consumer must affirmatively consent to the sharing by telephone companies of his or her Customer Proprietary Network Information (CPNI) before such information is shared. CPNI can include sensitive information, including the destination and amount of time spent in personal phone calls, the type, technical arrangement, quantity and amount of use of telecommunications services, as well as related billing for these services.

The position taken by the letter is supported by 39 state attorneys general and a number of consumer advocacy and privacy organizations. They have submitted comments to the FCC in support of an opt-in approach. Consumers have a right to know that their confidential records, including records of telephone numbers called, will remain confidential unless they explicitly approve otherwise.

I hope that you will join me in signing onto this letter to the FCC. Please contact my staff members Cheryl Wasserman at x48455 or Sarah Neimeyer at x42024 if you have any questions or would like to become a cosigner to this letter.

Sincerely,



Paul David Wellstone  
United States Senator

# United States Senate

WASHINGTON, DC 20510

February 28, 2002

The Honorable Michael Powell  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

Dear Mr. Powell:

We are writing to urge you to protect the privacy of consumers using the country's telecommunications system, as is mandated by the Telecommunications Act of 1996. We urge the Commission to adopt an "opt-in" approach, ensuring that a consumer affirmatively consents to the use by telephone companies of Customer Proprietary Network Information (CPNI) before this information is shared. CPNI includes the most sensitive type of personal information, information most deserving of the highest standards of privacy protection including the destination and amount of time spent in personal phone calls, the type, technical arrangement, quantity, destination and amount of use of telecommunications services and related billing for these services.

We strongly support the position of 39 state attorneys general and a number of consumer advocate organizations, who have submitted comments to the Commission in support of an "opt-in" approach to the use by telephone companies of CPNI.

The "opt-in" approach requires an individual consumer to provide consent prior to the release of any confidential records or information relating to that individual's telecommunications service and usage. Consumers have a right to know that their confidential records, including records of telephone numbers called, will remain confidential. The "opt-out" approach does not allow a consumer fully to consent to the sharing of their personal information. The notifications are often confusing, and the mechanisms that are put in place for a consumer to notify a provider that they do not wish to have their information shared are often too difficult or impossible to access.

As you may know some telecommunications providers have recently notified their customers that the company soon may be sharing confidential customer account information, unless the consumer notifies the provider and requests that this information not be shared. We believe this "opt-out" approach does not provide adequate protection for customers and their privacy interests as envisaged by Congress in the Telecommunications Act of 1996. These notices are often complicated and difficult to understand. Additionally, the mechanism to "opt-out" may be inaccessible. We believe, therefore, that a mere failure by individual customers to notify their telecommunications providers that they do not want information shared cannot in any meaningful

way be construed as actually providing consent to allow the information to be shared.

We therefore urge you and the Commission to adopt an "opt-in" approach as it relates to CPNI. It is crucial that the FCC continue to protect the privacy rights of individual consumers and to prohibit telecommunications providers from sharing this confidential information without express consent from the individual.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

*Paul Wellsh*

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