

Background

In today's environment where numerous entities collect and store personal information, consumers are increasingly wary about their privacy. You want to be secure in the knowledge that your personal information is secure. The FCC has several regulatory programs in place to protect your privacy.

Protecting You From Unwanted Telemarketing Calls and Faxes

The FCC has adopted rules to limit the number and type of uninvited calls coming into your home. The Telephone Consumer Protection Act (TCPA) restricts unsolicited telemarketing calls to your home and unsolicited commercial faxes coming to your home or business.

Under the TCPA, the FCC, along with the Federal Trade Commission (FTC), established the national Do-Not-Call list. Placing your home or personal wireless number on the list prohibits telemarketers from calling, unless they have an established business relationship with you, you have given them your prior express permission to call, or they are exempt from the rules. To register a number, go to www.donotcall.gov.

The TCPA and FCC rules also severely limit the use of autodialers and pre-recorded messages.

The Communications Act prohibits commercial advertising faxes from being sent to you, unless you have an established business relationship with the fax sender or have given your prior express permission. Senders of fax advertisements must include a notice and contact information on the first page of the fax, telling you how to "opt-out" of any future fax advertisements.

Protecting You From Unwanted Telemarketing Calls and Faxes (cont'd.)

While the FCC cannot award monetary or other damages to consumers, filing complaints allows the FCC to investigate violators. Additionally, some states allow you to file suits against telemarketers and faxers and be awarded money damages for violations of these rules.

To find out more about FCC rules protecting you from unwanted calls and faxes, see the FCC's consumer fact sheets at www.fcc.gov/cgb/consumerfacts/tcpa.html, and www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html.

Protecting Your Caller ID Privacy

The FCC's caller ID rules require telephone companies to make available, at no cost to you, simple and uniform per-line blocking and unblocking processes that prevent your telephone number from being transmitted to parties you call that subscribe to caller ID service. These processes give you the choice of showing or blocking your telephone number for any interstate (between states) calls you make.

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Protecting Your Caller ID Privacy (cont'd.)

FCC rules require telemarketers to display on caller ID either their phone numbers and, if possible, their names, or the phone number and, if possible, the name of the company for which they are selling products. The display must include a phone number that you can call during regular business hours to ask that the company no longer call you. This rule also applies even if the company making the call has an established business relationship with you.

To find out more about the FCC's caller ID rules, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/callerid.html.

Protecting You From Unwanted Text Messages on Your Wireless Devices

In 2003, Congress passed the "Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act. The Act allowed the FCC to develop rules banning the sending of unwanted commercial messages to wireless devices without your express prior authorization. The FTC enforces rules controlling most unwanted commercial e-mails sent to computers.

The FCC ban covers messages sent to wireless phones and pagers, if the message uses an Internet address that includes an Internet domain name (usually the part of the address after the individual or electronic mailbox name and the "@" symbol). The ban does not cover "transactional or relationship" messages about an existing account or purchased product.

It also does not cover "short messages," generally sent from one mobile phone to another, that do not use an Internet address, although the TCPA may ban such unsolicited commercial messages if your personal wireless number is on the Do-Not-Call list. The ban also does not cover e-mail messages forwarded from your computer to your wireless device.

Protecting You From Unwanted Text Messages on Your Wireless Devices (cont'd.)

To enforce this ban, the FCC required wireless service providers to submit all Internet domain names used to transmit electronic messages to wireless devices. To see this list, visit www.fcc.gov/cgb/policy/DomainNameDownload.html. Senders of commercial messages must avoid sending them to domain names on the list without the consumer's authorization.

To find out more about the FCC's rules on wireless spam and for tips on reducing unwanted commercial messages, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/canspam.html.

Protecting the Privacy of Your Telephone Calling Records

Providers of telephone service, which include local, long distance, and wireless phone companies, as well as Voice over Internet Protocol (VoIP) service providers, collect customer information, such as the numbers you call and when you call them, as well as the particular services you use, such as call forwarding or voice mail. This information is often referred to as Customer Proprietary Network Information (CPNI). Telephone companies may use, disclose, or permit access to your customer information only in the following circumstances: 1) as required by law; 2) with your approval; or 3) in providing the service from which the customer information was obtained.

Your telephone company may only release your customer information to you upon request with certain protections, such as a password if your request is by phone or on-line, or with valid photo identification if your request is in person. Your telephone company must notify you immediately when it creates or changes a password, a backup for a forgotten password, an on-line account, or an address of record. Your telephone company may use your customer information, without your approval, to market enhancements

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Protecting the Privacy of Your Telephone Calling Records (cont'd.)

to services you already use. If your telephone company uses your customer information for other marketing, it must obtain your approval to do so.

Your company must keep accurate records regarding disclosure of your customer information to third parties and your approvals. Telephone companies must submit to the FCC an annual certification attesting that they are abiding by these rules, and a summary of all consumer complaints received regarding unauthorized release of customer information.

To find out more about FCC rules protecting your customer information, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/phoneaboutyou.html.

Cable Subscriber Privacy

If you subscribe to cable television service, your cable provider collects information necessary to provide and bill you for its services, such as your address, the services you subscribe to, and any pay-per-view transactions. Your cable provider is required to notify you when you begin service, and at least once every year after you begin service, about any such "personally identifiable" information that it will collect.

Your provider must tell you the scope, frequency, and purpose of the information collected, how long it will be kept, when and where you may have access to it, and any limitations placed on the provider regarding collection and disclosure of the information, as well as your rights to enforce these limitations.

Your provider must also give you reasonable opportunities to correct any errors in the information. Finally, your provider may not disclose any of this information without your written permission. If you are damaged by your cable provider's violation of any of these requirements, you may sue your cable provider in federal court.

Cable Subscriber Privacy (cont'd.)

To find out more about FCC rules regarding cable subscriber privacy, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/retention.html.

The Privacy Act

Sometimes, under the Freedom of Information Act (FOIA), the FCC provides information on specific complaints filed by consumers. Personal identifying information, such as your name, address, e-mail address, and telephone number is deleted from complaints released under FOIA to parties outside the FCC.

In addition, in processing a complaint, the FCC may forward the complete complaint with personal identifying information to your telecommunications provider for a response. You may be contacted directly by the FCC or the provider regarding your complaint.

To protect your privacy, you should not include personal information, such as your social security number, credit card numbers, pre-paid calling card numbers, bank or checking account numbers, etc. with your complaint.

Filing a Complaint with the FCC

If you've received an unwanted telemarketing call, fax advertisement, or commercial message on your wireless device or if you think your personal information has been disclosed without your permission, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

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Filing a Complaint with the FCC (cont'd.)

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum should indicate:

- your name, address, e-mail address, and phone number where you can be reached;
- the phone number where you received the call, and whether this number is on the national Do-Not-Call list;
- the date and time of the call;
- whether the call advertised or sold any property, goods, or services;
- any information (including a caller ID number) to help identify the individual or company whose property, goods, or

What to Include in Your Complaint (cont'd.)

services were being advertised or sold, and whether any of this information was provided during the call;

- whether you or anyone else in your household gave the caller permission to call;
- whether you have an EBR with the caller (specifically, whether you or anyone else in your household made any purchases of property, goods, or services from the individual or company that called, or made any inquiry or filed an application with the individual or company prior to receiving the call); and
- whether you or anyone in your household previously asked the caller or individual or company whose property, goods, or services are being advertised or sold **NOT** to call, and when you made the request.

For More Information

For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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For this or any other consumer publication in an alternative format (electronic ASCII text, Braille, large print, or audio), please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

This fact sheet is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

10/16/08*

