

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS PROVIDERS.

Subchapter F. REGULATION OF TELECOMMUNICATIONS SERVICE.

§26.121. Privacy Issues.

- (a) **Application.** Unless the context clearly indicates otherwise, in this section the term "utility" shall refer to all dominant certificated telecommunications utilities as defined in §26.5 of this title (relating to Definitions).
- (b) **Purpose.** It is commission policy that customers of all dominant certificated telecommunications utilities should be permitted to control the outflow of information about themselves.
- (c) **Lost privacy.** Any dominant certificated telecommunications utility proposing to offer a new service or a new feature to an existing service under the provisions of §26.207 of this title (relating to Form and Filing of Tariffs), §26.209 of this title (relating to New and Experimental Services), §26.210 of this title (relating to Promotional Rates for Local Exchange Company Services), §26.211 of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges), or §26.227 of this title (relating to Procedures Applicable to Nonbasic Services and Pricing Flexibility for Basic and Nonbasic Services for Chapter 58 Companies) for which the commission finds diminished customer privacy, and for which the dominant certificated telecommunications utility has not shown good cause pursuant to subsections (d)(2)(B)(ii) and (d)(2)(D) of this section, must, in a manner ordered by the commission:
- (1) provide a means of restoring the lost privacy at no charge to customers; and
 - (2) educate all customers as to the means to regain the lost privacy.
- (d) **New services or features.** For all dominant certificated telecommunications utility applications filed pursuant to §26.207 of this title, §26.209 of this title, §26.210 of this title, §26.211 of this title, or §26.227 of this title, the dominant certificated telecommunications utility must identify all privacy issues, as that term is defined in §26.5 of this title, that result from the implementation of the new service or feature, and all privacy issues that could diminish customers' privacy.
- (1) **Identification of privacy issues.** The dominant certificated telecommunications utility shall identify all privacy issues that result from the implementation of the new service or feature. Identification of privacy issues shall include, but not be limited to:
 - (A) identification and description of the type of information that is released as a result of the new service or feature;
 - (B) identification of the category of customers about whom information will be released;
 - (C) identification of the category of entities to whom information about a customer will be released;
 - (D) identification and description of the change in the technology used to convey the information;
 - (E) identification and description of the change in the time at which the information is conveyed; and
 - (F) identification and description of any other change in the collection, use, storage, or release of information.
 - (2) **Lost degree of privacy.** For each privacy issue identified pursuant to paragraph (1) of this subsection, the dominant certificated telecommunications utility shall identify all circumstances under which a customer of the dominant certificated telecommunications utility may experience diminished privacy as a result of the implementation of the new service or feature proposed in the application, including, but not limited to, whether a customer's name, address, or telephone number will be provided to a called party or to any other third party, and for each such circumstance identified:
 - (A) state whether the lost degree of privacy can be restored by the affected customers and how such customers can restore it;

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§26.121(d)(2) continued

- (B) state whether the dominant certificated telecommunications utility will charge the affected customers for restoring the lost degree of privacy and, if applicable:
 - (i) state what such charge will be; and
 - (ii) show good cause for such charge;
 - (C) state how the dominant certificated telecommunications utility will educate the affected customers as to the implications for privacy and, if applicable, the means by which such customers can restore the lost degree of privacy; and
 - (D) show good cause, if applicable, for not offering the affected customers a means by which the lost degree of privacy can be restored.
- (3) **Staff review.** Staff shall review all applications submitted by a dominant carrier under the provisions of §26.207 of this title, §26.209 of this title, §26.210 of this title, §26.211 of this title, or §26.227 of this title for privacy issues and privacy issues resulting in a lost degree of privacy.
- (e) **Notice of number delivery over 800, 888, and other toll-free prefixes and 900 services.** The dominant certificated telecommunications utilities shall print in the white pages of their telephone directories, and send as a billing insert annually to all of their customers, the statement: "Per-line or per-call blocking does not prevent transmission of your telephone number when you call a company using an 800, 888 or 900 number. Therefore, your number may be available to that company's service representative before your call is answered." The statement must appear in all telephone directories published for the dominant certificated telecommunications utility subsequent to the effective date of this section. The statement must appear annually as a billing insert for each dominant certificated telecommunications utility.