

Resolution on Theft and Unauthorized Sale of Consumer's Telephone Records

WHEREAS, American jurisprudence recognizes the fundamental right to privacy in personal communications, and the Courts and Congress have recognized the paramount interest citizens have in protecting their privacy; *and*

WHEREAS, Dozens of online services are advertising the selling of private telephone call records, raising security concerns among law enforcement and consumers who have an expectation that their telephone records are confidential and will be kept private; *and*

WHEREAS, It is a growing concern that such telephone records can be exploited by criminals, such as stalkers or abusive spouses, and can lead to violence; *and*

WHEREAS, The Federal Communications Commission and the Federal Trade Commission have launched inquiries into the method of procurement of consumer records, whether telephone service providers are following disclosure rules, and are coordinating efforts to combat the rising fraud related to the access of telephone records; *and*

WHEREAS, Several States have introduced specific legislation prohibiting the unauthorized sale or release of telephone records; *and*

WHEREAS, Telephone service providers across the nation, concerned about improper methods of accessing customer records (e.g., "pretexting," which is obtaining customer information from a provider by pretending to be someone else), are seeking various legal methods to tackle the theft of their customer telephone records; *and*

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has been a long time advocate of customer privacy and related consumer protection issues (truth-in-billing, caller ID, slamming, etc.) and its member State commissions play an important role in ensuring that public safety and consumer protection goals are met; *and*

WHEREAS, NARUC has consistently encouraged and supported the FCC's efforts to maintain an effective, strong and cooperative relationship with NARUC and its member States as it addresses consumer issues, including development of rules and policies, enforcement actions against violators, and developing and distributing related consumer education materials; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its February 2006 Winter Meetings in Washington, D.C., supports and commends FCC Chairman Martin and his colleagues, Commissioners Tate, Adelstein, and Copps, for taking leadership in addressing the theft and sale of personal telephone records and recognizing that quick action by the FCC is needed to address this issue and prevent the illegal theft of Americans' phone records; *and be it further*

RESOLVED, That NARUC is committed to working with Congress, the FCC and the industry on a comprehensive approach to the issue in order to educate and protect consumers regarding the protection of the privacy of their telephone records.

*Sponsored by the Consumer Affairs Committee and the Committee on Telecommunications
Adopted by the NARUC Board of Directors February 15, 2006*