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NCISS NEWS – Telephone Laws

The House of Representatives passed HR 4709, The “Telephone Records and Privacy Protection Act of 2006” yesterday. The vote was unanimous. It's passage clearly is a result of the avalanche of publicity over the sale of telephone records.

As you know, our concern with the bill has been that it might impact efforts to obtain phone numbers or address information. Larry Sabbath, Bruce Hulme and industry allies met with several staff members of the Judiciary Committees of both Houses. They informed us that the specific definition of “confidential phone record information” has not been interpreted under current law to include simple phone number and address information, so only the sale of the confidential information would be affected. We are not as confident as they are. But we were advised that if we tried to make that point explicit in the bill, we would likely have faced an effort to specify that it would not be legal to obtain phone numbers except through directories and other public information.

Here's a summary of the measure as prepared by the Library of Congress:

Amends the federal criminal code to prohibit the obtaining of confidential phone records information from a telecommunications carrier or IP-enabled voice service provider ("covered entity") by: (1) making false or fraudulent statements to an employee of a covered entity or to a

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customer of a covered entity; (2) providing false or fraudulent documents to a covered entity; or (3) accessing customer accounts of a covered entity through the Internet without prior authorization.

Imposes a fine and/or imprisonment of up to 20 years. Prohibits the unauthorized sale or transfer of confidential phone records information by any person, including any employee of a covered entity or any data broker, or the purchase of such information with knowledge that it was fraudulently obtained or obtained without authorization. Imposes a fine and/or imprisonment of up to five years.

Doubles fines and imposes an additional five-year prison term for violations occurring in a 12-month period involving more than \$100,000 or more than 50 customers of a covered entity. Imposes an additional five-year prison term for violations involving the use of confidential phone records information to commit crimes of violence, crimes of domestic violence, and crimes against law enforcement officials and the administration of justice.

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