



May 1, 2017

The Honorable Jennifer Williamson
Oregon House of Representatives
House Majority Leader
900 Court St. NE, H-295
Salem, Oregon 97301

RE: Opposition to Amendment to House Bill 2813

Dear Leader Williamson:

On behalf of CTIA, the trade association for the wireless communications industry, I write in opposition to an amendment to Oregon House Bill 2813, which would restrict how internet service providers (ISPs) and telecommunications providers operate in Oregon.

Any suggestions that ISPs, including CTIA members, have unique access to consumer data online are unfounded. A comprehensive study by veteran Clinton and Obama Administration privacy expert Peter Swire showed that ISPs actually have limited insight into the online activity of consumers.¹ The amendment to HB 2813 unnecessarily targets one set of providers - ISPs and telecommunications providers - and treats them differently than others operating in the internet ecosystem.

The wireless industry takes a proactive approach to protect consumer privacy. Our members provide consumers with detailed privacy policies, which clearly describe how providers protect consumer data. Current federal and state statutes also provide additional layers of protection for sensitive consumer information. In addition, ISPs and telecommunications providers, including CTIA members, have recently recommitted to principles that maintain privacy protections consistent with the Federal Trade Commission's effective privacy framework, covering transparency, consumer choice, security, and data breach notifications.²

CTIA member companies have long recognized the importance of protecting consumer data and respecting consumer privacy. In 2003, CTIA and the wireless carriers that are signatories to the "Consumer Code for Wireless Service," including AT&T, Sprint, T-Mobile, and Verizon Wireless, made a commitment to help consumers make informed

¹ "Online Privacy and ISPs: ISP Access to Consumer Data is Limited and Often Less than Access by Others," http://www.isp.gatech.edu/sites/default/files/images/online_privacy_and_isps.pdf, Swire, Peter, last accessed 4/28/2017: "ISP access to user data is not comprehensive – technological developments place substantial limits on ISPs' visibility. [And] ISP access to user data is not unique – other companies often have access to more information and a wider range of user information than ISPs."

² "Protecting Consumer Privacy Online," <http://www.ctia.org/docs/default-source/default-document-library/final---protecting-consumer-privacy-online.pdf>, last accessed 4/28/2017.



choices.³ The tenth point of the Code provides that signatory carriers agree to abide by policies for the protection of customer privacy. As part of that commitment, carriers follow policies regarding the privacy of customer information in accordance with applicable federal and state laws and make available privacy policies concerning information collected online. The wireless industry recognizes the importance of customer privacy and takes strong measures to protect customer data.

It is important to note that recent Congressional action did not change privacy protections for wireless consumers. The Federal Communications Commission (FCC) rules had not taken effect, so nothing changed from the regulatory framework that has existed for the past two years. Moreover, the framework advocated for by ISPs aligns with that of the Obama Administration, which noted that, “uniform consumer data privacy rules are necessary to create certainty for companies and consistent protections for consumers.”⁴ The current FCC Chairman has also clearly stated that, “[i]nternet service providers have been – and will continue to be – obligated to comply with Section 222 of the Communications Act and other applicable federal and state privacy, data security, and breach notification laws.”⁵

The amendment to HB 2813 imposes unjustified restrictions on ISPs and telecommunications providers and deviates from the privacy framework and standards that have been in place for decades. The amendment would make it very difficult – if not impossible – for ISPs and telecommunications providers to operate in Oregon and would create inconsistent privacy standards for different parts of the internet ecosystem, which will ultimately confuse consumers and have a host of unintended consequences.

The amendment to HB 2813 would also create two sets of rules that are different for various entities within the internet ecosystem – harming competition and creating consumer uncertainty about which rules apply to their data. Survey results submitted to the FCC last year showed that 94 percent of internet users believe all companies touching their online data should follow the same privacy rules.⁶ These findings indicate that the amendment to HB 2813, which targets only ISPs and telecommunications providers, would not effectively protect consumer privacy because many other companies would continue to collect and use consumer data without being subject to the signed written authorization requirement.

³ CTIA Consumer Code for Wireless Service, <http://www.ctia.org/initiatives/voluntary-guidelines/consumer-code-for-wireless-service>, last accessed 4/28/2017.

⁴ “Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy,” <http://repository.cmu.edu/cgi/viewcontent.cgi?article=1096&context=jpc>, last accessed 4/28/2017.

⁵ Letter from FCC Chairman Ajit Pai to Sens. Markey, Blumenthal, Warren, Franken at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0317/DOC-343949A1.pdf, last accessed 4/28/2017.

⁶ The Progressive Policy Institute, “Consumers Want One Set of Rules Protecting Their Information,” <http://www.progressivepolicy.org/press/press-releases/press-release-consumers-want-one-set-rules-protecting-information/>, last accessed 4/28/2017.



CTIA members are absolutely committed to protecting consumer information as they value consumer trust. Existing federal and state laws and protections remain intact today rendering the bill unnecessary. Moreover, CTIA members have committed to a framework to protect consumer information and privacy. For these reasons, we respectfully ask that you not move the amendment to HB 2813 dealing with ISPs and telecommunications providers.

Sincerely,

Gerard Keegan
Assistant Vice President
State Legislative Affairs